

**FORM OF NOTICE OF CONFIRMATION BY AN ACQUIRING AUTHORITY OF A
COMPULSORY PURCHASE ORDER**

**THE LEICESTER CITY COUNCIL (BELGRAVE GATE AND MANSFIELD STREET
LINK ROAD AND IMPROVEMENT SCHEME, LEICESTER) COMPULSORY
PURCHASE ORDER 2018**

Sections 239,240 and 250 of the Highways Act 1980

Section 13 Local Government (Miscellaneous Provisions) Act 1976

and the Acquisition of Land Act 1981

1. NOTICE is hereby given that the Secretary of State for Transport, in exercise of his powers under the above Acts on 21st March 2019, confirmed with modifications The Leicester City Council (Belgrave Gate and Mansfield Street Link Road and Improvement Scheme, Leicester) Compulsory Purchase Order 2018 submitted by the Leicester City Council (“the Council”).
2. The order, as confirmed, provides for (1) The construction of new highway and the improvement of an existing highway situate at and known as Mansfield Street, Belgrave Gate and Sandacre Street Leicester (2)The acquisition of new rights by the acquiring authority in connection with the construction and improvement of highways proposed to be constructed or improved as mentioned in article 1(1) of the Order (3)The improvement or development of frontages to the new and existing highway or of the land adjoining or adjacent thereto.
3. A copy of the order as confirmed by the Secretary of State for Transport and of the map referred to therein have been deposited at the offices of the Council at the Customer Services Centre, Leicester City Council, 91 Granby Street Leicester LE1 6FB and may be seen at all reasonable hours, or online at <https://www.leicester.gov.uk/your-council/city-mayor-peter-soulsby/my-vision/connecting-leicester/belgrave-gate-and-mansfield-street-link-road/>
4. The order as confirmed becomes operative on the date on which this notice is first published. A person aggrieved by the order may, by application to the High Court within six weeks from that date, challenge its validity under section 23 of the Acquisition of Land Act 1981. The grounds for challenge can be that the authorisation granted by the order is not empowered to be granted or that there has been a failure to comply with any relevant statutory requirement relating to the order.
5. Once the order has become operative, the Council may acquire any of the land described in Schedule 1 below by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 (as amended). A statement to the effect of Parts 2 and 3 of that Act is set out in Schedule 2 below.

6. Every person who, if a general vesting declaration were executed under section 4 of that Act in respect of land comprised in the order (other than land in respect of which notice to treat has been given), would be entitled to claim compensation in respect of any such land, is invited to give information to the Council addressed to John McIvor, Legal Services, City Hall, 115 Charles Street, Leicester LE1 1FZ about the person's name, address and interest in land, using a prescribed form. The relevant prescribed form is set out in Schedule 3 below.

SCHEDULE 1

LAND AND THE NEW RIGHTS COMPRISED IN THE ORDER AS CONFIRMED

The land to be acquired

All interests (except those owned by the Acquiring Authority) in approximately:

1,290 square metres of land at 40 Belgrave Gate comprising part of a car park operating on site of former ABC cinema and part of access route into 36, 36a & 38 Belgrave Gate;

59 square metres of land comprising part of a car park operating on site of former property known as 50 Belgrave Gate;

23 square metres of land comprising access road to numbers 20-34 Belgrave Gate;

293 square metres of land comprising access road to numbers 14-18 Belgrave Gate and part of a car park;

26 square metres of land comprising access road serving 14 Belgrave Gate and properties on Church Gate

The rights to be acquired

The right of entry for the acquiring authority and any person authorised for the purposes of carrying out works connected to the construction of the development with or without vehicles and with such plant, machinery, equipment and materials as may be necessary for construction, including any accommodation works required over land comprising (all measurements are approximate):

257 square metres comprising part of car park operating on site of 40 Belgrave Gate (former ABC Cinema site) and part of access route into 36, 36a and 38 Belgrave Gate;

53 square metres of access road to numbers 20-34 Belgrave Gate;

236 square metres of land comprising access road to numbers 14-18 Belgrave Gate and car park;

152 square metres of land comprising access road serving 14 Belgrave Gate and properties on Church Gate.

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 Leicester City Council (Belgrave Gate and Mansfield Street Link Road and Improvement Scheme, Leicester) Compulsory Purchase Order 2018 has become operative, 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

To: Leicester City Council

[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: 17th April 2019

Signed

Kamal Adatia
City Barrister and Head of Standards
Leicester City Council