

## **APPENDIX 3 – RELEVANT LEGISLATION**

### **STOCKPORT EXCHANGE – IN PRINCIPLE USE OF COMPULSORY PURCHASE POWERS IN RESPECT OF 72/74 WELLINGTON ROAD SOUTH, STOCKPORT**

#### **1. RELEVANT LEGISLATION**

- 1.1 The Council is empowered under section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) (“TCPA”), to acquire any land in its area if it is satisfied that the proposed acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land. The Council may utilise its compulsory purchase powers under section 226 of the TCPA:
  - a) if it thinks that the acquisition will facilitate the carrying out of development, or redevelopment or improvement on, or in relation to the land; or
  - b) which is required for a purpose which is necessary to achieve in the interests of the proper planning of an area in which the land is situated.
- 1.2 In order to make an acquisition under section 226(1)(a) of the TCPA, the Council must also consider that development, redevelopment or improvement will contribute to the promotion or improvement of the economic social or environmental well-being of its area.
- 1.3 In this case, the proposal is to seek ‘in-principal’ approval to make a CPO for the purpose of facilitating the delivery of Phases 6 and 7 of the Scheme as referred to in this Report. The Scheme is considered to make a major positive contribution to the economic, social and environmental well-being of the Council's area.
- 1.4 Section 226(3) of the TCPA confirms that the Council's compulsory purchase powers extend to any adjoining land which is required for the purpose of executing works for facilitating the development or use of the primary land. This is relevant to any interests required to undertake the Scheme (such as crane over-sailing rights) which fall outside of the Hybrid Application boundary.
- 1.5 The Acquisition of Land Act 1981 governs the procedures which apply to compulsory acquisition. The Compulsory Purchase Act 1965 governs post-confirmation procedures and the Land Compensation Act 1961 governs the amount and assessment of compensation. The Local Government (Miscellaneous Provisions) Act 1976 governs the granting of new rights. Further implications relating to requirements of the Guidance on Compulsory Purchase Process and the Crichel Down Rules published by the Ministry of Housing Communities and Local Government (“CPO Guidance”) are set in further detail in this Report and would need to be considered by Cabinet in detail at the time of making a CPO.
- 1.6 The Council must also pay due regard to its public sector equality duty, as set out in section 149 of the Equalities Act 2010 (“Public Sector Equality Duty”). The Council will ensure that the potential impact of the Scheme and any necessary

mitigation strategy is considered to ensure that due regard has been taken of the Council's Public Sector Equality Duty as referred to in Appendix 3 of this Report.