

Date: 1 March 2024
Our Ref: 21/01028/OUTMAJ
Please ask for: Mr Iain Crossland

Civic Offices
Union Street
Chorley
PR7 1AL

Leanne Palmer
The Planning Inspectorate
3rd floor
Temple Quay House
2 The Square
Bristol, BS1 6PN

Appeal by Ministry of Justice

Dear Madam,

Appeal: Relating to the application to Chorley Borough Council for Hybrid planning application seeking: Outline planning permission (with all matters reserved except for means of access, parking and landscaping) for a new prison (up to 74,531.71 sqm GEA) (Class C2A) within a secure perimeter fence following demolition of existing buildings and structures and together with associated engineering works; Outline planning permission for a replacement boiler house (with all matters reserved except for access); and Full planning permission for a replacement bowling green and club house (Class F2(c))

Location: Land adjacent to HMP Garth and HMP Wymott, Leyland

Reference: APP/D2320/W/22/3295556

The Council has been made aware of correspondence from UWAG concerning the alternative scheme set out in the Appellant's addendum evidence, first received by the other parties on 26 February 2024 ('the alternative scheme').

UWAG's correspondence requests that the Inspector refuses to allow the alternative scheme or alternatively adjourn the Inquiry to the reserve week (namely the 10am on 23 April 2024).

In brief – and to avoid repetition – the Council agrees with the points set out in the letter for the same reasoning.

The alternative scheme is a significant alteration both from the originally submitted application and the 'updated' position presented by the Appellant on 6 April 2023 after they were given the unprecedented opportunity to submit further evidence by the Secretary of State. It would appear that the Appellant has used the postponement of the Inquiry to fundamentally alter their case (for a second time) in relation to highway issues.

Such an approach falls foul of the Procedural Guide on Planning Appeals and the legal principles set out in **R (Holborn Studios Ltd) v L.B. Hackney & Anor** [2020] EWHC 1509 (Admin). It would cause significant procedural unfairness.

Given the Appellant continues to rely on the April 2023 scheme with the 'alternative scheme' presented as an optional alternative, it is unclear why the alternative scheme is required or what prejudice would be caused to the Appellant if they were limited to the scheme originally



promoted by them in line with the original directions for the re-opened inquiry from the Secretary of State.

If the alternative scheme is to be considered, then the Council would need sufficient time to address it with our own expert evidence. The failure to give any prior indication to the parties of this fundamental change has placed the Council in significant difficulties with responding to the matter substantively by the 'rebuttal' deadline of 11 March 2024.

This prejudice could be mitigated – although not entirely resolved – by the adjournment of the Inquiry to the reserve week commencing on 23 April 2024. But such an alternative should not detract from the primary submissions of the Council that the scheme should not be allowed.

The Council echo UWAG's request for the Inspector's urgent confirmation as to the way forward given the ramifications if the original Inquiry opening date is maintained.

Yours sincerely,

A handwritten signature in black ink that reads "Adele Hayes". The signature is written in a cursive style with a large, looping initial 'A' and a long, sweeping underline.

Adele Hayes
Chief Planning Officer
Chorley Council