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

Town and Country Planning Act 1990
Acquisition of Land Act 1981

Notice is hereby given that the Borough Council of Pendle, in exercise of the powers of the confirming authority under the Acts, on 11th April 2024 confirmed the Borough of Pendle (Pendle Rise Shopping Centre, Nelson) Compulsory Purchase Order 2024 made by it. Following the withdrawal of objections to the order notification was given by the Secretary of State for Housing, Communities and Local Government that the power to confirm the order may be exercised by the acquiring authority in accordance with section 14A of the Acquisition of Land Act 1981.

The order as confirmed provides for the purchase for the purposes of facilitating the carrying out of development, redevelopment or improvement on or in relation to such land by demolition of the existing shopping centre and redevelopment for retail use including access, car parking and landscaping, thereby contributing towards the promotion and/or economic, social and environmental well-being of the area of the land described in Schedule 1.

A copy of the order as confirmed by the Borough Council of Pendle and of the map referred to therein have been deposited at: 1 Market Street, Nelson, Lancashire BB9 7LJ and may be seen at all reasonable hours. A copy of the order and of the map may be viewed online at: www.pendle.gov.uk/pendlerisecpo.

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

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

Every person who, if a general vesting declaration were executed under section 4 of that Act in respect of land comprised in the order (other than land in respect of which a notice to treat has been given), would be entitled to claim compensation in respect of any such land, is invited to give information to Borough Council of Pendle to: Emma Barker, Legal Services Manager, Pendle Borough Council, Town Hall, Market Street, Nelson, BB9 7LG, or: emma.barker@pendle.gov.uk about the person's name, address and interest in the land, using a prescribed form. The relevant prescribed form is set out in Schedule 3 below.

The Borough Council of Pendle has a period of 3 years beginning on the date the order becomes operative to serve a notice to treat or execute a general vesting declaration. The order will become operative on the date on which this notice is first published.

SCHEDULE 1

LAND COMPRISED IN THE ORDER AS CONFIRMED

3.67 ha (9.07 Acres) of land incorporating Pendle Rise Shopping Centre, Nelson including sections of Broadway (A682), Holme Street, Leeds Road and Place-de-criel and comprising:

Land and Premises at –

Ground floor retail premises (Units 1-3, Marsden Mall and Kiosk), Pendle Rise Shopping Centre, Nelson; Ground floor retail premises (2 Leeds Road), Pendle Rise Shopping Centre, Nelson; Ground floor retail premises (Units B, 2-4 (even), 4, 5, 6, 7, 8, 9, 10-14 (even), 11, 15, 16, 17-21 (odd), 20, 22, 23-27 (odd), 24, 26, 27, 28, 29-31 (odd), 34, 35, 36, 38, 40 Marsden Mall) Pendle Rise Shopping Centre, Nelson; Ground floor retail premises situated to the north east of Units 29-31 Marsden Mall, Pendle Rise Shopping Centre, Nelson; Ground floor retail premises (Unit 1, Pendle Way), Pendle Rise Shopping Centre, Nelson; Ground floor retail premises, (Units 3-15 (odd) Pendle Way), Pendle Rise Shopping Centre, Nelson; Ground floor retail premises (Unit 4, Pendle Way), Pendle Rise Shopping Centre, Nelson; Ground floor retail premises situated to the north east of Units 29-31 Marsden Mall, Pendle Rise Shopping Centre, Nelson; Ground floor retail premises situated to the north of Unit 34 Marsden Mall, Pendle Rise Shopping Centre, Nelson;

Stairwell (2 Leeds Road), Pendle Rise Shopping Centre, Nelson; Ground floor service area (Units 17-19 Pendle Way), Pendle Rise Shopping Centre, Nelson; Ground floor common areas (Marsden Mall and Pendle Way), Pendle Rise Shopping Centre, Nelson; Ground floor service corridor situated to the south of Unit 36 Marsden Mall, Pendle Rise Shopping Centre, Nelson; Lower basement service area, Pendle Rise Shopping Centre, Nelson; Lower ground floor service area (The Admiral's Market Place), Pendle Rise Shopping Centre, Nelson; Basement service area, Pendle Rise Shopping Centre, Nelson; Basement service area (Unit 9 Marsden Mall), Pendle Rise Shopping Centre, Nelson; First floor service area, Pendle Rise Shopping Centre, Nelson; First floor service area and management office, Pendle Rise Shopping Centre, Nelson; First floor service area and management office situated to the south west of 5 Holme Street, Pendle Rise Shopping Centre, Nelson; Second floor service area, Pendle Rise Shopping Centre, Nelson; Rooftop service area, Pendle Rise Shopping Centre, Nelson;

Ground floor commercial premises situated to the north of Units 23-27 Marsden Mall, Pendle Rise Shopping Centre, Nelson; Ground floor commercial premises situated to the north west of Unit 11 Marsden Mall, Pendle Rise Shopping Centre, Nelson; Ground floor commercial premises (part) situated to the east of Unit 4 Marsden Mall, Pendle Rise Shopping Centre, Nelson;

Accessway and ground floor commercial premises situated to the south west of Units 2-4 Marsden Mall, Pendle Rise Shopping Centre, Nelson; Accessway and ground floor retail premises, Pendle Rise Shopping Centre, Nelson; Accessway and ground floor commercial premises situated to the south of Unit 26 Marsden Mall, Pendle Rise Shopping Centre, Nelson; Accessway and ground floor commercial premises situated to the south and north east of Unit B Marsden Mall, Pendle Rise Shopping Centre, Nelson;

Phoenix Chambers (ground floor, first floor and second floor), Pendle Rise Shopping Centre, Nelson; Basement retail premises (Units 1-3, 4, 5, 6, 7, 8, 9, 20, 22, 24, 27, 28, 40 Marsden Mall), Pendle Rise Shopping Centre, Nelson; Basement retail premises (Units 17-19 Holme Street) Pendle Rise Shopping Centre, Nelson; Basement retail premises (Units 21-27 Holme Street) Pendle Rise Shopping Centre, Nelson; Basement mezzanine retail premises (Units 3-15 (odd)), Pendle Rise Shopping Centre, Nelson; Basement mezzanine service area, Pendle Rise Shopping Centre, Nelson;

Electricity substation, (Pendle Rise Shopping Centre), Nelson;

First floor retail premises (Units 2, 4, 9, 11, 13, 17-21 (odd), 23-27 (odd), 29-31 (odd) Marsden Mall), Pendle Rise Shopping Centre, Nelson;

Highways and Ways at –

Public adopted highway (Leeds Road), situated north east of Units 1-3 Marsden Mall, Pendle Rise Shopping Centre, Nelson; Private footpath situated to the south of 2 Manchester Road, Nelson; Public adopted highways (Manchester Road and Leeds Road) situated to the north west of Units 1-3 Marsden Mall, Pendle Rise Shopping Centre, Nelson; Private footpath situated to the north of 2 Leeds Road, Nelson; Public adopted highway (Leeds Road) situated to the north of Unit 9, Marsden Mall, Pendle Rise Shopping Centre, Nelson; Planters and public adopted highway (Leeds Road) situated to the north east of Unit 9, Marsden Mall, Pendle Rise Shopping Centre, Nelson; Footpaths, building canopy, planters and public adopted highways (Leeds Road and A628) situated to the west and south west of 5 Holme Street, Nelson; Public adopted highway (Holme Street) situated to the north east of Unit 35 Marsden Mall, Pendle Rise Shopping Centre, Nelson; Public adopted highway (Holme Street) situated to the east of Units 17-19 Marsden Mall, Pendle Rise Shopping Centre, Nelson; Public adopted highway (A628) situated to the south of Unit B, Marsden Mall, Pendle Rise Shopping Centre, Nelson; Footpath and public adopted highway (A628) situated to the south west of Unit B Marsden Mall, Pendle Rise Shopping Centre, Nelson;

SCHEDULE 2

FORM OF STATEMENT OF EFFECT OF PARTS 2 AND 3 OF THE COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981

Power to execute a general vesting declaration

1. Once the Borough of Pendle (Pendle Rise Shopping Centre, Nelson) Compulsory Purchase Order 2024 has become operative, the Borough Council of Pendle (hereinafter called "the Council") may acquire any of the land described in Schedule 1 above by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 ("the Act"). This has the effect, subject to paragraphs 3 and 5 below, of vesting the land in the Council at the end of the period mentioned in paragraph 2 below.

Notices concerning general vesting declaration

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

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

Modifications with respect to certain tenancies

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

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

SCHEDULE 3

FORM FOR GIVING INFORMATION

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

To: The Borough Council of Pendle, Emma Barker, Legal Services Manager, Town Hall, Market Street, Nelson, BB9 7LG

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

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

   ……

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

   ……

3. Nature of interest (iii)

   ……

   Signed

   ……

   [on behalf of]

   ……

   Date

(i) In the case of a joint interest insert the names and addresses of all the informants.
(ii) The land should be described concisely.
(iii) If the interest is leasehold, the date of commencement and length of term should be given. If the land is subject to a mortgage or other incumbrance, details should be given, e.g. name of building society and roll number

Dated this 25th April 2025

Phillip Spur, Director of Place
Pendle Borough Council