

Major Casework
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30th November 2023

[Via email]

Dear Leanne,

Appeal Ref. APP/D2320/W/22/3295556

We write further to the email received on 17th November 2023 referring to the PCU's letter of 15th November 2023, requesting that all appeal parties advise if they have any comments to make on the following two matters identified by the PCU insofar as they may relate to any material change in circumstances, fact or policy for the appeal.

1. The 2022 Prison Population Projections were published on 23 February 2023 Prison population projections: 2022 to 2027 - GOV.UK (www.gov.uk); and
2. On 15 November 2023, a decision by the Secretary of State for Levelling Up, Housing & Communities was issued in respect of the application by the Ministry of Justice for a Category B prison at land adjacent to HMP Gartree, Welland Avenue, Gartree, Market Harborough, Leicestershire LE16 7RP, appeal reference APP/F2415/W/22/3300227. The decision is available at Planning applications: called-in decisions and recovered appeals - GOV.UK (www.gov.uk).

On 23 February 2023 the Ministry of Justice (MoJ) published the Prison Population Projections 2022 to 2027, England and Wales. The projections have been published annually since 2008 and are released with National Statistics status meaning they meet the highest standards of trustworthiness, quality, and public value. The projections are the single most reliable source of data on the projected future prison capacity.

The sustained increase in the prison population of over 5,000 in the last year¹, the current pressure on the system and the projected population increases into the future (the publication notes the population is projected to increase steadily to reach 94,400 prisoners by March 2025 and between 93,100 and 106,300 by March 2027, due to increases in the number of police officers and the number of prosecutions) continues to support the urgent need for this prison, consistent with the evidence provided at the inquiry in July 2022. It is not considered that this publication represents a material change for the appeal and does not warrant a re-examination of the need evidence.

The allowed appeal ref. APP/F2415/W/22/3300227 ('the Gartree decision') is naturally welcomed by the Appellant insofar as it grants outline consent for the development of a much-needed Category B Training prison. As was set out in the Appellant's need evidence in 2022, this appeal scheme and the prisons

¹ 25 Nov 2022: total prison population 82,839 / 24 Nov 2023: total prison population: 87,930

proposed adjacent to HMP Gartree and HMP Grendon Springhill, are all required to address the overall significant need case, with this appeal seeking to address the significant unmet need for Category C Resettlement places in the North West. Ensuring there is capacity in or close to prisoners' home region is vital and improves their chance of successfully integrating with their communities and not reoffending when released. The Gartree decision does not reduce the need for the new prison adjacent to HMP Garth and HMP Wymott due to these differing categorisation demands, nor is it considered that it would reduce the weight afforded to the need for the development by the SoS in his January 2023 'minded to allow' decision.

When comparing the Gartree decision and the January 2023 'minded to allow' decision for this appeal, it is notable that the SoS has been consistent in his approach to similar matters, applying the same weight to issues such as need (significant); the economic benefits from the operation and construction of the new prison (significant); and the social qualitative benefits brought about through a modern prison (significant).

Whilst the Gartree decision is clearly a relevant matter for this appeal, due to the SoS' consistency in decision making, the Appellant does not consider that the Gartree decision warrants the production of any new evidence that needs to be examined at the reopened inquiry in 2024.

Yours sincerely



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