

**THE BOROUGH OF PENDLE
(PENDLE RISE SHOPPING CENTRE, NELSON)
COMPULSORY PURCHASE ORDER 2024**

**TOWN AND COUNTRY PLANNING ACT 1990
ACQUISITION OF LAND ACT 1981**

STATEMENT OF REASONS

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1. Introduction

- 1.1 This Statement of Reasons has been prepared by the Borough Council of Pendle ('the Council') in support of its promotion of 'The Borough of Pendle (Pendle Rise Shopping Centre, Nelson) Compulsory Purchase Order 2024' (**Document 1**) ('the Order') in accordance with the Ministry of Housing Communities and Local Government Guidance on the Compulsory Purchase process October 2024 ('the Guidance') (**Document 2**).
- 1.2 The Order has been made by the Council under the powers in section 226(1)(a) of the Town and Country Planning Act 1990 ("the Act"). In this Statement of Reasons, the land included in the Order is referred to as "the Order Land" more particularly described in Section 2 below, and it includes land and interests in the Pendle Rise Shopping Centre, Nelson ('the Shopping Centre'). The Council is the local planning authority for the Order Land. Lancashire County Council is the local highway authority for the highways within the Order Land.
- 1.3 The Council's purpose in seeking to acquire the Order Land is to facilitate the development, redevelopment or improvement of it by way of the demolition and redevelopment of the Shopping Centre for retail use including access, car parking and landscaping which will contribute towards the promotion and/or improvement of the economic, social and environmental well-being of the area. The proposed redevelopment of the Shopping Centre is described in this Statement as the "Shopping Centre Redevelopment".
- 1.4 As explained in this Statement, the Shopping Centre Redevelopment is a longstanding objective of the Council in order to revitalise Nelson town centre. It is being delivered by Penbrook Developments Limited ("Penbrook") which is a joint venture between Brookhouse Group Limited and the Council. Planning permission has been granted (**Document 3.1**) and funding has been secured for the scheme, including central government Town Deal funding. The Shopping Centre Redevelopment will advance the vision and objectives in the adopted Nelson Masterplan 2021 ("the Masterplan") (**Document 4**) which seeks to modernise and transform Nelson town centre, so that it can better perform the role as the social, commercial and administrative hub of Pendle. The replacement of the present outdated and under-occupied Shopping Centre with modern shopping facilities in the heart of the town aims to increase local retail spend, whilst making the new centre a shopping destination of choice for residents and visitors alike.
- 1.5 The Shopping Centre Redevelopment complies with national policy objectives in the National Planning Policy Framework ("NPPF")(**Document 10**), the Borough of Pendle Local Plan 1: Core Strategy 2011-2030 (**Document 5**) and the emerging

Local Plan (**Document 6**). It will also contribute to the achievement of Council's corporate policy objectives as set out in Priority 3 of the Council's 2023 – 2027 Corporate Plan (**Document 7**).

1.6 The Council originally resolved to begin preparations for making a compulsory purchase order for the Shopping Centre on 26th May 2022 (**Document 8**). Having not been able to conclude voluntary negotiations on 25th August 2022 the Council's Policy and Resources Committee (**Document 9**) resolved to delegate authority to officers to pursue a compulsory purchase order to acquire the land compulsorily. Since that date, planning permission was obtained on 11th September 2023 (**Document 3.1**) for the Shopping Centre Redevelopment and the Council has been seeking to acquire the interests in the Shopping Centre by agreement. The Council successfully acquired the freehold ownership of the Shopping Centre on 20th June 2024 and the Council's Executive Committee subsequently resolved to make the Order on 19th September 2024 (**Document 15**) to ensure that the remaining interests in the Order Land can be acquired to enable the Shopping Centre Redevelopment to proceed.

1.7 This Statement sets out the Council's justification for seeking the compulsory purchase powers in the Order, and explains why there is a compelling case in the public interest for the compulsory purchase powers to be granted.

2. The Order Land

2.1 Full details of the interests to be acquired within the Order Land are contained in the schedule to the Order ("the Order Schedule") (**Document 1.1**) and shown edged red and coloured pink on the maps which accompany it ("the Order Maps") (**Document 1.2**).

2.2 In summary, the Order Land comprises :-

2.2.1 the Shopping Centre comprising of retail units (19 of which are still in occupation and 25 are vacant) and service areas at lower basement, basement, basement mezzanine, ground floor, vacant office space, first floor, second floor, rooftop and service areas, electricity substation in the basement and telecommunications equipment on the rooftop;

2.2.2 vacant offices known as Phoenix Chambers above the Shopping Centre; and

2.2.3 public adopted highways and private footpath surrounding the Shopping Centre;

2.3 the Shopping Centre currently comprises approximately 100,000 square feet of underused poor quality retail space together with 15,000 square feet of vacant office space above. Although the complex was popular when it was constructed in

1960's and has provided retail facilities to the locality for decades, it is now dated, unable to meet the requirements of modern occupiers, suffers from a lack of diversity in terms of the shopping offer and presents a poor image for the town.

- 2.4 The indoor Nelson market which used to operate in the basement, ceased in February 2021. Although this was initially due to the COVID 19 pandemic, a decision was taken not to reopen the market, thereby increasing the vacancy rates within the Shopping Centre, which are estimated to be running at around 40%. The reason for the decision was that the market was running at a considerable loss and did not fulfil the needs of modern shoppers hence had high vacancy rates. The former multi storey car park adjacent to the Shopping Centre which it once served, has been cleared and now houses a new McDonalds outlet.
- 2.5 The Shopping Centre is a typical Arndale scheme which sprang up across the UK after this style of development was imported from the United States. Key features being the enclosed nature which was generally intended to be sited in a substantial car park set along major highways. It has very limited external glazing and provides virtual no natural surveillance in this part of the town centre.
- 2.6 The Order Land is located within the heart of Nelson town centre, approximately 5.8km north of the town of Burnley and approximately 3km southwest of the town of Colne, within the borough of Pendle.
- 2.7 The Order Land is bounded by Broadway (A682) to the south with Nelson Train Station and Bus Interchange beyond that providing connections to Manchester, Burnley Central, Accrington, Blackburn, Preston and Colne. The Order Land is bounded by New Scotland Road/ Holme Street to the east with the Pendle Wavelengths Leisure Centre, parking and Alexandra Snooker Club beyond that, and Place-de-criel to the west . To the north, the Order Land is bounded by Manchester Road / Leeds Roads which is a partly pedestrianised 'high street' with public realm including the Weavers Shuttle Sculpture and seating area, with commercial properties beyond (with some residential uses at first floor level).
- 2.8 In terms of topography, the Order Land slopes down from west to east with approximately three metres difference across the site, which is currently addressed through stairs and escalators within the Shopping Centre.
- 2.9 The Order Land contains 120 plots as shown on the Order Maps. The majority of the freehold of the Order Land is now owned by the Council.

3. Statutory Power for Compulsory Purchase

- 3.1 The Order is made under section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) and this Statement has been prepared in compliance with section 14 of the Guidance.

- 3.2 By virtue of Section 226(1)(a) of the Act, the Council has the power to make a compulsory purchase order for any land in its area if it thinks that the acquisition of the land will facilitate the carrying out of development, redevelopment or improvement in relation to the land. Section 226(1)(A) of the Act provides that the Council may not exercise this power unless it thinks that the development, redevelopment or improvement is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of its area.
- 3.3 The acquisition of the Order Land pursuant to the Order is necessary to enable the Shopping Centre Redevelopment. The redevelopment of the Order Land will have a positive impact on the Order Land and Nelson town centre, and it is central to securing wider town centre transformation. The strategic location of the Shopping Centre, together with the importance it has for the locality, means that it is not possible to secure meaningful and long-term transformation in Nelson town centre without addressing the issue of the failing shopping centre.
- 3.4 The improved shopping facilities resulting from the Shopping Centre Redevelopment would improve the quality of the retail offer for Nelson which is currently poor. They would replace the dated and dilapidated 1960's shopping centre up to a standard that would be attractive to occupiers who want a contemporary retail format. It will provide a much-improved public realm to complement previous town centre improvement works, and it will result in added footfall and reverse what has been seen over a number of years which is the steady decline of Nelson as a destination shopping centre.
- 3.5 The Shopping Centre Redevelopment is in accordance with key policies in the Strategic Planning Framework as set out in the National Planning Policy Framework ("NPPF") (**Document 10**), the Pendle Local Plan Part 1: Core Strategy adopted in 2015 (**Document 5**) and the Nelson Masterplan 2021 (**Document 4**) (see Section 6 below). It is also central to securing wider town centre transformation for Nelson and boosts the prospects for borough wide economic development, by delivering on key aspects of the Pendle Borough Council Economic Recovery and Growth Strategy 2021-2026 (**Document 11**) and the Nelson Town Investment Plan (**Document 12**), whilst fulfilling the terms of the £25m Nelson Town Deal secured in 2021 (see Section 4 below), which is anticipated to benefit 33,000 residents and create more than £40m in additional Gross Value Added (£3.5m in labour supply impact, £23.2m social return on investment and £15.5m uplift in land values). The proposals are also in accordance with corporate policy and deliver on key policy objectives as set out in the Council's Corporate Plan 2023-27 (**Document 7**) (see Section 7 below).
- 3.6 Accordingly, the Council is of the view that the redevelopment and improvement of the Order Land that will be facilitated by the Order, by the delivery of the

Shopping Centre Redevelopment, will facilitate the regeneration of Nelson town centre and will contribute significantly towards the economic, social and environmental well-being of the area, as required by section 226(1)(a) and section 226(1A) of the Act. Those public benefits are explained in more detail in Section 9 of this Statement.

- 3.7 Without the Order, the Council and its development partner would not be able to demolish the Shopping Centre or commence the much-needed regeneration of the land. All of the Order Land is required to enable the Shopping Centre Redevelopment to proceed and create the platform for revitalising Nelson.
- 3.8 Furthermore, the Council has had regard to the specific guidance for the use of the section 226 power in Tier 2 of Guidance (**Document 2**), paragraph 98.1 of which advises that the power is intended to provide a positive tool to help local authorities with planning powers to assemble land for planning purposes. It is expressed in wide terms and can be used to assemble land for regeneration schemes.
- 3.9 As explained in this Statement, the development of the Order Land through the Shopping Centre Redevelopment complies with paragraph 106 of Tier 2 of the Guidance. In particular:
 - 3.9.1 the purpose for which the Order Land is to be acquired advances the objectives of the Council's adopted Local Plan (Paragraphs 6.10-6.25 of this Statement);
 - 3.9.2 the proposed purpose will contribute significantly to the achievement of the promotion or improvement of the social, economic and environmental well-being of the area (see Section 9 of this Statement on public benefits);
 - 3.9.3 the purpose for which the Council is proposing to acquire the Order Land could not be achieved by other means. There are no alternative proposals put forward by any other persons for its reuse and there are no suitable alternative locations for the purpose for which the land is being acquired,
 - 3.9.4 funding has been secured for the delivery of the Shopping Centre Redevelopment Scheme, including public sector funding, and there is a reasonable prospect that the scheme will proceed provided that the Order Land can be assembled in a comprehensive and timely manner (see Section 10 of this Statement).
- 3.10 The Order is therefore necessary and without confirmation of it in its entirety the Shopping Centre Redevelopment could not proceed in a reasonable timescale, if at all, and the opportunity to secure the regeneration of Nelson town centre and the much-needed public benefits will be lost.

4. Purpose of Compulsory Purchase – The Need for the Shopping Centre Redevelopment

- 4.1 The Council's purpose in seeking to acquire the Order Land is to facilitate the comprehensive redevelopment of the Shopping Centre in Nelson. After years of decline, there has not been any significant private sector investment within the Shopping Centre.
- 4.2 The Shopping Centre Redevelopment is central to the aims and objectives of the Nelson Masterplan 2021 (see paragraphs 4.6 onwards, below), and to achieve the aims the Council put in its Town Investment Plan 2021 (**Document 12**) that was submitted as part of its successful bid for Town Deal funding.

Town Deal

- 4.3 In November 2019, the Council was one of 101 councils invited to bid for Town Deal funding. This was Ministry of Housing and Local Government Levelling Up funding, where Councils could bid for up to £25m of funding (or more in certain cases) for a number of strategic regeneration/growth projects to be delivered. The Council had to prepare a Town Investment Plan to submit its bid (**Document 12**). As part of this, it consulted with its residents on a list of projects that residents would like the funding to be spent on, as well as its draft vision for Nelson. The top two responses from resident consultation were the need to bring empty and underused buildings back into use in order to create new housing and employment opportunities and improving the offer of the town centre by creating more reasons to visit and spend time there. When asked what was the one thing people felt should be prioritised to improve Nelson for future generations, the most frequent responses centred around the town centre and the need to make improvements. Residents were also consulted on a draft Vision for Nelson and 75% agreed with the draft (this draft would later form the Vision in the Masterplan - see paragraph 6.31 below).
- 4.4 A Town Deal Board was set up to manage the bid for funding, and oversee the funding if awarded. The Board created a shortlist of seven projects, based on the public consultation. One of these is "Revitalised Nelson" which is a project to bring vacant and underused buildings and sites back into use for residential and commercial purposes.
- 4.5 The development of the Town Investment Plan also encompassed the early stages of work carried out by Cushman and Wakefield on the development of the Nelson Masterplan 2021. The development of the two became intertwined to ensure that they were aligned.

The Nelson Masterplan

- 4.6 The Masterplan was subject to a number of consultations. This included consultations with the public on the draft Masterplan in November 2019 and again on 9th March 2020. This was followed by a workshop with the Town Deal Board (comprising of local business owners, the local Member of Parliament, Councillors and members of the public) on 3rd April 2020. Further public and stakeholder consultations on the final draft Nelson Masterplan took place in summer 2021.
- 4.7 During the consultation the public cited dissatisfaction with the state of the town centre and the Shopping Centre in particular, noting that there was a need to improve the quality of the retail offer by attracting some of the major high street brands. As a result of this consultation demolishing the Shopping Centre and redeveloping that area, are a priority for the Masterplan and Revitalised Nelson.
- 4.8 The Nelson Masterplan presents a comprehensive strategy to support the transformation of Nelson over the next 25-30 years. Its delivery was to be kickstarted by accessing short term funding from Town Deal and will support other funding bids going forward.
- 4.9 The Masterplan recognises the critical role that the town centre plays in Nelson and specifically the need to transform it in order to support the economic growth potential of Nelson. Nelson town centre itself has significant strengths. The town centre has good vehicular access to the strategic road network (M65/M6), whilst users of public transport may make use of the Nelson Interchange, which is a recent purpose-built transport facility in the heart of the town centre. The town centre delivers a niche independent retail offer, serving the local population with clothing, food and household goods, it is a walkable town and Nelson is the principal retail, service and administrative centre for Pendle.
- 4.10 The Masterplan sets out that the town centre also has serious weaknesses, which present challenges to the Council and its partners and are fundamental to the rationale behind the Shopping Centre Redevelopment. These include:
- 4.10.1 high retail voids - particularly within Pendle Rise and the (now closed) indoor market, which creates a 'run down feel';
 - 4.10.2 the lack of recognised high street names as such names attract footfall and drive retail spend;
 - 4.10.3 the weak food and drink offer, including the lack of coffee shops and restaurants, which limit the ability of people to dwell and expend their hours of activity, and hence spend, within the town centre;

- 4.10.4 the lack of experiences offered - these include cultural activities that draw and attract people into the town from a wider and more varied catchment.
- 4.11 These four weaknesses are a core part of the reason why the Council is promoting the Shopping Centre Redevelopment and the Council considers that dealing with these challenges is crucial to securing the success of the Shopping Centre Redevelopment and also the long-term transformation of Nelson town centre itself.
- 4.12 The Masterplan points out that the town centre benefits from opportunities, and the Shopping Centre Redevelopment will help try to take advantage of these opportunities, which include:
 - 4.12.1.1 a revamped retail offer would attract more town centre spend from those outside of the town;
 - 4.12.1.2 there is a need for more usable public space in the heart of the town - this would provide opportunities for events programmes and other community functions. This would add to the cultural offer and would sustain the vitality of the town centre;
 - 4.12.1.3 the proposals for the Colne-Skipton rail line extension which offers the prospect of a direct rail link between Nelson and Yorkshire and which has the potential to attract visitors from the West Yorkshire conurbation;
 - 4.12.1.4 the Nelson Long Term Town Plan: Nelson was one of 75 towns chosen to benefit from UK Government Long Term Plan for Town Funds, launched in September 2023 which offered £20m of government investment into Nelson over a ten-year period. The Council are currently in discussions with the Ministry of Housing, Communities and Local Government regarding next steps on an investment plan that has been created to draw down this funding and focuses on addressing issues around safety and security, high streets, heritage and regeneration, and transport and connectivity.
- 4.13 The Shopping Centre Redevelopment will also help address some of the threats to Nelson, as identified in the Masterplan, which include:-
 - 4.13.1 Nelson has a low profile outside of the Borough of Pendle and the county of Lancashire, and local residents do not at present have a positive view of the town centre;

- 4.13.2 declining retail trends, with the rise of internet shopping, which makes it important for town centres to host a critical mass of non-retail attractions and experiences to attract footfall and town centre spend. Online shopping can increase retail density, but the centre must first have the businesses that will benefit from that; and
 - 4.13.3 competing towns - there are several towns that already have a stronger retail and leisure offer which can lead to out-commuting, declining footfall and reduced prospects for Nelson town centre spend. Nelson needs to compete with other centres that are seeing investment, as without updating and competing, Nelson will see outflows of spending and resultant decline continuing.
- 4.14 As a result of the above, the Masterplan includes a ten-point town centre strategy, and four of these are particularly relevant to the Shopping Centre Redevelopment:
- 4.14.1 the repurposing of the Shopping Centre is a priority. This dominates the town centre and with high vacancy rates it has become a major detractor from the aesthetic quality of the town centre rather than a major attractor. The Masterplan points out that it is evident that the repurposing of the Shopping Centre is crucial to securing wider town centre transformation and that renewal will signal a new future for the whole town;
 - 4.14.2 the need for a diversified offer - to provide a wider range of shops and services that will attract more customers;
 - 4.14.3 the need to raise the profile of Nelson to include better marketing with a focus on linking a shopping experience with other attractions such as the Leeds-Liverpool Canal and Pendle Hill. There are considered to be opportunities to attract local visitors from both sides of the Pennines, but this is impossible unless the Shopping Centre is significantly upgraded;
 - 4.14.4 the need to harness Pendle's growing catchment. There has been significant housing regeneration in Pendle over the last couple of decades. There is a need to ensure that the town centre attracts higher levels of spend via a wide range of retail, entertainment and cultural activities, to stop people going to other towns.
- 4.15 The Masterplan identifies a Vision for Nelson, and nine strategic objectives to achieve it over the period 2020 – 2035, as well as objectives underpinning that strategic approach. The town centre strategy aims to ensure that the Shopping Centre Redevelopment will become an attractor to the town, increasing footfall, spend and vibrancy and that new businesses will find it attractive to invest in the

town centre again. It considers that without public sector investment the existing Shopping Centre will continue to decline and provide a poor-quality offer to the town, impacting on shopper and retailer perceptions leading to further reduction in occupancy. The repurposing of the Shopping Centre would deliver transformational change and act as a catalyst for further investment and growth across the wider town. It is a top priority for attention because it is at the heart of the town and transformation of the town centre is considered impossible without addressing the challenges the shopping centre presents.

The Pendle Retail Capacity Study 2023 (Document 13)

- 4.16 The need for the Shopping Centre Redevelopment Scheme is also supported by the above.
- 4.17 The Pendle Retail Capacity Study (2023) (**Document 13**) was prepared by Lichfields as an update of the Retail and Leisure Needs Capacity Study, in line with the NPPF relating to the need to ensure the vitality of town centres, in order to inform the preparation of the Council's new Local Plan. The update quantifies the need for additional floorspace for retail and leisure uses within Pendle in the short, medium and long term and makes policy recommendations.
- 4.18 The study found the overall capacity for convenience and comparison-shopping floor space within the borough had largely been supplied and there was limited growth needed over the next 15 years. There was more vacant shop space available than the predicted needs of the Borough to 2040. However much of this space was not suitable for conversion and there would be a need for redevelopment of some sites.
- 4.19 The study confirms that there will be more capacity in existing floorspace than there will be a need for new space. The priority is to reoccupy existing units but recognising that redevelopment will be needed as part of this to attract new investment.
- 4.20 The study identified that Nelson has 20% more shops than the second largest centre, Colne, but that 29% of the total units were vacant.
- 4.21 The study identified that Nelson could retain its market share of available retail spend in the Borough but this could be affected by development in other centres. Some of the retail floorspace that is vacant will not be suitable for conversion to new developments and some development including redevelopment will be needed in order to keep pace with development in other centres.
- 4.22 There is no realistic prospect of private sector interest in regenerating the Shopping Centre, and accordingly the Council has been compelled to act with

partners to obtain public funding and to exercise its powers of compulsory purchase as a last resort to facilitate the vision of town centre transformation as set out in the Nelson Masterplan and the Nelson Town Investment Plan. The Council considers that there is a compelling case in the public interest to promote the Order and that it is the only realistic option to secure regeneration on the site in accordance with the timescales required by the Nelson Town Deal funding (see Section 10 below).

5. The Proposed Shopping Centre Redevelopment

- 5.1 The Council appointed Brookhouse Group Limited on the 9th June 2022 as a joint venture development partner to support the delivery of the Revitalised Nelson element of the Nelson Town Deal Programme. Five outline redevelopment options were presented by Urban Edge Architects to the Town Deal Board. Feedback from the Town Deal Board together with consultations and revisions, led to the current scheme. This is a range of units sized to appeal to both local and national retailers, open level access car parking on site, two separate terraces of retail units arranged in an orientation to open up visibility and provide permeability through high-quality public realm. This layout provides access through the town centre, connecting rather than forcing visitors to walk around the periphery bypassing the Shopping Centre itself.
- 5.2 A planning application (reference 23/0268/FUL) was submitted by Penbrook on 26th April 2023. This proposed the demolition of the Shopping Centre and office complex and redevelopment of new bespoke retail space totalling 77,822 square feet (7,231 sqm).
- 5.3 An online consultation took place which involved publishing information about the application and three options for the building design and elevational treatment. Overall comments were supportive of the principle of the development. This was published on a public website alongside an expected timeline for the development and invited comments and feedback via a dedicated email address and postal address. The website was advertised via a consultation leaflet to the surrounding residents and businesses. Of the 412 consultation leaflets issued, 54 (13%) were returned as underdelivered, likely reflecting the number of vacant premises within the Town Centre.
- 5.4 The website experienced a high level of engagement which is explained in more detail in the Statement of Community Involvement accompanying the Planning Application (**Document 3.3**). Overall the comments were supportive of the principle of the development, with few concerns raised around the size, principle, scale, or location. The table at page 5 of the Statement of Community Involvement details the issues raised and a response in terms of how the Penbrook design team tried to address these within the final layout/ scheme. Comments focussed on a

need for cafes, branded retail units, attractive amenity/leisure facilities to visit, a need to occupy the retail units fully, not vacant units, some space for independent shops, some high street stores rather than more take aways, some big brand name shops.

5.5 On 11th September 2023, full planning permission was granted for the Shopping Centre Redevelopment (**Document 3.1**). The Shopping Centre Redevelopment will comprise of a new bespoke development of modern retail units centred around a parking and public space separating the two sides of the development. The planning permission proposes the following uses:

- Up to 7,231 sqm of flexible 'main town centre' uses (including Class E uses and former Class A4 and A5 uses which are now 'sui generis');
- 143 car parking spaces (including 9 disabled spaces and 8 parent and child spaces), 6 motorcycle spaces and 15 cycle parking spaces.
- Access and service works; and
- Public realm and landscaping.

5.6 The Shopping Centre Redevelopment will be anchored by a supermarket and create an easy to reach shopping facility that would attract people to the town centre - increasing footfall and allowing other linked trips to happen with exiting smaller shops. It is located immediately adjacent to the transport hub of bus and railway station to provide maximum opportunity to utilise the facility by a choice of means of transport.

5.7 Opposite the supermarket will have new bespoke retail space with units suitable for local and national retailers alike. These units provide modern retail space reflective of the needs of contemporary retailers. The new public space will link in with the high-quality area connecting the site with Market Street, thus significantly expanding the area of high-quality space , which will replace the run-down Arndale centre and provide permeability through to the recent McDonalds development and the Nelson's transport interchange. This connectivity and permeability will help to attract footfall which has been declining for many years in Nelson. The food store to the west of the site measuring 2,018 sqm will occupy a single floor, however the eastern retail terrace includes provision for a mezzanine of 1,553 sqm, to provide the most efficient use of the site. The eastern retail terrace will include a mix of unit sizes, including 3 larger units (A1-A3 between 675 and 937 sqm) and 6 smaller units (SU1-SU6 between 93 and 185 sqm).

- 5.8 The Shopping Centre Redevelopment introduces new hard and soft landscaping to the site as there is none within the current Shopping Centre. Trees have been positioned throughout the car park and around the site, linking with the existing landscaping and public realm on Leeds Road and generating natural visual interest. Planters and seating will be incorporated within the development, further enhancing the development environment and creating rest stops for visitors.
- 5.9 Further maximising the ability to incorporate more soft landscaping is the incorporation of the green walls on the buildings themselves which will provide biodiversity enhancements. The vertical climbing plants along the unit facades will also contribute towards biodiversity.

6. Strategic Planning Framework

- 6.1 Paragraph 107 of Tier 2 of the Guidance (**Document 2**) advises that any programme of land assembly needs to be set within a clear strategic framework and this is particularly important when demonstrating the justification for acquiring land compulsorily under section 226(1)(a). Such a framework will need to be founded on an appropriate evidence base, and to have been subjected to consultation processes, including with those whose property is directly affected.
- 6.2 Whilst it is not expected that all impediments to the delivery of a scheme will have been moved or overcome by the point at which the decision on the confirmation of compulsory purchase order is made, the planning framework providing the justification for the order should be as detailed as possible to demonstrate that there are unlikely to be planning or other impediments to the implementation of the scheme, following the confirmation decision being made. Where the justification for a scheme is linked to proposals identified in a development plan document which has been through the consultation processes but has either not yet been examined or is awaiting the recommendations of the inspector, this will be given due weight.
- 6.3 Where the local plan is out of date, it may well be appropriate to take account of more detailed proposals being prepared on a non-statutory basis with the intention that they will be incorporated into the local plan at the appropriate time. Where such proposals are being used to provide additional justification and support for a particular order, there should be clear evidence that all those who might have objections to the underlying proposals in the supporting non-statutory plan have had an opportunity to have them taken into account by the body promoting that plan, whether or not that is the authority making the order. In addition, the National Planning Policy Framework is a material consideration in all planning decisions and should be taken into account.

- 6.4 Paragraph 109 of the Guidance states that any decision about whether to confirm an order made under section 226(1)(a) will be made on its own merits, but the factors which the confirming authority can be expected to consider include (among others), whether the purpose for which the land is being acquired fits in with the development plan for the area (including the adopted local plan for the area or, where no such up to date local plan exists, with the draft local plan and the National Planning Policy Framework.
- 6.5 The Shopping Centre Redevelopment which the Order will enable, complies with strategic planning policy at all levels as is summarised below.

The National Planning Policy Framework (“NPPF”) (Document 10)

- 6.6 The NPPF was introduced by the Government and took effect from December 2023. It contains national policy and is intended to guide planning decisions and policies along the lines of sustainable development with a view to promoting social, economic and environmental wellbeing.
- 6.7 Section 6 of the NPPF (Paragraphs 85-87) deals with policies designed for ‘Building a strong, competitive economy’.
- 6.8 Paragraph 85 indicates the importance of supporting economic growth and productivity taking account of the needs of local businesses and wider development opportunities. Significant weight is to be given to the need to support economic growth and productivity. Paragraph 86(a) makes clear that planning policy should set out a clear economic vision and strategy that supports sustainable economic growth. Paragraph 86(b) provides that planning policy should, where appropriate, identify strategic sites for local and inward investment which fits with the wider strategy referred to in paragraph 82(a). Paragraph 86(c) requires planning policy to address potential barriers to investment, and this includes proposals to deal with inadequate infrastructure. Areas with inadequate infrastructure and poor environments are specially referred to as requiring policy intervention.
- 6.9 Section 7 of the NPPF (Paragraphs 90-95) addresses issues in relation to ‘Ensuring the viability of town centres’. Paragraph 90 requires policies and decisions to support the role of town centres, whilst paragraph 90(a) requires the Council to define a network and hierarchy of town centres in order to promote vitality and viability, whilst reflecting the distinctive characteristics of each town centre. Paragraph 90(b) requires policy to define the extent of town centres and primary shopping locations, as part of a positive strategy for the future of town centres. Paragraph 90 (d) indicates that planning policy should allocate appropriate town centre sites to ensure a range of suitable uses including retail, leisure and office use.

Adopted Pendle Local Plan Part 1: Core Strategy 2011-2030 (Document 5)

- 6.10 The Pendle Local Plan Part 1: Core Strategy 2011-2030 ('the Local Plan') was adopted by the Council in December 2015. It is compliant with the NPPF.
- 6.11 Policy WRK1: Strengthening the Local Economy makes clear that proposals for economic development should help to strengthen and diversify the local economy. Proposals should look to improve entrepreneurialism and reduce worklessness, maximise training opportunities particularly for those wishing to enter the labour market or improve their skills and improve connectivity (whether through transport links or digital means).
- 6.12 Policy WRK 4 'Retailing and Town Centres' indicates that the town (namely Nelson and Colne) and local shopping centres (namely Barrowford, Brierfield and Earby) will be the primary focus of retail development in Pendle as set out in Policies SDP 2 and SDP 5 (see below).
- 6.13 The policy adopts a town centre first approach to ensure that appropriate uses are first considered for town centre sites before other areas are considered. This is to safeguard the retail function and to promote the vitality and viability of town centres across the borough. It should also improve the overall mix of retail and other uses whilst supporting the creation of a safe, attractive and accessible shopping environment. The variety of uses should enable sustainability and encourage access to town centres by way of sustainable modes of transport, having regard to multi-purpose trips.
- 6.14 One key aspect of the policy is that retail applications that are intended to serve a borough wide catchment should be located in Nelson or Colne. These are the main towns in the M65 corridor which the Local Plan seeks to be the main focus for growth and development. Other towns, mainly Earby, Brierfield and Barrowford will take a supporting role. Nelson and Colne provide the main administrative and social centres for the borough and are the only two main towns served by a train line.
- 6.15 Re-occupation of vacant floor space and the redevelopment of existing sites within a town centre will be prioritised for all forms of retail development.
- 6.16 There will also be encouragement for socially inclusive uses within Nelson and Colne town centres aimed at improving vitality and viability into the early evening/nighttime hours, with this being achieved by promoting uses that complement and/or enhance the provision of arts, culture and entertainment facilities.

- 6.17 Policy SDP 5 of the Local Plan 'Retail Distribution' records that new retail development should be on a scale with the position a settlement holds in the retail hierarchy under Table SDP 5a. Under that table, within the M65 Corridor Nelson and Colne are identified as town centres with Brierfield and Barrowford identified as local shopping centres. The policy has a two-tier hierarchy with town centres being the upper tier reflecting the role of those settlements with other lower tiers being defined as Local Shopping Centres. (The West Craven towns are covered with Barnoldswick as a town centre with Earby as a local shopping centre).
- 6.18 Part 11 deals with the Economy 'Retailing and Town Centres'. Paragraph 11.88 makes clear that Nelson remains the main retail and commercial centre within Pendle, but that the role of it has diminished over the years with greater competition from neighbouring centres such as Burnley and major out of town shopping facilities such as the Trafford Centre.
- 6.19 Paragraph 11.89 indicates that Nelson town centre primarily serves as a local catchment and that the 'foremost concern is to arrest the decline of the town centre and enhance its role as a shopping destination of choice'. High vacancy levels within Nelson town centre have resulted from the diminished role, so the priority is to make investments that boost the quantity and quality of the retail offer, with a view to complementing recent investments such as the Number One Market Street office development and the Arts, Culture and Environment (ACE) Centre in the heart of Nelson. It is noted that these developments have boosted footfall within the town centre but that this needs to be converted into revenue which requires a revamped and substantially improved shopping offer.
- 6.20 Paragraph 11.93 underscores the need to introduce new retail opportunities and other complementary uses and makes the point that this is especially important in those centres that have had a weakened performance in the last few years.
- 6.21 Paragraph 11.99 makes clear that development proposals for town centre uses (including retail, leisure, entertainment, culture and tourism) will be focused on town and local shopping centres identified in Policy SDP 5. This results in a functional network of centres designed to serve the need of the catchment.
- 6.22 Paragraph 11.100 underlines the importance of the sequential (town centre first) approach to retail strategy which is consistent with the approach set out in the NPPF and is designed to help focus new retail development in town and local shopping centres (as set out in Policy SDP5). Paragraph 11.102 makes clear that this approach is supported by the definition of a primary shopping area, within which shopping uses are expected to predominate.
- 6.23 Paragraph 11.106 underlines the fact that town centres are the heart of our communities and an expression of their culture and identity, and accordingly a

variety of leisure, recreation and cultural activities should be on offer as well as retail provision. Paragraph 11.107 makes reference to the importance of the nighttime economy, to ensure that the town centres maintain a vitality beyond normal working hours, although it is recognised that this can be detrimental to the quality of the customer, visitor and resident experience and so any issues of this sort must be carefully managed.

6.24 Paragraph 11.109 underlines that an appropriate range of shops together with key public services and cultural assets are of fundamental importance in attracting residents to the idea of sustainable urban living.

6.25 The redevelopment of Pendle Rise also advances the local objectives SDP2 and SDP6 and ENV2 and WRK6 as shown below:

6.25.1 SDP2 Spatial Development Principles. The development is in the M65 corridor which is the focus for development for the Borough;

6.25.2 SDP6 Future Infrastructure – Nelson is the focus of providing infrastructure and is subject to provision through the Town Deal. It also has a bus and rail interchange unlike other towns;

6.25.3 ENV 2 – Achieving Quality in Design and Conservation – The purpose of the new scheme is to add a significantly higher quality of design to the redevelopment of the town centre;

6.25.4 WRK6 Designing Better Places to Work – The redevelopment of the centre will create a much better environment to meet the needs of existing and new businesses.

Pendle Local Plan 2021-2040 (Document 6)

6.26 The adopted Local Plan is being replaced by the new Local Plan. It has been through the Issues and Options consultation and will shortly be going forward to Publication: The fourth edition of the Pendle Local Plan will reach regulation 19 (i.e. the last stage of public engagement before submitting the plan to the Inspectorate for Examination) in October 2024.

6.27 Whilst not having any statutory weight in decision making the draft Plan proposed to follow the advice in the Masterplan and the Retail Capacity Study. The town centre boundary is proposed to be redrawn and reduced in area to better reflect the retail needs of Nelson and to make the Town more competitive and resilient going forward.

- 6.28 While its policies are not yet adopted and therefore have no statutory effect as yet, they would need to be given some weight in making planning decisions.
- 6.29 The Plan seeks to sustainably take Pendle forward until 2040. The Plan Objectives seek to establish a hierarchy of centres to assist in regeneration and to promote development in the most sustainable locations. Nelson is one of the main urban areas where development is sought to be centred on.
- 6.30 Elements advanced by the redevelopment of Pendle Rise are:
- 6.30.1 SP02 - The Spatial Strategy, focuses the majority of new development in the M65 corridor based around the Main Towns of which Nelson is one, alongside Colne and Barnoldswick. Policy SP03 adds clarity to this by seeking to have 70% of the development identified in the Plan within the M65 corridor;
 - 6.30.2 SP04 - Retail and Town Centre Hierarchy, places Nelson as one of three main retail centres and seeks to direct retail development to the main centres with Local Shopping Centres (Barrowford, Brierfield and Earby) having retail provision at a scale commensurate with their size and role;
 - 6.30.3 SP11 – Transport and Connectivity, requires new development to follow the spatial hierarchy as set out in SP02. This development follows that requirement. It seeks to have development within a five-minute walk of transport hubs. The site is within a one-minute walk to the Nelson Interchange with bus and train links. It also seeks to promote sustainable travel, and the development site is in the most sustainable location in the Borough;
 - 6.30.4 SP12 - The Order Land is in a location with good nearby associated infrastructure which complies with Policy SP12 – Infrastructure and Developer Contributions;
 - 6.30.5 DM01 – Climate Change Resilience requires developments to be accessible to public transport and other transport infrastructure. Nelson is an accessible location and through Levelling Up Funding and Nelson Town Deal funding transport infrastructure and accessibility are being improved;
 - 6.30.6 DM02 - Flood Risk, seeks to direct development to flood resilient locations. The site is in Flood Zone 1 and is not at risk of fluvial flooding. The planning permission will result in a significant improvement to surface water disposal over and above the existing drainage on site which does not have any climate change resilience measures. Conditions 9-14

(inclusive) will ensure that measures to control discharge rates will be introduced to help reduce off site flooding;

- 6.30.7 DM16 – Design and Placemaking, seeks high quality design in development. The development will considerably improve the poor-quality buildings and design of the buildings that are currently on site;
- 6.30.8 DM42 – Vibrant Town Centres, the Plan seeks to ensure that town centres are the focus of new retail development.

Nelson Masterplan 2021 (Document 4)

- 6.31 The Masterplan sets out its Vision for Nelson, which is of “a healthy, vibrant and confident town fulfilling its role as a key centre on the M65 growth corridor; offering high quality services, aspirational education, diverse employment and housing opportunities; all set within safe and attractive spaces which inspire and energise our residents. Nelson is a town proud of its social and industrial heritage, inspiring landscapes and multi-cultural identity. Together we will build a future everyone can aspire to, underpinned by inclusive and sustainable growth and community investment”.
- 6.32 The Masterplan considers that it is not possible for Nelson town centre to fulfil the role as a key centre on the M65 growth corridor without a significantly upgraded shopping offer that the proposed redevelopment would deliver.
- 6.33 The Masterplan Vision is supported by nine strategic objectives. The Shopping Centre redevelopment supports the following six of these:
- SO1: To instil pride and a strong sense of identity and belonging to create a cohesive and welcoming community where residents feel connected, involved and empowered’;
 - SO3: To increase access to skills and quality jobs;
 - SO5: To support health and well-being;
 - SO6: To reinforce the town’s role as a key service centre serving the needs of its catchment set within an attractive, safe and welcoming environment;
 - SO8: To re-energise and breathe new life into heritage assets and redundant buildings;

- SO9: To enhance digital and physical connections.

6.34 As set out at paragraph 4.14 above, the Masterplan includes a ten-point town centre strategy and four of these are particularly relevant to the Shopping Centre Redevelopment. These are: the repurposing of the Shopping Centre, the need for a diversified offer, the need to raise the profile of Nelson and the need to harness Pendle's growing catchment (see paragraph 4.14 of this Statement for more detail on each of these).

6.35 The Masterplan has set the repurposing of the Shopping Centre as a priority action. It is recognised that without investment residents, workers, visitors and students from Nelson will choose to shop elsewhere.

6.36 The town centre strategy aims to ensure that the redeveloped Pendle Rise will become an attractor to the town, that there will be increased footfall, spend and vibrancy within the town centre and that new businesses including independent shops and outlets in the hospitality sector will find it attractive to locate in the town centre once again.

6.37 The Masterplan sets out that:

- without public sector investment, Pendle Rise will continue to decline, providing a poor-quality offer to the town, impacting on retailer and shopper perceptions and experience, leading to further reductions in footfall, occupancy and revenue across the town;
- without investment, Nelson town centre faces the risk that workers, residents, visitors and students from Nelson will choose to shop elsewhere;
- the remodelling/repurposing of Pendle Rise would deliver transformational change within the town centre and act as a catalyst for further investment and growth across the wider town;
- Pendle Rise is a site which has been allocated as top priority for attention because it is at the heart of the town and successful transformation of the town centre is impossible without addressing the challenges that it presents;
- a successful repurposing of Pendle Rise should provide a strong way forward to wider town centre transformation.

6.38 The Masterplan considers that successful delivery of the town centre strategy will achieve the following outcomes:

- Pendle Rise will be a key attractor to the town;
- Fewer vacant shops and buildings, and vacant sites brought back into economic use;
- Increased demand for town centre facilities;
- Diversified range of services, facilities and events;
- Increased footfall, spend and vibrancy within the town centre;
- Wider audience attracted to Nelson including residents, workers and visitors;
- Improved choice of homes including modern energy efficient homes;
- New businesses attracted to Nelson including independent shops, more cafés, bars and restaurant;
- Growing and diverse business community supporting economic growth;
- Enhanced physical environment and 'quality of place' including investment in public realm, art, tree planting and soft landscaping;
- Appropriate supply of car parking that serves key destinations;
- Improved reputation and raised profile within the wider area including improved first impressions;
- Increased market confidence and attraction of new private sector investment;
- Improved sustainability.

Summary

6.39 Accordingly, the Council consider that the proposals to develop the Order Land are fully consistent with the NPPF, the policies of the Local Plan including the emerging Local Plan and the provisions of the Nelson Masterplan. As such, the Council is satisfied that they accord with the Strategic Planning Framework and is satisfied that they have the potential to deliver significant social economic and environmental benefit not only to Nelson, but to the wider Borough. As required by paragraphs 107 and 109 of the Guidance, it is clearly the case that the land assembly which the Order supports is set within a clear strategic framework as set out above, which was founded on an appropriate evidence base and was the

subject to consultation processes (see paragraphs 4.6 and 5.3 of this Statement) including those whose property is directly affected.

7. Economic and Corporate Objectives

- 7.1 The proposed Shopping Centre Redevelopment will also advance the Council's economic development and corporate as outlined below.

Economic

- 7.2 The local economy in Lancashire is set in the context of the regional economy of the North-West which makes a significant contribution to the wider UK economy. As explained below, the proposals will contribute to the achievement of the strategies that operate at Lancashire level to promote economic growth together with the Economic Recovery & Growth Strategy 2021-2026 adopted by the Council in 2021 (**Document 11**) to facilitate economic recovery following the COVID 19 pandemic.

The National & Regional Position

- 7.3 In 2023, the UK economy, measured by workplace output, was valued at approximately £2.1 trillion in Gross Value Added (GVA). London contributed the largest share at £500 billion, followed by the South-East region at £290 billion. Outside these regions, the North-West generated the highest GVA, contributing £173 billion to the national economy with a growth rate of 2.5%.
- 7.4 Within the North-West, Greater Manchester made the largest contribution, with a GVA of £70 billion. The economies of Lancashire and Merseyside were broadly similar, with Lancashire generating £32.6 billion in GVA in 2023, and Merseyside contributing £33 billion. Lancashire's GVA growth rate of 1.8% highlights its significant role within the regional economy, contributing nearly 20% of the North-West's total GVA.

The Lancashire Economy

- 7.5 The economy of Lancashire has been further analysed on the basis of data produced by the Office of National Statistics¹. Lancashire County Council noted that for Lancashire there are six sub regions – the largest is Mid Lancashire (which is centred on the economic engine of Preston) at £12.1bn (37% of the Lancashire economy), but the East Lancashire sub region (which covers Pendle and also includes Burnley, Hyndburn, Rossendale and Ribbles Valley) generates £6.1bn, which is 19% of the county economy. In fact, when taken with

¹ <https://www.ons.gov.uk/economy/grossvalueaddedgva>

neighbouring Blackburn with Darwen which has an economy valued at £3bn (just under 10% of the Lancashire economy), it is evident that approaching one third of the Lancashire economy is based in the East Lancashire area. When joined with Preston it accounts for nearly two thirds of the Lancashire economy. The remaining areas such as Blackpool contributes £2.4bn (7%) Chorley and West Lancashire just over £4bn (12%) and Lancaster and Wyre £4.6bn (14%).

- 7.6 This brief survey shows the importance of the East Lancashire sub region to the Lancashire economy and the vital contribution that the Lancashire economy makes to generating economic value for the North-West region as a whole.

Lancashire 2050 & Greater Lancashire Plan (Document 20)

- 7.7 In early 2022 all local authorities in Lancashire (including the Council) adopted 'Our New Deal for a Greater Lancashire – Lancashire 2050' (**Document 20**) which set out preliminary proposals for the future strategic governance of Lancashire, including proposals for a potential combined authority. One of the strategic themes addressed was to ensure that there was economic growth and investment. There was acknowledgement that the role of the towns will be key in providing such a platform for sustained and inclusive economic growth.

The Pendle Economy

- 7.8 The economy of Pendle, a key area within East Lancashire, produced £2.1 billion in GVA in 2023, with a growth rate of 1.6%. This is slightly below the national average but reflects the ongoing economic challenges and the need for strategic investments to stimulate further growth. The Pendle Borough Council Economic and Growth Strategy 2021-2026 (**Document 11**) indicates that Pendle lost approximately 8% of its economic output due to the COVID-19 pandemic. However, the area is poised for recovery, driven by targeted investments, including the redevelopment of Pendle Rise Shopping Centre, which is planned to play a crucial role in revitalising the local economy.

Economic Recovery & Growth Strategy 2021-2026

- 7.9 The Pendle Borough Council Economic Recovery & Growth Strategy 2021-2026 (**Document 11**) sets out the 15-year vision of delivering 'a vibrant economy that creates and sustains high quality jobs to support business growth which leads to a healthy, educated and prosperous population'. The strategy is built around themes of Place, Business, People and Connections. The transformation of Nelson town centre is an important part of the 'Our Place' theme of this strategy and the Nelson Masterplan and Town Investment Plan have been developed in consultation with partners on that basis.

Long-term Plan for Towns

- 7.10 Nelson was one of 75 towns chosen to benefit from UK Government Long Term Plan for Town Funds, launched in September 2023 which offered a £20m programme of investment into Nelson over a ten-year period. The Council are awaiting guidance from the Ministry of Housing, Communities and Local Government regarding next steps on an investment plan that has been created to draw down this funding which focuses on addressing issues around safety and security, high streets, heritage and regeneration, and transport and connectivity.

Pendle Corporate Plan 2023-2027 (Document 7)

- 7.11 The Council considers that the Shopping Centre Redevelopment and the proposed wider complementary interventions of Nelson town centre delivers on the commitments in the Corporate Plan including to develop a strong economy.

Accessible Nelson

- 7.12 This £15m programme is being delivered in conjunction with Lancashire County Council, to improve accessibility in and around Nelson town centre, and will allow for the development of the highway, connectivity, accessibility and public realm around Nelson town centre. Its objective is to improve connectivity and local infrastructure around the town centre to ensure it thrives and will support the additional footfall. The Shopping Centre Redevelopment overlaps and is adjacent to areas of the Accessible Nelson scheme and therefore has been fully aligned and integrated with it. The permeability created by the Shopping Centre Redevelopment will be integral to achieving the objectives of Accessible Nelson.

8. Negotiations and Relocation

- 8.1 Paragraph 17.1 and 17.2 of the Guidance says that undertaking negotiations and engagement prior to and in parallel with preparing and making a compulsory purchase order can help build good working relationships with those whose interests are affected. Early communications with those whose interests are affected in the preparation of a compulsory purchase order will assist the acquiring authority understand more about the land and rights it seeks to acquire, the impact of the powers included in the order on those affected, the amount of compensation which may be payable and any physical or legal impediments to development that may exist. Acquiring authorities are encouraged to engage early and communicate regularly with those whose interests are affected (in particular on relocation issues) and who have indicated a willingness to engage with the authority. Greater transparency and community engagement early in the compulsory purchase order process can increase the likelihood of an order being confirmed.

- 8.2 Paragraph 17.3 of the Guidance sets out that such engagement can also help save time at the formal objection stage of the compulsory purchase order process by minimising misunderstandings which may arise. They may also help limit objections by identifying what measures can be put in place by the acquiring authority to minimise the impacts of the exercise of the compulsory purchase powers included in the compulsory purchase order on affected parties. This can also help reduce the costs of a scheme.
- 8.3 Paragraph 17.4 and 17.5 states that acquiring authorities should consider a variety of different engagement methods to engage with those whose interests are affected to explain proposals, answer questions and confirm whether alterations can be made to their schemes and that it is essential acquiring authorities remove potential barriers and minimise risks to schemes by assessing potential objections up-front and building the arguments into the case for the compulsory purchase order.
- 8.4 Paragraph 17.6 points out that those with an interest in land, who are often involuntary participants in the compulsory purchase process, can in some instances argue that they do not receive adequate compensation and compensation is not paid out early enough, if at all. Understanding those concerns, communicating clearly and working at an early stage with those whose interests are affected, and sustaining engagement throughout the compulsory purchase process, including through alternative dispute resolution techniques, can deliver positive results for all parties involved. This can also prevent compensation cases from turning into referrals to the Upper Tribunal (Lands Chamber) or disputes over legal costs. And 17.7 states that agreeing to reimburse owners' and occupiers' reasonable costs of negotiation, or other costs and expenses likely to be incurred in advance of the process of acquisition, can help build relations and help the scheme proceed more efficiently. Acquiring authorities are expected to provide evidence that the negotiations and engagement set out in paragraph 2 of the Guidance have been undertaken, save for lands where land ownership is unknown or in question. Paragraph 2.2 sets out that the confirming authority will expect the acquiring authority to demonstrate that they have taken reasonable steps to: understand the impact of the exercise of the compulsory purchase powers on those with an interest in the land, through direct engagement with those parties; and to attempt the acquisition of all of the land and rights included in the compulsory purchase order by agreement.
- 8.5 There are currently 19 occupants, 3 telecoms masts and 25 vacant units as well as an electricity substation in the Shopping Centre. The businesses in the Shopping Centre are a mixture of local and national or regional retailers from outside Pendle with a leasehold and tenancy interests. The Council has been trying to acquire the Shopping Centre, as well as gather information about and engage with

tenants in order to progress the Shopping Centre Redevelopment for a number of years. The former owner was uncooperative, repeatedly failed to provide information about occupancy information (and was successfully prosecuted for this) and hindered the Council from being able to identify all the property interests within the Shopping Centre.

- 8.6 On 23rd May 2022, the Council wrote to the occupiers and interests in the Shopping Centre it was aware of to say that the Council had been holding discussions with the owner of the Shopping Centre about purchasing the centre, but so far had not been possible to reach agreement and therefore a report was being considered on 26 May 2022 requesting that initial steps are undertaken to prepare a compulsory purchase order for the Shopping Centre. The Council set out that it would welcome a discussion about their future plans for their business. On 26th May 2022, an initial resolution was passed by the Policy and Resources Committee to begin preparation for a CPO.
- 8.7 On the 17th August 2022, the Council wrote again to occupiers and those with interests it was aware of to say that a report was shortly being considered by the Council's Policy and Resources Committee on Thursday, 25 August 2022 seeking their agreement to progress with a compulsory purchase order for the Shopping Centre and to assist with its ongoing preparatory work for the CPO, the Council needs to understand the full range of interests and that they would be shortly served with a notice under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 requesting certain details.
- 8.8 On the 25th August 2022, the Council resolved to take initial steps in connection with the making of a compulsory purchase order in respect of the Shopping Centre. Following this resolution, legal services of the Council sent section 16 notices to those the Council had identified as having an interest in the Shopping Centre.
- 8.9 Over the following months some replies were received, and as new tenants appeared in the Shopping Centre and new information emerged, section 16 notices were sent out to the incoming tenants. The majority of tenants returned their notices although information often conflicted with information given by the owner. The Council met with occupiers that it was able to identify in order to explain its intentions for the Shopping Centre Redevelopment.
- 8.10 As part of the engagement (see paragraph 5.3 of this Statement) for the planning application for the Shopping Centre Redevelopment in 2023, all existing tenants were consulted and as a result a total of six smaller units have been included on the indicative layout which could cater for the smaller retailers who wish to be relocated into the Shopping Centre Redevelopment. The mix of

different sizes will provide variety and interest to help the development blend with the mixed character of the wider town centre.

- 8.11 In keeping with the Guidance, the Council has created a Relocation Strategy (**Document 16**) to help with its aims of relocating the remaining occupiers. The Relocation Strategy explains how, since acquisition of the Shopping Centre in June 2024, the Council's agents have met with every commercial tenant to understand their future needs.
- 8.12 At these meetings, tenants were informed of the Council's intention to demolish the Shopping Centre within 18 months, but for the Shopping Centre to remain open in the short term and the Council's intention to work with and find new shop units for those retailers that want to continue trading. They were also informed of the Council's intention to try to ensure that retailers who want to stay in Nelson, can do so, with an overall aim to relocate those who wish to do so within 12 months. At the meetings, the Council have also sought to identify whether businesses wished to close, relocate elsewhere into the town, relocate into the redeveloped Shopping Centre, and if they had identified any relocation properties.
- 8.13 As set out in the Relocation Strategy, the Council is trying to give as much advance notice to tenants as possible, constantly monitoring for availability of relocation properties, explaining rights to compensation, meeting regularly to understand occupiers' needs, acquiring and refurbishing suitable relocation properties and has drawn up criteria for the allocation of relocation properties. The Council has therefore clearly met the requirements for undertaking negotiation and engagement as set out in paragraph 17 of the Guidance, and summarised above.
- 8.14 The Council successfully acquired the Shopping Centre on 20th June 2024 and although the Council are now the owners and are in the process of implementing its Relocation Strategy to try to acquire the remaining occupier's and other interests through agreement, the Order is still necessary to provide certainty that all the remaining interests in the Shopping Centre can be acquired and vacant possession of the Shopping Centre can be obtained, otherwise the proposals and their much-needed public benefits will not be realised.
- 8.15 This is consistent with the Guidance which acknowledges that it may be necessary to initiate the compulsory purchase process in parallel with negotiations to acquire land by agreement.
- 8.16 Those with relevant interests shall be compensated in accordance with the statutory compensation code. It remains the Council's firm preference and intention to reach voluntary agreement for the relocation of existing tenants and acquisition of outstanding interests in the Order Land.

9 **The Public Benefits of the Shopping Centre Redevelopment – Economic, Social and Environmental Well-being**

- 9.1 Development of the Order Land will significantly contribute to the economic social and environmental well-being of the area. Each of these are summarised below.

Economic Benefits

- 9.1 The main economic benefits of the Shopping Centre Redevelopment are:-
- 9.1.1 it will improve the qualitative retail provision in the town centre, which will attract new occupiers and operators into the town, thus increasing choice for the public. The scheme will improve the town centre retail offer, increase dwell time, encourage visitors to extend the length of their trips, increase visitor enjoyment and spend;
 - 9.1.2 it will act as a catalyst and encourage further investment, which would be unlikely to occur in the absence of the Shopping Centre Redevelopment;
 - 9.1.3 it will lever around a total of up to £27million of investment into Nelson Town Centre when combining the Town Deal funding for the Shopping Centre Redevelopment and investment in relocation properties
 - 9.1.4 it is targeted to achieve 4,000sqm of new retail floorspace and up to 395 FTE jobs supported in new or refurbished commercial space;
 - 9.1.5 it will generate an estimated £11.5 million in construction investment over the 12-month build programme and 213 direct construction roles and indirect or induced jobs supported per year during the 12 months build phase including £9.4m in estimated wages paid to workers at the site per year;
 - 9.1.6 the assessment of land value uplift (based on removal of the existing run-down Shopping Centre and its replacement with the new development) has been estimated at c£0.85m;
 - 9.1.7 a food anchor is expected to provide the impetus to secure other national retailers;
 - 9.1.8 the existing Shopping Centre has been declining in occupation rates over recent years. Having a fully occupied development will make efficient use of the area and will result in higher levels of business rates being received;

- 9.1.9 £14 million - GVA contribution per annum (current prices at the time of the planning application) and £13.1 million economic output generated during the build phase (current prices at the time of the planning application);
- 9.1.10 an estimate has been made of the wider land value uplift across the town (or place-making effects) which will be generated. This is estimated to be c£3.9m for residential and c£3.0m for commercial properties;
- 9.1.11 it will help deliver on the “levelling up” Central Government programme, for which the Town Deal fund was set up, seeking to help rebalance activity from London and the Southeast to deteriorating town centres that have fallen behind. Pendle is designated as the 37th most deprived local authority in the country (out of 317 local authorities)².

Social Benefits

- 9.2 The main social benefits of the Shopping Centre Redevelopment include:
 - 9.2.1 it will deliver a sustainable development which has good access to jobs, shops, services and transport links;
 - 9.2.2 it will regenerate the area to support the provision for town centre uses which will boost the profile of the area and create a new sense of place for the community to enjoy. These uses will complement the existing shops and facilities in the wider area and enhance the choice and accessibility for new and existing residents;
 - 9.2.3 it will provide a central car park/ public realm area that will be a flexible zone for outdoor activities or events to be held, such as seasonal markets, which will generate significant social and community benefits;
 - 9.2.4 some reduction in crime is expected to arise resulting from increased public safety because of the proposed scheme;
 - 9.2.5 it will generate employment within the retail floorspace with well-being benefits associated with individuals moving into employment;
 - 9.2.6 the Council’s approach to relocation of existing tenants will help fill a number of empty retail units. This will mean a greater number of

² According to the 2019 IMD Rankings from DLUHC.

occupied units in Nelson town centre meaning that shoppers will not be faced with a feeling of dereliction when shopping;

- 9.2.7 through regenerating the town centre it will help enable Nelson to fulfil its role as the main administrative centre for the borough and as a prime area for growth on the M65 corridor. The current poor-quality offer and reputation of the town centre undermine the attractiveness and potential of the whole town as a place to live, work and invest;
- 9.2.8 it will help provide an improved perception of place. The investment in a key location in the town centre will increase the vibrancy of Nelson's high street. The new public realm and active frontage will be adjacent to the Colne-Preston line passenger train station.

Environmental Benefits

9.3 The main Environmental Benefits of the Shopping Centre Redevelopment include:

- 9.3.1 the provision of new public open space and public realm (at least 1000 square metres) throughout the site that is accessible to residents and visitors within the area. ;
- 9.3.2 biodiversity improvements with new trees, planting and green walls;
- 9.3.3 it will deliver the redevelopment of a brownfield site which will regenerate an area of land and significantly enhance the physical appearance of the local area;
- 9.3.4 it will deliver a scheme which ensures efficient use of land by maximising its development whilst taking into account key site opportunities and constraints, delivering a viable scheme;
- 9.3.5 it will reduce carbon emissions through sustainable building design and use of materials, sustainable/renewable energy supplies and the use of sustainable drainage design amongst other measures;
- 9.3.6 it will create a scale of development that fits much better in with the urban grain of the surrounding development. There will be a much-improved entrance into the site from the east where the dilapidated nature of the current building presents a visually discordant feature which shows that part of Nelson as an area in decline. The replacement of the poorly designed and neglected building with a development that presents a significantly improved entrance to the

entire former west will enhance the visual quality of the area and be a more attractive destination;

- 9.3.7 the new car park for the Shopping Centre will reduce car journeys around Nelson to peripheral car parks and include new Electric Vehicle charging points;
- 9.3.8 the Shopping Centre design will improve connectivity and permeability with the Nelson Transport Exchange, promoting the use of sustainable modes of transport and this will be further amplified by the integration with Accessible Nelson;
- 9.3.9 as well as improving energy efficiency, the new development will significantly improve the attractiveness of the Town Centre public realm and will include extensive planting.

10 Funding and Delivery

- 10.1** Paragraph 13.3 of the Guidance states that the acquiring authority should have a clear idea of how it intends to use the land which it is proposing to acquire and show that all the necessary resources are likely to be available to achieve that end within a reasonable time-scale. If it is unable to do so then it may be difficult to show conclusively that the compulsory acquisition of the land included in the order is justified in the public interest.
- 10.2** Paragraph 14 states that in preparing its justification, the acquiring authority should address:
 - 10.2.1** sources of funding for both acquiring the land and implementing the scheme for which the land is required; and
 - 10.2.2** timing of that funding - funding should generally be available now or early in the process.
- 10.3** The Shopping Centre Redevelopment has been allocated £10m from the £25m Nelson Town Deal fund awarded in 2021 (see paragraph 4.3 of this Statement). This £10m covers the costs of acquisition of the Shopping Centre, making and progressing the compulsory purchase order, professional fees, compensation (which has been estimated with help from the Council's valuation experts) upkeep, contingency and then demolition and clearance to leave a development ready site. Town Deal funding is time limited and a commitment to have spent it must be reached by end of March 2026, therefore this creates urgency in progressing the Shopping Centre Redevelopment now, to make sure the opportunity created by the Town Deal funding is not lost.

- 10.4 The Council will then introduce the cleared and levelled development site into the joint venture development company at market value. Brookhouse Group Limited and the Council formed a joint venture company 'PenBrook Developments Limited' on a 90:10 funding basis. This means that for every £1 invested by the Council, Brookhouse must introduce £9 of funding, and this will fund the redevelopment once the cleared development ready site is handed over to the joint venture.
- 10.5 Brookhouse Group Limited specialise in mixed-use schemes throughout the UK and has a successful retail focused investment portfolio with total 2 million sq ft of assets, circa £400m in value and a rent roll of £30m annually which is directed towards funding development projects. Over many years it has worked jointly with local authority partners and landed estates helping to lever regeneration and value from underutilised land assets across the country. It has an experienced team of property professionals and financial planners who can create innovative solutions plus it has the financial strength of the group behind projects to enable it to take a long-term view.
- 10.6 The acquisition of the Shopping Centre has already been completed within the estimated figure. The remainder of the Town Deal fund is available now, for CPO costs, professional fees, demolition and clearance, compensation, upkeep and other contingency costs.
- 10.7 Given the above, there are no funding gaps, and the Council is confident that the Shopping Centre Redevelopment will proceed as planned, and are determined to make it happen given the importance of the scheme to the achievement of the Council's regeneration and economic objectives set out in the Masterplan and this Statement.

11 Related Orders and Special Kinds of Land

- 11.1 A stopping up order will be needed in respect of small parts of the highway on Broadway and Holme Street to facilitate the Shopping Centre Redevelopment. An application for an order under section 247 of the Town and Country Planning Act 1990 will shortly be progressed by Penbrook. The Order Land does not contain any of the special kinds of land such as listed buildings, ancient monuments, conservation area, open space etc.
- 11.2 The apparatus of statutory undertakers, utilities and telecoms companies will be diverted or replaced as necessary, and negotiations are currently underway to effect this. The Guidance acknowledges undertaking negotiations in parallel with preparing and making a compulsory purchase order is sometimes required. There

are therefore no expected impediments likely to block the Shopping Centre Redevelopment.

12 Views of Government Departments

No Government Department has expressed any views about the proposed development of the Order Land. It must however be noted that Town Deal funding was allocated to Nelson by the Department for Levelling Up, Housing and Communities due to the issues the town faces many of which are exemplified by the quality, unattractiveness and decline of the existing Shopping Centre.

13 Human Rights & Equality Assessment

Human Rights

- 13.1 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (“the ECHR”). The ECHR includes provisions in the form of Articles, the aim of which is to protect the rights of the individual. Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with rights protected by the ECHR. Paragraph 2.10 of the Guidance provides that:

“when making and confirming a compulsory purchase order, acquiring authorities and confirming authorities should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. The officers’ report seeking authorisation for the compulsory purchase order to be made by the respective acquiring authority should address human rights issues”

- 13.2 Paragraph 12.4 of the Guidance provides that:

“An acquiring authority should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention. Acquiring Authorities should also give consideration to the public sector equality duty”

- 13.3 The Secretary of State, as the decision maker, is therefore under a duty to consider whether the exercise of powers interacts with the rights protected by the ECHR. The following Articles of the ECHR are relevant to the decision as to whether the Order should be made including powers of compulsory acquisition:

Article 1 of the First Protocol to the ECHR:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.”

Article 6 of the ECHR states:

“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.”

13.4 The inclusion of compulsory acquisition powers in the Order has the potential to infringe the Article 1 rights of persons who hold interests in the Order Land by enabling the Council to deprive them of their property/interest. Such an infringement can be authorised by law provided that:

14.4.1 the appropriate statutory procedures for making the Order are followed and a compelling case in the public interest for the compulsory acquisition/ interference with the convention right is made out; and

14.4.2 the interference with the convention right is proportionate.

13.5 The Council has considered Article 1 and the potential infringement of the ECHR rights in consequence of the inclusion of compulsory acquisition powers within the Order. The Council considers that there would be a very significant public benefit arising from the confirmation of the Order.

13.6 The Council has concluded that on balance the significant public benefits outweigh the effects upon persons who own property within the Order Land. For those affected by expropriation or dispossession, compensation is payable in accordance with the Compensation Code. The Council considers that the Order will therefore strike the right balance between the public interest in the delivery of the Shopping Centre Development and those private rights that will be affected by the Order.

13.7 In relation to Article 6, as explained at paragraphs 4.6 and 5.3 there has been significant public consultation on the proposals to regenerate through the Shopping Centre Development, and the opportunity has been given through the consideration of the planning application to make representations on the proposals. A public inquiry into the Order will be held if objections are duly made,

and those interests are acquired under the Order, if confirmed, will be entitled to compensation under national law.

- 13.8 The land which is the subject of the Order represents the minimum amount of land reasonably required to carry out the proposed redevelopment.
- 13.9 Those whose interests are acquired under the Order will also be entitled to compensation which will be payable in accordance with the Compulsory Purchase Compensation Code. The Compensation Code has been held to be compliant with Article 8 and Article 1 of the First Protocol to the ECHR. Affected persons will also have the right to apply to the Upper Tribunal (Lands Chamber), which is an independent judicial body to determine the compensation payable.
- 13.10 For the above reasons, any infringement of the ECHR rights of those whose interests are affected by the inclusion in the Order of powers of compulsory acquisition, is proportionate and legitimate and is in accordance with national and European law.
- 13.11 The Council has sought to keep any interference with the rights of those with interests in the Order Land to a minimum. The Order Land has been limited to the minimum required for the Shopping Centre Redevelopment.
- 13.12 The requirements of the Human Rights Act 1998 and the ECHR, particularly the rights of landowners, have therefore been fully taken into account.
- 13.13 The Council considers that the Order strikes a fair balance between the public interest in the Shopping Centre Redevelopment going ahead and the interference with the private rights of those that will be affected by it.
- 13.14 For the reasons set out in this Statement, the Council considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition and that the interference with the private rights of those with an interest in Order Land as a result of the exercise of compulsory acquisition powers conferred by the Order would be lawful, justified and proportionate.

The Equality Act 2010

- 13.15 The Council has taken account of its duties under section 149 of the Equality Act 2010.
- 13.16 An Equality Impact Assessment for the development has been produced (**Document 17**) in conjunction with a Relocation Strategy (**Document 16**). This concludes that there is a low or medium positive impact in respect of the eight

groups of persons with protected characteristics and the Council is satisfied that the promotion of the Order shall not disadvantage any individual or group with protected characteristics, or otherwise be the cause of any discrimination within the community. The engagement process is ongoing, and the Council's position will be continually monitored, and should any persons be identified who may be adversely impacted by the Shopping Centre Redevelopment, the Council will seek to identify and implement appropriate assistance measures if reasonably required so as to mitigate so far as practicable any identified activity that may have an adverse impact on these persons.

14 Conclusion

14.1 The acquisition of the Order Land will facilitate the development, redevelopment and improvement of the land, through the Shopping Centre Redevelopment, which will contribute to the promotion or improvement of the economic, social and environmental wellbeing of the area.

14.2 Paragraph 2 of the Guidance sets out when compulsory purchase powers should be used. Paragraph 12 of the Guidance states that a compulsory purchase order should only be made where there is a compelling case in the public interest and explains that there are certain fundamental principles that a confirming authority should consider when deciding whether or not to confirm a compulsory purchase order. Paragraph 14 of the Guidance sets out the information about the resource implications that the acquiring authority need to provide and Paragraph 15 sets out how an acquiring authority addresses whether there are any impediments to the scheme going ahead. These tests and fundamental principles and how they are met by the proposals are set out below:

There is a compelling case in the public interest (paragraph 2.1 of the Guidance)

14.2.1 The Order will facilitate the Shopping Centre Redevelopment (see Section 5) which is a priority redevelopment identified in the Masterplan and as part of the Town Investment Plan. Both of these plans were consulted upon with the public, and the Shopping Centre Redevelopment will help address problems identified by that public consultation. There is also an allocated budget for the Shopping Centre Redevelopment (see Section 10 of this Statement)

Reasonable steps have been taken to understand the impacts of the exercise of the powers on those with an interest in the land through direct engagement and attempt the acquisition of all the land in the order by agreement (2.2 of the Guidance) including evidence that negotiation and engagement have been undertaken (17.8 of the Guidance)

14.2.2 Section 8 of this Statement sets out the Council's attempts to acquire voluntarily. Engagement with the former landowner and occupiers to explain the redevelopment proposals and try to acquire voluntarily has been ongoing for a number of years. The Council has now recently acquired the freehold of the Shopping Centre which is a significant milestone but also needs to acquire the remaining interests to be able to take the development forward. It has created a Relocation Strategy and at the heart of this, is that the Council will try to reach voluntary agreement for relocation to keep the businesses trading in a nearby town centre location. As part of its engagement with affected tenants and interests who remain in the Shopping Centre, and in devising its Relocation Strategy, the Council has had regard to the factors set out in paragraph 19.1 of the Guidance. Section 8 of this Statement and sections 6, 7, 8, 9, 10 and 11 of the Relocation Strategy (**Document 16**) provide more information of engagement undertaken and the mitigation offered and this is ongoing.

14.2.3 In order to provide certainty that all the land and rights required for the Shopping Centre Redevelopment can be secured, it has been necessary for the Council to progress the Order in parallel with private treaty negotiations. This is envisaged by paragraph 2.8 of the Guidance. However, the Council remains committed to continuing to progress negotiations and will only use powers (if granted) as a last resort.

That the Council has a clear idea of how it intends to use the land which it is proposing to acquire (paragraph 13.3 of the Guidance).

14.2.4 Section 5 of this Statement describes the Shopping Centre Redevelopment in detail, and confirms that planning permission exists for it. The Shopping Centre Redevelopment is identified as a priority in the Nelson Masterplan which was the subject of public consultation and the Council has funding for the Shopping Centre Redevelopment;

All necessary resources are likely to be available to achieve that end within a reasonable timescale (paragraph 13.3 of the Guidance) and that the interests of those affected by the order have been considered (13.4).

14.2.5 Section 10 of this Statement confirms that the Council has assessed the costs of the Shopping Centre Redevelopment, and the costs of acquiring the necessary land required and is satisfied that the requisite funding is available to meet the construction and land acquisition/compulsory purchase compensation costs as and when required (including any advance payments and blight claims). The interests of those affected by the Order have been carefully considered, as is explained at sections 8 of this Statement and sections 8, 9, 10 and 11 of the Relocation Strategy (Document 16) which sets out the engagement that has taken

place, as well as the mitigation offered. An Equality Impact Assessment has also been carried out (Document 17) ;

The acquiring authority should be able to provide substantive information as to the sources of funding available for acquiring the land and implementing the scheme and the timing of that funding (paragraph 14.1).

- 14.2.6 Section 10 of this Statement sets out how the scheme will be funded via a mixture of £10m funding from the Town Deal funding, and investment from the Council's joint venture partner once the land is development ready.

That the implementation of the scheme following the confirmation decision being made is unlikely to be blocked by any physical or legal impediments (paragraph 15.1 of the Guidance).

- 14.2.7 As explained in Section 5 of this Statement, planning permission has been granted for the Shopping Centre Redevelopment. A stopping up order application will need to be made, as explained in Section 11 but there is no reason why this will not be granted. There are not considered to be any likely physical or legal impediments to the implementation of the Shopping Centre Redevelopment;

That the purposes for which the Order is made justify interfering with the human rights of those with an interest in the land affected and that consideration has been given to the public sector equality duty (paragraph 12.4 of the Guidance).

- 14.2.8 As set out in Section 13 of this Statement, the Council considers that the Order will strike the right balance between the public interest in the Shopping Centre Redevelopment and those private rights that will be affected by the Order. Whilst owners and occupiers of the Order Land may be deprived of their property if the Order is confirmed, this will be in accordance with the law. Those whose interests are acquired under the Order will be entitled to compensation which will be payable in accordance with the compensation code which has been held to be compliant with Article 8 and Article 1 of the First Protocol to the Convention;
- 14.2.9 Also set out at Section 13 of this Statement, the Council has had regard to its public sector equality duty, and does not currently consider that the Shopping Centre Redevelopment will give rise to any impacts or differential impacts on persons who share a relevant protected characteristic as defined in the Equality Act, or upon persons who do not share such relevant protected characteristics.
- 14.3 Accordingly, the Council considers that the criteria in the Guidance are satisfied and that there is a compelling case in the public interest for the confirmation of the Order.

- 14.4 As set out at Section 6 of this Statement, the Council considers the proposed Order fully complies with the strategic planning framework (including the Nelson Masterplan which was the subject of public consultation) as required by paragraph 107 of the Guidance. The Order is also supported by a strong case advanced in favour of economic development and delivers on corporate goals. The Order fits with the development plan for the area (including the adopted local plan for the area as required by paragraph 109.1, and is also consistent with the draft local plan and NPPF (see Section 6 of this Statement). Section 9 of this Statement sets out how the Order will contribute to the achievement of the promotion or improvement of the economic, social and environmental well-being of the area (as required by paragraph 109.1 of the Guidance). There aren't any alternative proposals being put forward, or alternative more suitable locations for the Shopping Centre Redevelopment and section 10 of this Statement sets out that the Shopping Centre Redevelopment has funding.
- 14.5 Section 14, paragraph 215.1 (xiv) of the Guidance states that a statement of reasons should include a summary of the anticipated impact of the exercise of the powers on affected owners and occupiers as the acquiring understands those impacts having engaged with such owners and occupiers and the mitigation that will be in place to alleviate those impacts. From its engagement, the Council is aware that a number of property owners are affected and some may wish to cease trading whilst others may wish to relocate either in the new development or elsewhere. This engagement is ongoing, but the Council is carrying out work to provide relocation options, make those affected aware of their rights to compensation and providing information about the council's timescales to try to give advance notice information.
- 14.6 The Council is satisfied that the Order is promoted in the public interest for the proper statutory purpose under section 226(1)(a) Town and Country Planning Act 1990 (as amended). The land take covered by the Order is required so that the Shopping Centre Redevelopment can proceed. This would unlock the potential for transformative change at the heart of Nelson town centre, thereby enabling comprehensive town centre redevelopment that would be likely to deliver substantial social, economic and environmental benefits for the town of Nelson in decades to come.
- 14.7 Accordingly, the Council is of the strong view that it has made out a compelling case in the public interest for the Order to be confirmed by the Secretary of State.

15. List of Documents

- 15.1 The following is a list of documents which may be viewed at all reasonable times between 9 am and 4pm at 1 Market Street, Nelson, Lancashire BB9 7LJ. They can also be viewed online at www.pendle.gov.uk/pendlerisecpo

- 15.2 The Council shall put these documents in evidence at any public inquiry or written representations held in connection with this Order but reserves the right to add further documents when the statutory statement of case is produced in the usual way.

- 1.1 The Borough of Pendle (Pendle Rise Shopping Centre, Nelson) Compulsory Purchase Order 2024
- 1.2 Maps referred to in the Order
- 2. Ministry of Housing Communities and Local Government Guidance on the Compulsory Purchase Process October 2024
- 3.1 Planning Permission reference 23/0268/FUL dated 11th September 2023
- 3.2 Planning Statement accompanying the application April 2023
- 3.3 Statement of Community Involvement
- 4. Nelson Masterplan 2021
- 5. Borough of Pendle Local Plan 1: Core Strategy 2011-2030 (relevant extracts)
- 6. Pendle Emerging Local Plan (2021 – 2040) (relevant extracts)
- 7. Pendle Borough Council Corporate Plan 2023 – 2027
- 8. Policy and Resources Committee Report and Resolution 26th May 2022
- 9. Policy and Resources Committee Report and Resolution 25th August 2022
- 10. National Planning Policy Framework, December 2023
- 11. Pendle Borough Council Economic Recovery & Growth Strategy 2021-2026
- 12. Nelson Town Investment Plan 2021
- 13. Pendle Retail and Leisure Capacity Study 2023.
- 14. Report from Assistant Director Planning, Building control and Regulatory Services to Nelson, Brierfield and Reedley Area Committee on 31st July 2023
- 15. Council Executive Committee Report dated 19th September 2024 – resolution to make the Order
- 16. Pendle Rise Shopping Centre Relocation Strategy 2024
- 17. Pendle Rise Shopping Centre Equalities Impact Assessment 2024
- 18. Our New Deal for a Greater Lancashire – Lancashire 2050

16 Inquiries Procedure Rules

This is a non-statutory statement which is not intended to constitute the Council's statement of case under the Compulsory Purchase Inquiries Procedure Rules 2007.

17 Extent of the Scheme

- 17.1 Section 6(A) of the Land Compensation Act 1961 ('LCA 1961') provides that "the no scheme principle is to be applied when assessing the value of land in order to work out how much compensation should be paid by the acquiring authority for

the compulsory acquisition of the land". For the purposes of section 6(A), the "scheme" means the scheme of development underlying the acquisition.

- 17.2 Section 5 of the Land Compensation Act 1961 explains that the underlying scheme is to be the scheme provided for by the Order unless it is shown that the underlying scheme is a scheme larger than, but incorporating, the scheme provided for by that instrument.
- 17.3 In this case, the "Scheme" for the purposes of section 6(A) comprises the Shopping Centre Redevelopment as explained in this Statement.

18 Further Information

Negotiation of acquisitions

Owners and occupiers of land affected by the Shopping Centre Redevelopment who wish to negotiate a voluntary agreement or discuss matters of compensation should contact the Council's Property Team on:

Tony Brown FRICS, Registered Valuer
Senior Surveyor
Property Services
Pendle Borough Council
anthony.brown@pendle.gov.uk
M: 07966571294

Compensation for Business Owners and Occupiers

Provision is made by statute with regard to compensation for the compulsory acquisition of land

More information is given in the series of booklets published by the Department for Housing, Communities and Local Government entitled "Compulsory Purchase and Compensation" listed below:

Booklet No. 1 - Compulsory Purchase Procedure.
Booklet No. 2 - Compensation to Business Owners and Occupiers.
Booklet No. 3 – Compensation to Agricultural Owners and Occupiers
Booklet No. 4 – Compensation to Residential Owners and Occupiers

These booklets are available to download for free online at:
<https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>

A copy of this Statement, the Order and maps are available for inspection at 1 Market Street, Nelson, Lancashire BB9 7LJ between 9 am to 4pm Monday to Friday.

If any person affected by the Order wishes to discuss it with an officer of the Council, he/she is requested to contact:

Legal Services Manager of the Borough Council of Pendle
Town Hall, Market Street, Nelson BB9 7LG emma.barker@pendle.gov.uk 01282 661644