

# HMP Garth Wymott 2

## Statement of Common Ground

Mace (On behalf of the Ministry of Justice)

June 2023

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

Between Ulnes Walton Action Group, and the Ministry of Justice

# Notice

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## Document history

Document title: Statement of Common Ground

Document reference: 3.0

Revision	Purpose description	Originated	Checked	Reviewed	Authorised	Date
1.0	Draft SoCG	EH	TR	SY	SY	12/05/23
2.0	Updated Following UWAG Feedback	TR	TR	SY	SY	12/06/23
3.0	Final SoCG	TR	TR	SY	SY	15/06/23

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# 1. Introduction

## 1.1. Background

1.1.1. This Statement of Common Ground (SoCG) comprises the agreed matters between the Ministry of Justice (“the Appellant”) and the Ulnes Walton Action Group (“UWAG”), as a Rule 6 Party. It has been prepared and submitted in relation to the appeal brought forward by the Ministry of Justice (APP/D2320/W/22/3295556) for the following development:

*“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)) on land adjacent to HMP Garth and HMP Wymott, Leyland”*

1.1.2. This SoCG relates to an appeal against the decision of the Council’s Planning Committee to refuse planning permission at their meeting on 21 December 2021, contrary to their officer’s recommendation. The decision notice was issued on 22 December 2021.

1.1.3. The application was refused for the following reasons:

- i. The proposed development would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development on that part of the site that is previously developed and would encroach onto open countryside and is inappropriate development in the Green Belt. Substantial weight attaches to the harm to the Green Belt by reason of inappropriateness and further harm arising here by reason of the impact of the proposed development on the openness of the Green Belt and encroachment. The benefits associated with the proposed development would not clearly outweigh the resulting harm and, therefore, do not constitute, individually or cumulatively, very special circumstances required if inappropriate development is to be approved in the Green Belt in accordance with paragraph 148 of the National Planning Policy Framework.
- ii. The proposed development would have an unacceptable impact on highway safety by virtue of the increased traffic movements and inadequate highway infrastructure, contrary to paragraph 109 of the National Planning Policy Framework and policy BNE1 of the Chorley Local Plan 2012 - 2026.
- iii. The potential noise nuisance and disturbance associated with the vehicular traffic movements that would be generated throughout the use of the development would result in a harmful impact on the amenity of residents in the locality contrary to policy BNE1 of the Chorley Local Plan 2012 - 2026.

1.1.4. Following the appeal against the decision, a public inquiry was held in July 2022.

1.1.5. The Inspector’s Report (IR) to the Secretary of State (SoS), dated 20 October 2022, recommended that the appeal be dismissed.

1.1.6. Following consideration of the IR, a ‘minded to grant’ decision was made by Lee Rowley MP, the Parliamentary Under Secretary of State for Local Government and Building Safety, on behalf of the SoS. The decision was set out in a letter dated 19 January 2023. At Paragraph 4 of the letter, the SoS decided to give the Appellant and other parties the opportunity to provide further evidence on highways issues.

1.1.7. The following table provides a summary of the additional highways evidence which has been submitted since the publication of the SoS letter.

**Table 1-1 - Additional Highways Evidence Submitted (Since 19 January 2023)**

Document	Originator	On Behalf Of	Core Document Ref
Additional Highways Evidence, March 2023	Atkins	Ministry of Justice	M3
Technical Note: Review of Atkins Additional Evidence on behalf of Chorley Council, March 2023	WSP	Chorley Council	N2
230302 R6 PoE Highway Safety (10)	Emma Curtis	UWAG	O2
Letter dated 17 March 2023 providing initial observations	Atkins	Ministry of Justice	M4

1.1.8. Following submission of the additional highways evidence, it was confirmed that the Inquiry would be reopened on 19 September 2023.

1.1.9. This SoCG sets out the matters agreed, and the matters in issue between the Appellant and UWAG. A separate SoCG has been produced for matters between the Appellant and Chorley Council as the areas of agreement differ.

1.1.10. Please note, Core Document C7 is a signed SoCG between the Ministry of Justice and the Council. Core Documents C8 is a signed SoCG between the Ministry of Justice and UWAG. These documents were submitted as part of the Hybrid Planning Application and outline the matters agreed at the time of the public inquiry held in July 2022.

## 2. Matters Agreed

### 2.1. Study Area

- 2.1.1. It is agreed that the scope of the Inquiry (to be reopened on 19 September 2023) will be limited to the study area adopted in the original Transport Assessment and the proposed construction routes.

### 2.2. Traffic Surveys and Committed Development

- 2.2.1. The traffic surveys undertaken by the Appellant in March 2021 were validated against pre-COVID survey data provided by the Lancashire County Council (LCC), the Local Highway Authority (LHA). Section 7.2.1 within the Transport Assessment (TA) (Core Document A35) outlines the approach undertaken.
- 2.2.2. IR Paragraph 13.18 states that “It is common ground between the Appellant and [Chorley Borough] Council that the approach to the traffic surveys is appropriate and has been validated by the LHA. It provides a suitable baseline, and the TA takes into account committed development.”

### 2.3. Trip Generation

- 2.3.1. Section 5.2.1 in the TA (Core Document A35) provided trip generation forecasts for the proposed development during the operational phase.
- 2.3.2. The Appellant and UWAG agree that the prison would generate around 1,330 trips per day from staff and visitors. This excludes ancillary traffic, such as deliveries and contractors, which could take place at any time of the day.

### 2.4. Link Capacity

- 2.4.1. Highway link capacity was assessed in the following documents:
- i. Transport Rebuttal by Mr Steve Yeates (Core Document E12); and
  - ii. Atkins Note on Congestion Reference Flow (Core Document K14).
- 2.4.2. IR Paragraph 13.21 concluded that “the appellant has demonstrated that Moss Lane and Ulmes Walton Lane would not exceed their link flow capacity in terms of the projected number of vehicles per hour in the AM and PM peak”
- 2.4.3. It is agreed that the link capacity on Ulmes Walton Lane and Moss Lane would not be exceeded during the operational phase.

### 2.5. Junction Capacity and Operation

- 2.5.1. It is agreed that the following junctions within the Study Area require assessment:
- i. Site Access/Moss Lane;
  - ii. Moss Lane/Ulmes Walton Lane;
  - iii. Ulmes Walton Lane/B5248 Dunkirk Lane; and
  - iv. Ulmes Walton Lane/A581 junction.

2.5.2. It is agreed that the following junctions will operate safely and suitably once the proposed development is operational:

- i. Site Access/Moss Lane; and
- ii. Ulnes Walton Lane/B5248 Dunkirk Lane.

## 2.6. Footway between Ulnes Walton Lane and Moss Lane

2.6.1. Within the decision letter the SoS agrees with the Inspector, who concludes that without a new footway (between Ulnes Walton Lane and Moss Lane) people would continue to walk in the road or along the verge to access the northbound bus stop. According to the Inspector, this would result in an increased risk of vehicle and pedestrian conflict.

2.6.2. It is agreed that a 2m wide footway along Ulnes Walton Lane and the southern section of Moss Lane, providing a pedestrian route between the site and the bus stop on the western side of Ulnes Walton Lane north of the Moss Lane junction, is required for highway safety reasons (see Section 3.4 and Appendix G within Core Document M3).

## 2.7. Development Access

2.7.1. It is agreed that the formation of a temporary construction access to the public highway along Moss Lane and its subsequent alteration to a permanent access would not give rise to any highways concerns. It is agreed that the formation of the temporary construction access and the subsequent alteration to a permanent access would be undertaken through a s278 agreement with the associated costs borne by the Appellant.

## 2.8. Consultation with Lancashire County Council

2.8.1. It is agreed that LCC as the Local Highway Authority, have been consulted throughout the application process, and offered no objection to the Hybrid Planning Application.

2.8.2. Furthermore, following the submission of the additional highways evidence (see Table 1-1), LCC continues to have no objection to the proposed development.

## 3. Matters in Issue

### 3.1. Traffic Surveys and Committed Development

- 3.1.1. There remains disagreement on whether the 2019 traffic surveys form a robust basis for the assessment of the proposals or that the committed development has been properly accounted for.
- 3.1.2. The Appellant does not agree that this issue should be within the scope of the re-opened inquiry.

### 3.2. Trip Generation

- 3.2.1. There remains disagreement about whether ancillary traffic, such as deliveries and contractors has been properly accounted for in the assessments.
- 3.2.2. The Appellant does not agree that this issue should be within the scope of the re-opened inquiry.

### 3.3. Road Safety

- 3.3.1. There remains disagreement about whether the previous assessment of road safety provides a robust and up-to-date basis for assessing the proposed development.
- 3.3.2. The Appellant does not agree that this issue should be within the scope of the re-opened inquiry.

### 3.4. Impact on Vulnerable Road Users

- 3.4.1. There remains disagreement on whether the proposed development will have an unacceptable adverse highway safety impact on vulnerable highway users.
- 3.4.2. The Appellant does not agree that this issue should be within the scope of the re-opened inquiry.

### 3.5. Ulnes Walton Lane Carriageway Markings and Traffic Calming

- 3.5.1. Within the decision letter, the Inspector notes that the Appellant has made reference to reviewing/amending the existing carriageway markings at the Moss Lane/Ulnes Walton Lane junction, and additional measures are proposed. However, the specific details were not included on Drawing GARTH-ATK-HGN-ULNES-DR-D-001-P1 (Appendix B in Core Document A37).
- 3.5.2. There remains disagreement regarding the extent and design of the additional measures.

### 3.6. Moss Lane Traffic Calming

- 3.6.1. A traffic calming scheme along Moss Lane was proposed as part of the Hybrid Planning Application (see Core Document A37). However, within the decision letter, the SoS agrees with the Inspector who notes that vehicles would still be tempted to speed along the southern section of Moss Lane despite the traffic calming measures proposed.
- 3.6.2. In response to this, the Appellant has proposed new measures along Moss Lane (see Appendix G within Core Document M3) which include:
- 'Dragons Teeth' markings to indicate vehicles are entering a traffic calmed area;
  - A raised table at the existing access to HMP Garth and HMP Wymott; and
  - Traffic calming features with hatching to narrow carriageway (four in total).

3.6.3. The Appellant considers that these proposals would be sufficient to reduce traffic speeds along Moss Lane and address the concerns raised by the SoS and the Inspector. LCC, as the LHA has reviewed the revised proposals and confirmed that they are acceptable to LCC.

3.6.4. There remains disagreement on the design of the traffic calming scheme.

## 3.7. Footway between Ulnes Walton Lane and Moss Lane

3.7.1. There is disagreement regarding the mitigation for pedestrian movements in the vicinity of the Ulnes Walton Lane/Moss Lane junction.

3.7.2. The disagreement is concerned with the impact of the development for other local users, specifically, pedestrians walking in the road when travelling to the bus stop to the south of the Moss Lane junction.

## 3.8. A581/Ulnes Walton Lane Mitigation

3.8.1. IR Paragraph 13.31 concluded that “it has not been demonstrated that the (proposed mini roundabout) would resolve capacity issues or that the financial contribution would be sufficient. The inability to satisfactorily mitigate the effects on this junction means that the proposal would have an unacceptable impact on highway safety.”

3.8.2. In response to this, the Appellant has produced a preliminary highways design for the A581/Ulnes Walton Lane junction (see Appendix J in Core Document M3) which includes:

- The provision of a raised table;
- The provision of speed cushions along the A581;
- Three new lighting columns on the Ulnes Walton Lane approach;
- Relocated speed limit signs along Ulnes Walton Lane to extend the existing 30mph zone;
- A reduced Inscribed Central Diameter (ICD); and
- Dragons Teeth on all approach arms.

3.8.3. There remains disagreement whether the submitted scheme will provide safe and suitable mitigation at this location.

## 3.9. Construction Phase Assessment

3.9.1. IR Paragraph 13.33 states that the “Appellant has not modelled or assessed the forecast construction traffic, neither have they demonstrated that the highway effects of the construction phase can be adequately mitigated.”

3.9.2. In response, the Appellant has provided a summary of the construction routing assessment undertaken, the updated construction forecasts, standalone junction capacity modelling, and a summary of the measures contained within the Working Draft CTMP (Core Document K11). This additional information is provided in Section 6 of Atkins Highways Evidence.

3.9.3. There remains disagreement whether the construction traffic can be adequately mitigated.

## 4. Declaration

- 4.1.1. This is an agreed Statement of Common Ground between the Ministry of Justice and Ulnes Walton Action Group.

Signed by:

*H Thornton*

On behalf of the Ministry of Justice

And:

*Paul Parker*

On behalf of Ulnes Walton Action Group

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