

MAIDSTONE BOROUGH COUNCIL

THE HOUSING ACT 1985

AND

THE ACQUISITION OF LAND ACT 1981

**THE MAIDSTONE BOROUGH COUNCIL (12 ROCHESTER HOUSE,
MAIDSTONE) COMPULSORY PURCHASE ORDER 2025**

STATEMENT OF REASONS OF THE ACQUIRING AUTHORITY

1 INTRODUCTION

- 1.1 This is the Statement of Reasons of Maidstone Borough Council (“the **Council**”) for making the Maidstone Borough Council (12 Rochester House, Maidstone) Compulsory Purchase Order 2025 (“the **Order**”). This is a non-statutory statement provided in accordance with section 14 (Tier 2) of the guidance most recently issued by the Ministry of Housing, Communities and Local Government in October 2024 on the compulsory purchase process (“the **Guidance**”).
- 1.2 The Order is made pursuant to Section 17 of the Housing Act 1985 (“the **1985 Act**”) and the Acquisition of Land Act 1981 for the purposes of securing land necessary for the regeneration of the Shepway Estate by the demolition of existing residential properties at the end of their life span, and the delivery of up to 236 new affordable homes together with some commercial floorspace, and public realm and associated landscaping, play areas and amenity space (“the **Scheme**”). The Scheme is being taken forward by Golding Homes Limited (“**Golding Homes**”), a registered housing association which provides homes to more than 29,000 people across Kent. The land the subject of the Order is described in section 2 below but broadly speaking is a first floor flat known as 12 Rochester House, Maidstone which is located within the area of the Shepway Estate known as Cambridge Crescent (“the **Order Land**”).
- 1.3 On 23 July 2024 the Council’s Housing and Community Cohesion Policy Advisory Committee resolved to recommend to the Council’s Cabinet that the Council should utilise its powers of compulsory purchase to facilitate the Scheme. On 18 September 2024, the Council’s Cabinet resolved to utilise its powers of compulsory purchase in relation to outstanding interests in the Cambridge Crescent area of the estate to enable the Scheme to progress.
- 1.4 The Scheme benefits from a hybrid planning permission for the demolition of existing buildings, including 114 residential units, 15 retail units, 10 garages and former public WC, and redevelopment (100% affordable housing), for a mixed use development granted on 17 October 2022 under reference 22/500638/HYBRID (“the **Permission**”). The Permission has an outline part and a full part as follows:
 - 1.4.1 Outline planning permission (access and scale being sought) for demolition and redevelopment (phased) to provide buildings known as Blocks K, L, Houses M1 to 28 and N1 to 28 comprising 84 residential units; and
 - 1.4.2 Full planning permission for demolition and mixed-use redevelopment (phased) to provide buildings known as Blocks A, B, C, D, E, F, G, H, I & J comprising 152 residential units, 1400 sqm GIA of flexible commercial floorspace (Use Class E, inclusive of a, b, c), and including 200m² of class E(e) and 160m² of class E(g)(i), private and public car parking, servicing bays, public realm and associated landscaping, play and amenity space, plant and refuse areas and access arrangements.

- 1.5 The Order Land sits within that part of the Scheme the subject of the outline part of the Permission. Reserved matters approval for landscaping, layout and appearance was granted on 21 February 2024 under reference 23/505344/REM for the erection of two, three storey, apartment blocks (28 apartments) and twenty eight, two storey semi-detached houses (56 dwellings) comprising 84 dwellings in total, and parking (“the **RMA**”)
- 1.6 Further details of the Scheme and of the planning position are set out in sections 4 and 6 below.
- 1.7 The Order has been made and will be submitted to the Secretary of State for confirmation, as it is considered that there is a compelling case in the public interest which justifies interference with the existing private rights on the Order Land.

2 THE ORDER LAND

- 2.1 Details of the known interests to be acquired are listed in the schedule to the Order. The schedule has been prepared by the Council from information gathered through Land Registry documents, formal requests for information, and site inspections by Golding Homes. The Order Land has been carefully delineated to ensure that only what is required to facilitate the Scheme has been included.
- 2.2 The Order Land, which is located in the Cambridge Crescent area of the Shepway Estate and is within Phase 2 of the Scheme, comprises just the one property that Golding Homes has been unable to acquire to date by agreement. It is only this property which is not within the control of Golding Homes in relation to the Scheme.
- 2.3 It is for this dwelling (the freehold of which is owned by the Golding Homes) that the Order is sought, to ensure that the comprehensive redevelopment proposed by the Scheme can be successfully delivered. The compulsory acquisition of all interests in the Order Land, excluding Golding Homes own freehold interest, is therefore sought.

3 THE ENABLING POWERS AND THE COUNCIL’S PURPOSE IN ACQUIRING THE LAND

- 3.1 The Order is made by the Council under Section 17 of the 1985 Act (acquisition of land for housing purposes), which empowers the Council to compulsorily acquire land for the erection of houses, and to compulsorily acquire houses (or buildings which may be suitable as houses) together with any land occupied with the houses or buildings. The Guidance adds at section 6 of tier 2 that acquisition must achieve a quantitative or qualitative housing gain.
- 3.2 Section 17(4) of the 1985 Act provides that a housing authority may acquire land for the purposes described above even though it may not be immediately required for those purposes. However,

the Secretary of State will not authorise such acquisition unless the land is likely to be required within ten years from the date the relevant compulsory purchase order is confirmed.

- 3.3 The Council is using its powers of compulsory purchase contained in section 17 because it is satisfied that the acquisition of the Order Land will enable Golding Homes to continue and complete its redevelopment of the wider housing estate which will provide not only a clear quantitative gain in housing, but will also replace those homes (which are at the end of their life span) with new affordable homes built to modern standards.
- 3.4 The Guidance gives direction to acquiring authorities on the use of compulsory purchase powers. It provides that compulsory purchase orders should only be made where there is a compelling case in the public interest, and further that an acquiring authority must take reasonable steps to acquire all of the land and rights necessary by agreement. The Guidance further explains that whilst compulsory purchase is intended as a last resort, it may often be sensible given the amount of time it can take to complete the compulsory purchase process to initiate formal procedures so that the seriousness of the acquiring authority's intentions are clear from the outset. The Council has taken full account of the Guidance in making the Order and considers that the relevant tests are satisfied as explained below.

4 THE SCHEME

- 4.1 As touched on in the introduction above, the Scheme involves the comprehensive redevelopment of the Cambridge Crescent area of the Shepway Estate together with the provision of new commercial floorspace and various types of open space including landscaped areas, play areas and amenity space. The 114 existing homes will be demolished. In Phase 1, 40 homes have already been demolished. This will pave the way for the provision of 236 new affordable homes.
- 4.2 The Scheme will come forward in three phases via a phasing plan approved under condition 13 of the Permission. Broadly speaking:
- 4.2.1 Phase 1 comprises the centre of the redevelopment site, and the eastern third which includes Bristol House, Winchester House, Salisbury House, Exeter House, Truro House and Wells House. This phase will deliver 119 new homes; comprising of 91 one and two bedroom flats, 28 two and three bedroom houses and 4 commercial units.
- 4.2.2 Phase 2 comprises the western third of the site including the southern tip of Rochester House and the Order Land, Chichester House, Guildford House and Coventry House. This phase will deliver 57 homes; comprising of 29 one and two bedroom flats and 28 two and three bedroom houses.

4.2.3 Phase 3 comprises the existing commercial space (to be retained) and car park of Northumberland Court, bounded by St Martins Church to the east and the Beacon Church to the west.

4.2.4 The table below sets out the position as regards additional affordable homes to be provided.

		Phase 1	Phase 2	Phase 3	Total
1	Existing homes	40	40	34	114
2	Planning permission for new homes	119	57	60	236
3	Additional homes	79	17	26	122

4.3 Phase 1, benefitting from the detailed part of the Permission, has already commenced. The previous 6 blocks have been demolished and works have commenced to build the new 119 homes. Foundations have been poured and brickwork has commenced. It is due to be completed in March 2026.

4.4 Phase 2 is ready to commence pending acquisition (by agreement it is hoped, but under compulsory purchase if that cannot be achieved) of the Order Land. It is anticipating that moving out existing residents will be completed in Spring 2025 but for the Order Land. Shortly after that time, it is expected that works will start on site in earnest.

4.5 Phase 3 is scheduled to begin in Spring 2026, with conversations ongoing at the time of writing as regards the timing for decanting of the existing commercial occupiers.

4.6 Overall, the Scheme will provide a net increase of 122 new affordable homes. The Scheme will provide a number of benefits, including:

4.6.1 The meeting of local housing need in the district with 100% affordable housing provision on site.

4.6.2 Publicly accessible open space which will include high quality play areas and amenity space.

4.6.3 Enhanced pedestrian permeability through the site including landscape and safety enhancements.

4.6.4 All of the new homes are designed to meet Nationally Described Space Standards with a varied mix of tenures, sizes and property types which will assist with the futureproofing of the development.

4.6.5 An appropriate level of fully disabled adapted units will be provided.

- 4.6.6 Improved sustainability both in terms of building and design with enhanced biodiversity.
- 4.6.7 Replacement of existing residential and retail buildings in poor condition will also raise perceptions of the area.
- 4.7 The homes provided in the Scheme as a whole will be a significant improvement on the existing homes, and the design principles applied to the Scheme will enhance the quality of life for occupants now and in the future. Further, there will be an important quantitative gain in affordable homes.

5 THE JUSTIFICATION FOR THE USE OF COMPULSORY PURCHASE POWERS

- 5.1 The purpose of the Order is to facilitate the delivery of the Scheme, which will deliver both a quantitative and a qualitative housing gain. The Council has given careful consideration as to why it is necessary to acquire the Order Land. It is confident therefore that it is acquiring just what is needed for the Scheme to come forward.
- 5.2 Section 7 of Tier 2 of the Guidance sets out advice in relation to the use of the Section 17 power by local housing authorities. Paragraph 164 sets out information that the Secretary of State will expect to see in a statement of reasons. This information is set out immediately below:
- 5.2.1 In total there are an 72,149 domestic dwellings in the Council's administrative area which includes approximately 800 houses in multiple occupations.
- 5.2.2 There are an estimated 7,000 sub-standard dwellings in the Council's administrative area.
- 5.2.3 The population of the Council's administrative area is estimated by the ONS to be 184,187,000 (2023) and as at December 2024 there were 1,593 live applications on the Council's housing register.
- 5.2.4 The Council's housing stock was transferred to Golding Homes in February 2004 further to an agreement entered into between Golding Homes (in the guise of the Maidstone Housing Trust) and the Council. This followed consultation and a supportive ballot of residents.
- 5.2.5 One of the primary reasons for the stock transfer was the considerable investment required to improve the quality of the social housing homes held by the Council.
- 5.2.6 The completed transaction was a large scale voluntary transfer (LSVT); a term used to describe the transfer of the whole or a substantial part of a local housing authority's housing stock (500 or more tenanted and leasehold properties) to a usually new private registered provider of social housing (RP), who is registered and regulated by the Regulator of Social Housing (RSH).

- 5.2.7 The transfer could not go ahead unless a majority of secure and introductory tenants of the homes in question voted in favour in a ballot organised by the local authority and the consent of the Secretary of State.
- 5.2.8 Before giving that consent, the Secretary of State would have wished to be sure of the following when deciding whether to grant consent to the transfer:
- 5.2.8.1 that the proposal offered value for money;
 - 5.2.8.2 accorded with government policy;
 - 5.2.8.3 had the support of the tenants involved;
 - 5.2.8.4 provided them with the protection of a regulated landlord.
- 5.2.9 The transfer arrangement included a Nomination Rights Deed which allows the Council to nominate statutorily homeless persons and persons from council's statutory waiting list to vacancies occurring in Golding Homes' housing stock.
- 5.2.10 The properties were transferred subject to and with the benefit of various incumbrances (such as existing covenants which affected the legal title to the property), the tenancies (which included the transferring Council tenants and the former Council tenants occupying flats which they had bought under the Right to Buy) and the rights (which included rights of way and other matters which affected or benefited the legal title to the property).
- 5.2.11 The Scheme is not intended to meet special housing needs, but will provide affordable homes which Golding Homes will manage, as well as a number of homes that are disabled adapted.
- 5.2.12 The existing leasehold owner has not advanced any alternative proposals that would achieve the benefits to be derived from the proposed regeneration. The comprehensive redevelopment as permitted by the Permission is the most efficient way of achieving this while also providing for a quantitative gain. Only one property remains to be acquired. Without the Order, there can be no certainty or realistic prospect of the land required being completely assembled.

Housing need

The Council's Strategic Plan (March 2024)

- 5.3 The Council's Strategic Plan (2019-2045) sets out overarching goals for the future of the Council's area, including long term aspirations to benefit residents, businesses and partners. This repeats the Housing Strategy's "*ambition to deliver an additional 1,000 affordable homes for local people ensure availability of good quality housing that's sustainable in both financial and ecological terms*".
- 5.4 The Strategic Plan sets out a series of headings based on themes for desired outcomes:

- 5.4.1 Under the heading “Embracing growth and enabling infrastructure”, the Strategic Plan provides that among its desired outcomes by 2045 is that housing need is met including affordable housing, and that between 202 and 2028 it will proactively take a role in creating and investing in new places.
- 5.4.2 Under the heading “Homes and communities”, the Strategic Plan provides that between 2023 and 2028 the Council will focus on working on long term housing solutions, *“urgently identifying and delivering 1000 affordable homes to ensure availability of good quality housing that’s sustainable in both financial and ecological terms reduce health inequalities in the borough”* and on *“improving the quality of housing through the consistent use of our statutory powers to promote good health and wellbeing”*.
- 5.5 The Scheme will play an important role in delivery the affordable homes that the Strategic Plan says need to be delivered, and will provide good quality homes designed to modern standards. The Strategic Plan acknowledges that the Council should use its statutory powers to promote the objectives of the plan, which the Council is so doing by seeking a compulsory purchase order to ensure the delivery of the Scheme.

The Council's Housing Strategy

- 5.6 The Maidstone Borough Council Housing Strategy 2023 – 2028 (the **“Housing Strategy”**) sets out the Council’s vision to elevate Maidstone into *“a vibrant, prosperous, urban and rural community at the heart of Kent where everyone can realise their potential”*. The Scheme will help achieve the goals Council’s Housing Strategy in many ways including as follows:
- 5.6.1.1 Key Priority 1 – this priority sets out the need to deliver a mixture of housing types and tenures including 1000 new affordable homes to meet the needs of everyone in Maidstone. The Scheme is 100% affordable and so therefore directly contributes to the achievement of almost a quarter of the Council’s affordable housing target for the area. In addition, the Scheme includes a mixture of property types such as flats and houses of varying sizes to allow for a sustainable mix of dwellings as part of the development. In particular, the Housing Strategy identifies an increased need in the Borough for larger family homes with 3 or 4 beds and the Scheme includes forty 3 bedroom dwellings of varying sizes to directly address this need. Finally, the Scheme includes 14 dwellings adapted to meet disability requirements further providing for the different housing needs of the borough’s residents with housing that meets everyone’s needs.
- 5.6.1.2 Key Priority 2 – this priority sets out the need for existing homes to meet the decent homes standard, be energy efficient with compliance with fire safety standards to enable healthy independent living. The existing dwellings on the development site are in poor condition having

reached the end of their lifespan and are therefore unable to meet this priority. As a result, the Scheme would facilitate the replacement of these dwellings with modern sustainable dwellings capable of delivering a higher quality and standard of living with improved energy efficiency and a design focus aimed at improving the health and welfare of future residents. In addition, all dwellings forming part of the Scheme will match the Nationally Described Space Standards. The Housing Strategy reports that those living in Maidstone with a long-term health condition or disability is expected to rise by 39% by 2037 and so the Council have identified the need for 923 homes suitable for wheelchair users. Therefore, the provision of 14 disabled adapted dwellings as part of the Scheme will help meet the identified specific needs of these people in the community and contribute towards realisation of this need.

- 5.6.1.3 Key Priority 3 – the final priority in the Housing Strategy requires the best support and housing outcomes to be secured for Maidstone's most vulnerable groups. The provision of affordable homes through the Scheme will help combat issues arising from financial exclusion and therefore contribute to meeting this priority.

The National Planning Policy Framework (NPPF) (December 2024)

- 5.7 Chapter 11 of the NPPF (Making Effective Use of Land) explains that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and health living conditions (NPPF, paragraph 124).
- 5.8 Further, paragraph 126 of the NPPF states that authorities should take a “*proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites ...held in public ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.*”
- 5.9 The Scheme is an opportunity for the Council to facilitate development on land already owned for the most part by a housing association that is ready to construct and delivery affordable homes, by completing land assembly backed by compulsory purchase powers. The result will be both a quantitative and qualitative housing gain, the promotion of development on already developed land, and also improvements to the public realm and accessibility.

Local housing policies

- 5.10 The Council's main housing policies are set out in the Maidstone Borough Local Plan Review 2021-2038 adopted on 20 March 2024 (the “**Local Plan**”). It sets out a requirement under policy LPRSP10 (housing delivery) to deliver at least 19,669 new dwellings in the Local Plan period so that there is sufficient supply of housing to meet the needs of the borough. Policy LPRSP10(B)

(affordable housing) provides that 25% of that new housing should be affordable, albeit at the time of the grant of the Permission the requirement was 30% under what was policy SP20 of the Maidstone Borough Local Plan (2011-2031) (the “**Previous Local Plan**”). In any event, the Scheme will provide 100% of the dwellings as affordable homes.

5.11 There is substantial policy support for the Scheme and as set out above it benefits from both the RMA and Permission. As set out in the officer’s report for the application the Scheme “*would provide 100% affordable housing within a scheme that would improve the character and appearance of the local area and which accords with all relevant Development Plan policies and the NPPF*”. In considering the Scheme in the context of the Previous Local Plan the Planning Officer considered a number of policy areas relating to:

- 5.11.1 Density, Scale and Local Character
- 5.11.2 Layout, Design Quality, Appearance and Landscaping
- 5.11.3 Highways and Parking
- 5.11.4 Residential Amenity
- 5.11.5 Public Open Space
- 5.11.6 Impact on Local Retail Centre and Phasing
- 5.11.7 Housing Mix, Affordable Housing and Infrastructure

5.12 Of particular relevance in the present context are the following housing policies:

5.12.1 Policy SS1 of the Previous Local Plan relating to the Maidstone Spatial Strategy required 17,660 new dwellings to be provided in order to meet housing need. This policy now equates to policy LPRSS1 which requires delivery of a minimum of 19,669 new dwellings. This figure is also reflected in policy LPRSP10. The net increase in residential dwellings provided by the Scheme directly contributes to the targets set with these policies.

5.12.2 SP19 of the Previous Local Plan which now equates to policy LPRSP10(A) of the Local Plan relate to housing mix. Under the Previous Local Plan a sustainable range of house sizes, tenures and types are required and this is also reflected in the correlating policy in the Local Plan. As set out above, the Scheme will deliver a mix of affordable housing across the site, in varying sized dwellings so that this policy is met.

5.12.3 SP20 of the Previous Local Plan which now equates to policy LPRSP10(B) if the Local Plan relates affordable housing and as set out above at paragraph 5.7 is clearly demonstrated and exceeded through the provision of 100% affordable homes as part of the Scheme.

5.12.4 LPRSP2 of the Local Plan also identifies Shepway North and Shepway South as areas requiring regeneration further justifying the benefits brought about by the Scheme for improving the opportunities for future residents in the area.

- 5.12.5 DM10 of the Previous Local Plan now equates to policy LPRHOU3 of the Local Plan regarding residential premises above shops and businesses. The Scheme forms part of a Local Centre designated in the Previous Local Plan and therefore supports living over shops in accordance with the Scheme.
- 5.12.6 DM17 of the Previous Local Plan now equates to policy LPRCD1 of the Local Plan and is concerned with the protection of retail. This design replaces the existing 1200m2 of retail space with an increased 1400m2 of flexible commercial floorspace thereby preserving and increasing the local centre function of the previous development.

Local housing need (quantitative and qualitative)

- 5.13 As at the end of December 2024, there were 1,593 live applications on the Council’s Housing Register in need of affordable housing, because their current accommodation did not meet their needs. The need is as follows:

Beds	No. of applicants
1 bed	591
2 bed	359
3 bed	524
4 bed	102
5+ bed	17

- 5.14 A quantitative increase in affordable homes is clearly required.
- 5.15 In terms of qualitative gains, the existing homes on Cambridge Crescent are dated and in generally poor condition, and Golding Homes are dealing with an increasing amount of severe damp and mould related matters for homes on this site. The existing built environment is continuing to present challenges to operational colleagues of both ASB and fly-tipping issues, alongside a decaying physical environment which requires significant investment.
- 5.16 Paragraph 168 of the Guidance sets out the considerations governing when the acquisition of substandard properties can be justified under this power. These are addressed in turn below.

A clear housing gain will be obtained

- 5.17 The table in section 4 above shows the breakdown of the homes being provided across the phases, versus the existing provision in the estate. There is a clear and substantial housing gain as a result of the Scheme.

The owner of the property has failed to maintain it or bring it to an acceptable standard

- 5.18 As described above, it is the fabric of the homes that will be substantially improved, and the issue being addressed is not the standard in which they are kept.

Other statutory measures have not achieved the authority's objective of securing the provision of acceptable housing accommodation

- 5.19 Discussions have taken place with the affected owner, but despite the Council's best attempts to enter into negotiations no agreement has been reached to acquire the Order Land by agreement. To achieve the full benefits of the Scheme, a comprehensive approach is required. The piecemeal redevelopment of the area would not lead to the same quantitative housing gain, nor a well thought out 'site wide' strategy and design. Further, refurbishment only without replacement and the creation of space for new homes and the other elements of the Scheme such as the open space provision, would again not achieve a quantitative gain.
- 5.20 Absent powers to complete site assembly, and relying simply on acquisition by agreement, the timescale for achieving comprehensive redevelopment would be completely uncertain, delaying the benefits the Scheme will bring. Further, the comprehensive approach allows for the Council to carry out organised emptying of the site, and offer existing residents homes in the Scheme once completed.

6 THE JUSTIFICATION FOR COMPULSORY PURCHASE - HUMAN RIGHTS

- 6.1 The Human Rights Act 1998 incorporated into domestic law the European Convention of Human Rights ("the Convention"). The Convention includes in its articles provisions the aims of which are to protect the rights of the individual. As made clear in paragraph 2.21 of the Department for Exiting the European Union Paper 'Legislating for the United Kingdom's withdrawal from the European Union': "*The [Convention] is an instrument of the Council of Europe, not the EU. The UK's withdrawal from the EU will not change the UK's participation in the [Convention] and there are no plans to withdraw from the [Convention]*".
- 6.2 Section 6 of the Act prohibits public authorities from acting in a way which is incompatible with the Convention. Various rights may be engaged in the process of making and considering a compulsory purchase order.
- 6.3 Article 1 of the Convention protects the right of everyone to the peaceful enjoyment of possessions. It says that: "*Every natural or legal person is entitled to 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*".

- 6.4 The Council is conscious of the need to strike a balance between the rights of the individual and the interests of the public. The European Court of Human Rights has recognised that “*regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole.*” The Council recognises that powers of compulsory purchase must be exercised proportionately. Both public and private interests must be taken into account in the exercise of the Council’s powers and duties as a local authority.
- 6.5 The Order is being pursued in the public interest as required by Article 1 of the Convention and the public benefits that will be brought by the Scheme are explained in this statement. The Council’s view is that a fair balance will be struck between the public interest in the bringing forward of the Scheme, and the private rights to be affected by the use of compulsory purchase powers. The Council also believes that the Order is proportionate as without the Order, the development of the Order Land and the public benefits that the Scheme will bring cannot be achieved.
- 6.6 Article 8 (right to respect for private and family life and home) provides that: “(1) *Everyone has the right to respect for his private and family life, his home and his correspondence* (2) *There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest of...the economic well being of the country...*”.
- 6.7 Therefore, rights may be restricted if the infringement is legitimate, fair and proportionate in the public interest. Given the significant public benefits which would arise from the development of the Scheme, the Council considers that it is fully justified in making the Order. Residents whose properties are being replaced are being offered replacement homes and assistance with moving.
- 6.8 Accordingly, the Council considers that there is a compelling case in the public interest for the confirmation of the Order and that, if confirmed, the Order would strike an appropriate balance between public and private interests.
- 6.9 Article 6 of the Convention provides that: “*in determining 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.*”
- 6.10 Full consultation took place during the planning application process for the Scheme. As part of the planning process, interested parties have had an opportunity to make representations. Representations may be made in the context of any public inquiry the Secretary of State may decide to hold in connection with the Order. Those with interests in property affected by the Order will be entitled to statutory compensation. Further, affected parties also have the right to challenge the Order, should it be confirmed, by way of legal challenge to the High Court.

7 EQUALITY AND DIVERSITY

7.1 The Equality Act 2010 puts a duty on the Council to have regard to the advancement of equality, and this applies to the exercise of powers of compulsory purchase powers as it does to other powers of the Council. This is known as the Public Sector Equality Duty ('PSED'). The PSED is set out at section 149 of the Equality Act 2010.

7.2 The Guidance in section 6 of Tier One sets out the three matters that the PSED requires the authority to pay regard to:

"All public sector acquiring authorities are bound by the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010. Throughout the compulsory purchase process acquiring authorities must have due regard to the need to: (a) eliminate unlawful discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. In performing their public functions, acquiring authorities must have due regard to the need to meet these three aims of the Equality Act 2010.

... As part of the Public Sector Equality Duty, acquiring authorities must have due regard to the need to promote equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it".

7.3 It is noted that the new housing will offer a range of tenures and will be affordable to families of different sizes, older people and disabled people. Further:

7.3.1 the quality of the new homes will encourage better living environments for all;

7.3.2 those living in the homes will feel safe in the public realm thanks to the adoption of crime prevention measures;

7.3.3 the community space will be open to all helping to bring people together.

8 THE PLANNING POSITION

8.1 As described in the introduction to this statement, the Scheme benefits from the Permission which is part in outline and part in full, and the RMA over that part of the Scheme for which the Permission was granted in outline (in which the Order Land is located). The Permission was granted on 17 October 2022, and the RMA on 21 February 2024.

8.2 Broadly speaking, the detailed part of the Permission includes:

- 8.2.1 the central area of Phase 1 (i.e. excluding Block L and the arc of new homes on the south eastern side of the Scheme) being blocks E to J, and
- 8.2.2 Phase 3 which includes the commercial space of blocks A to D to the north of Cumberland Court.
- 8.3 The outline part of the Permission (which also benefits from the RMA) includes:
- 8.3.1 on the south western side of the Scheme Block K and the arc of new homes known as houses M1 to M28; and
- 8.3.2 on the south western side of the Scheme Block L and the arc of new homes known as houses N1 to N28.
- 8.4 Golding Homes is currently working through discharging conditions in relation to the Permission and the RMA, in particular regarding Phase 1 and that phase is currently under construction.
- 8.5 On 17 October 2022 Golding Homes entered into a unilateral undertaking under section 106 of the Town and Country Planning Act 1990, which was varied by a Deed of Variation dated 6 November 2024 ('the **S106 Undertaking**'). The S106 Undertaking secures a policy compliance level of the homes at affordable housing by requiring not less than 30% of the homes are affordable housing. However, Golding Homes will in fact be providing all of the homes in the Scheme as affordable housing. The deed of variation of 6 November 2024 amended the tenure of the affordable homes to provide a split of 70% affordable rented and/or social rented homes, and 30% shared ownership.
- 8.6 The S106 Undertaking also secures a travel plan monitoring fee, the submission for approval of a long term maintenance and management plan for all public spaces and play areas, and the submission for approval of a landscape and ecological management plan.
- 8.7 CIL liability has been calculated by the Council for the scheme. Golding Homes have applied and successfully received Social Housing Relief (granted in full on 17 April 2024).

9 COMPENSATION ISSUES AND STATEMENT AS TO THE EXTENT OF THE SCHEME TO BE DISREGARDED FOR THE PURPOSES OF ASSESSING COMPENSATION

- 9.1 The extent of the Scheme that is to be disregarded for the purposes of assessing compensation in the 'no-scheme world' as referred to in section 6A-6E of the Land Compensation Act 1961 is the delivery of the Scheme as defined in this Statement, for which the Order is being promoted.

9.2 The Council and Golding Homes will continue to endeavour to discuss the acquisition of private interests so that it can purchase such interests by agreement rather than compulsorily.

10 DELIVERY AND FUNDING

10.1 Paragraph 14 of the Guidance addresses the resource implications of the proposed scheme and requires the Council to set out both the sources and the timing of funding for the Scheme.

10.2 Golding Homes will be delivering the Scheme, with the Council's support through the use of its compulsory purchase powers. The Scheme is important to the Council in terms of the delivery not just of housing, but of affordable housing.

10.3 As one of the largest housing associations in the Southeast, Golding Homes deliver high-quality affordable homes to meet local housing need and invest in their communities. Golding Homes has a development pipeline of approximately 150 new homes per year. It is financially strong with a G1 V2 rating from its regulator and it has access to funds to deliver its development pipeline through its funding partners including Homes England, and several major retail banks.

10.4 Golding Homes are progressing with the delivery of Phase 1 of the Shepway regeneration project (119 new homes) and have secured funding through Homes England to guarantee its successful delivery. Other recently large schemes that Golding Homes have delivered include 155 new homes in Paddock Wood and 59 homes in Allington. In addition, it has recently entered into contract on new schemes with developers including Croudace, Bellway and Esquire, to deliver a future pipeline of affordable new homes.

10.5 The Scheme, which has already started, will be mainly financed by Golding Homes from its own finances and loan facilities. Golding Homes have already invested in bringing the Scheme forward from early consultations through to securing the necessary planning permission. Works have started on site already and a programme of moving the existing/previous occupiers out of their homes or their commercial premises is well underway.

10.6 Funding will also come from Homes England grant funding. These funding sources will allow Golding Homes to acquire the Order Land, for which it has estimates in place as to what compensation may be payable. The budget for carrying out the Scheme is reviewed and update accordingly, for example when contracts are entered into for construction works.

10.7 Golding Homes is also underwriting the Council's costs of using its powers of compulsory purchase to secure the Order Land as the last remaining piece of land required for the Scheme.

10.8 Once constructed and occupied, Golding Homes will be in receipt of rental incomes from the Scheme – both from the commercial units and from the homes delivered as rental products. That will be rental income that is assumed on a 50 year period. For shared ownership housing,

staircasing is assumed to take place after 25 years and rents and equity payments will be received accordingly.

- 10.9 The Council is satisfied that the Order Land will be needed well within the 10 year period set out in section 17(4) of the 1985 Act, as outlined in section 4 above. As referred to in the paragraphs above, works have already started on the Scheme, and most residents have been moved off site to allow for the demolition of homes in the first phases to be progressed.

11 SPECIAL CONSIDERATIONS

- 11.1 There are no ancient monuments within the Order Land. The Order Land is not within a conservation area.

- 11.2 The Order Land does not include any consecrated land.

- 11.3 The Order Land does not include any special category land.

12 OBSTACLES, PRIOR CONSENTS AND RELATED APPLICATIONS AND/OR ORDERS

- 12.1 Paragraph 15 of the Guidance asks whether there are any other impediments to the Scheme progressing. A key impediment, the need for planning permission, has been overcome by the grant of the Permission and the RMA. A start has already been made on site for the Scheme.

- 12.2 As would be expected with a scheme of this size, changes to the public highway will be needed. Any such works will be dealt with through agreements under sections 38 and 278 of the Highways Act 1980 as is the usual practice for developments. Agreements with further statutory undertakers may be required as well, in particular agreements for the adoption of sewers under section 104 of the Water Industry Act 1991, again as part of the usual progression of a development and the Council is not aware of any reason why these will not be entered into.

- 12.3 The Scheme required two passing places to be created on Cambridge Crescent. The Stopping Up of Highways (South East) (No 3) Order 2024 authorised this stopping up under section 247 of the Town and Country Planning Act 1990, and it came into effect on 1 February 2024.

13 ANTICIPATED IMPACTS ON AFFECTED OWNERS AND OCCUPIERS

- 13.1 The only landowner or occupier that will be materially impacted by the Council's exercise of its compulsory purchase powers will be the current tenant, who will have to vacate the flat. However, the Council are in negotiations with that person with a view to reaching agreement for them to move premises, with appropriate compensation being paid.

13.2 Golding Homes offer an extensive compensation and assistance package to affected leaseholders to try to mitigate the impacts of moving, which includes:

13.2.1 Surveyor fees for a replacement property.

13.2.2 Removal costs, including packing materials.

13.2.3 Solicitor fees for a replacement property.

13.2.4 Stamp duty for a replacement property up to a total property value of £300,000.

13.2.5 Disconnection and reconnection of services such as gas, electricity, and telephone.

13.2.6 Postal redirection (3-6 months).

13.2.7 Support in finding suitable replacement accommodation: Golding Homes offers assistance to leaseholders by researching the open market and engaging with local agents. Previously, Golding Homes have offered a shared equity option on properties within our portfolio.

14 CONSULTATION

14.1 The Scheme has been the subject of extensive consultation through the planning process. That started in May 2021 at which time a consultation pack was prepared and issued which provided information on the proposals for the Scheme and included a survey. These packs were hand delivered to Cambridge Crescent residents and shop owners. The packs were supported by resources made available online too, to collect feed back.

14.2 At the same time (12 May 2021), the Shepway Hub Office was opened giving Golding Homes an on site presence and drop in centre, where one to one appointments were available.

14.3 That period of consultation ended on 9 June 2021, with the results of the surveys being communicated via a dedicated Regeneration newsletter, Golding Homes' website and via social media.

14.4 That early consultation stage then fed into the planning application that was made for the Scheme, with consultation being undertaken by the planning authority in the usual way as part of the process of considering the application. The formal planning application consultation ran from October 2021 to June 2022.

14.5 Since 2021, Golding Homes has regularly met with the local Shepway Community at 6-monthly information evenings held at the local church. Golding Homes also operates from the Shepway

Hub twice a week allowing customers to attend and ask an questions they have about the development. They have engaged in consultation over the design of green spaces within the development with their contractor and residents of Shepway. A quarterly newsletter is published and posted online which updates individuals about the progress of the developments, the next steps and any important information. This newsletter is also emailed direct to members of the public who have signed up to the mailing list.

15 THE VIEWS OF GOVERNMENT DEPARTMENTS

15.1 No Government Departments have expressed any views about the proposed development.

16 ATTEMPTS TO ACQUIRE BY AGREEMENT

16.1 Whilst offers have been made, and agreement reached in almost all cases across the Scheme, it has not been possible to reach agreement in this instance, leaving the Order Land to be acquired. The Council and Golding Homes will continue to attempt to acquire interests by private treaty. However, as things stand it is not considered certain they will secure the interests it needs within a reasonable time. The exercise of the Council's powers of compulsory purchase will enable the Scheme to take place sooner and with more certainty than would otherwise be the case.

17 RELATED APPLICATIONS AND/OR ORDERS

17.1 There are no related orders, applications or appeals which require a co-ordinated decision by the Secretary of State.

18 THE ORDER, ORDER MAP AND STATEMENT OF REASONS

18.1 A copy of the Order, Order Map and Statement of Reasons can be inspected during normal office hours at the Council's offices: Maidstone House, King St, Maidstone ME15 6JQ subject to prior arrangement with Katie Exon (katie.exon@maidstone.gov.uk, 01622 602120). The documents can be also inspected using the following webpage: <https://maidstone.gov.uk/golding-homes-cpo>.

19 CONTACTS FOR FURTHER INFORMATION

19.1 Information about the Scheme as it progresses is available at this weblink: <https://www.goldinghomes.org.uk/regenerating-shepway>.

19.2 Owners and tenants of properties affected by the Order who require Information about the process can contact Katie Exon of the Council (katie.exon@maidstone.gov.uk, 01622 602120), and Golding Homes at shepwayregen@goldinghomes.org.uk , tel: 01622 212790.

20 CONCLUSION

20.1 The Council supports the Scheme and wishes for it to be brought forward in accordance with its adopted planning policies, the Permission and the RMA.

20.2 For the reasons set out in this Statement, the Council considers the Order to be within the necessary statutory powers and that a compelling case exists in the public interest which justifies the making and confirming of the Order.

21 SUPPORTING DOCUMENTS

21.1 The following documents will be available for inspection at the Council's offices, and where available online links have been provided below. In addition the Council will make the Order documents available on the Scheme website at <https://maidstone.gov.uk/golding-homes-cpo>.

MBC1	The Order, the Schedule and the Order Map.
MBC2	Report to Cabinet for the Council's Cabinet meeting of 18 September 2024 (item 22). (Public Pack)Agenda Document for Cabinet, 18/09/2024 18:30
MBC3	Decision of the Council's Cabinet meeting of concerning the use of compulsory purchase powers to deliver the Scheme. Minutes Template
MBC4	Planning officer's delegated report regarding planning application 22/500638/HYBRID for the Scheme. https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R6ZTEOTYHYX00
MBC5	Planning permission reference 22/500638/HYBRID for the Scheme dated 17 October 2022. 22_500638_HYBRID-Granted Permitted-5712326.pdf
MBC6	Selected approved plans and application documents in relation to planning permission reference 22/500638/HYBRID for the Scheme. Planning application documents available from the planning portal: 22/500638/HYBRID planning portal
MBC7	Planning officer's delegated report regarding reserved matters application 23/505344/REM for the Scheme.

	https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S4J7Y7TYGPZ00
MBC8	Reserved matters approval reference 23/505344/REM for the Scheme dated 21 February 2024. https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S4J7Y7TYGPZ00
MBC9	Selected approved plans and application documents in relation to reserved matters approval 23/505344/REM for the Scheme. Planning application documents available from the planning portal: 23/505344/REM planning portal
MBC10	National Planning Policy Framework (2024) https://www.gov.uk/government/publications/national-planning-policy-framework--2
MBC11	The Council's Strategic Plan (2019-2045) Maidstone Borough Council Strategic Plan 2019-2024
MBC12	The Maidstone Borough Council Housing Strategy 2023 – 2028 your-councillors
MBC13	Maidstone Borough Council Local Plan Review 2021 – 2038 (March 2024) (extracts in hard copy) Local Plan Review 2021-38 [Adopted 20 March 2024].pdf - Google Drive

21.2 If a public inquiry into the confirmation of the Order is called, the Council may refer to or include in evidence further documents and will seek to notify the inquiry and any remaining objectors of any such documents as soon as possible in advance of the commencement of any inquiry.