

Ministry of Justice - Land adjacent to HMP Wymott and HMP Garth (21/01028/OUTMAJ)

Response to Representations

December 2021

This note seeks to respond to comments submitted in response to application ref. 21/01028/OUTMAJ.

The table below provides a summary to key themes of objections received during the determination period for the application and a response from the project team.

Comment Summary	Response
<p>Green Belt – The proposal does not comply with national or local Green Belt policies. Very special circumstances have not been demonstrated.</p>	<p>Please refer to sections 7, 8 and paragraphs 9.2-9.32 of the submitted Planning Statement which assess the impact to the Green Belt, the benefits of the proposal and in weighing these up, conclude that Very Special Circumstances are considered to exist.</p> <p>On this basis, the development is considered to comply with paragraph 148 of the NPPF, Policy 1 of the Central Lancashire Core Strategy and Policy BNE5 of the Chorley Local Plan.</p>
<p>Alternative sites –</p> <p>a. Alternative sites / solutions are available within the NW region which provide a more accessible, sustainable and cost-effective solution.</p> <p>Land adjacent to HMP Kirkham and a 65-hectare site near the M65, Cuerden are proposed as alternatives.</p>	<p>a. Please refer to paragraphs 7.27-7.43 of the submitted Planning Statement which robustly concludes that there are no available alternative sites in the North West region (in either public or private ownership) capable of accommodating the proposed development within the required timescales and that there are no suitable alternative options to reducing the scale of the proposed development.</p> <p>b. The proposed new prison will operate independently of HMP Wymott. Any concerns regarding HMP Wymott are therefore not considered relevant to the determination of this planning application.</p>

<p>b. There are existing estate concerns at HMP Wymott, such that the existing prison site should be redeveloped and its capacity increased.</p> <p>c. The site is only being progressed with due to a failure to obtain consent elsewhere in the country.</p>	<p>In the interests of completeness however, it is not feasible to redevelop HMP Wymott due to the interim loss of prisoner capacity – whilst temporary, any reduction in prisoner capacity is not acceptable due to the significant pressure on prison places.</p> <p>Furthermore, the proposed prison is proposed as a Category C resettlement prison, which is distinct to HMP Wymott which is a Category C training prison. The redevelopment of HMP Wymott would not therefore meet the separate need for a resettlement prison.</p> <p>c. MoJ need to ensure that there are enough additional prison places by the mid 2020's to meet the projected demand for prison places in every region of England and Wales, including the North West. This planning application should be determined on its own merits and for the reasons outlined above, there are not considered to be any suitable and available alternative sites on which the proposed development could be accommodated.</p>
<p>Highway safety – There will be an adverse impact to highway safety along Ulnes Walton Lane, Dunkirk Lane and School Lane.</p> <p>There are speeding concerns along Ulnes Walton Lane, linked to the existing prisons.</p>	<p>Detailed engagement has been undertaken with Lancashire County Council (as highways authority; LCC) during the determination of the application. This has culminated in agreement for a wide range of traffic calming measures to Ulnes Walton Lane to reduce speeds and improve highway safety. In addition, it has been agreed to provide traffic calming measures along Moss Lane to manage vehicle speeds.</p> <p>The above works will be secured via a s278 agreement.</p> <p>Furthermore, a contribution equating to c. £485,000 has been agreed to contribute to an LCC-led scheme for wider corridor works along the A581 and to mitigate any impact from the scheme at the Ulnes Walton Lane/ A581 junction.</p>
<p>Public transport –</p> <p>a. The proposed use of public transport is not realistic.</p> <p>b. The bus stop on Willow Road should not be moved to within the site boundary.</p> <p>c. A financial contribution should be made towards the reopening of Midge Hall train station.</p>	<p>a. A significant contribution to public transport improvements has been agreed to support and enhance the 112 bus route which stops on Willow Road and formerly stopped outside HMP Wymott.</p> <p>The financial contribution is £100,000 per annum for 5 years (after which it is intended that the usage will have increased such that the service is sufficiently viable).</p> <p>The contribution will be secured via a s106 agreement.</p>

	<p>b. We have listened to the concerns raised by members of the public regarding relocation of the bus stop on Willow Road and have now committed to keeping it in the current location and upgrading the shelter to meet modern design standards, including provision of a raised kerb, boarding platform, new shelter and amended carriageway markings.</p> <p>The above works will be secured via a s278 agreement.</p> <p>c. The proposed siting for Midge Hall train station is c. 4km from the site and is therefore not considered a reasonable walking distance. The submitted Transport Assessment forecasts that a low proportion of staff would access the site via train – LCC have not objected to the modal splits. Furthermore, at this time, there is no firm commitment from the Department for Transport to the reopening of the train station.</p> <p>For these reasons, a contribution towards Midge Hall train station is not considered to meet the planning contribution tests set out in national planning guidance.</p> <p>In addition, a package of enhancements as proposed for the bus stop on Willow Road will be provided to enhance the existing bus stop on the north side of Ulmes Walton Lane near Moss Lane.</p> <p>A s106 contribution of £18,000 is agreed to enable LCC to appraise and monitor the progress of the travel plan.</p> <p>A s106 contribution of £50,000 has been agreed to fund cycle improvements, including improvements of the surface condition of Nixon Lane and new signage to promote access from School Lane to the site.</p>
<p>Car park – The proposed car park is not sufficiently large enough. Parking restrictions in the local area are routinely ignored.</p>	<p>Please refer to section 6 of the submitted Transport Assessment which sets out the car parking accumulation study and how the proposed car park is suitable to meet forecast demand.</p> <p>LCC have reviewed this and their consultation response confirms that “the scale of car park that has been proposed is sufficient to satisfy demand from the proposal”.</p>

<p>Timing of the traffic surveys – The traffic surveys were undertaken during a lockdown and are therefore not robust.</p>	<p>Please refer to section 7.2.1 of the submitted Transport Assessment which sets out the approach to the traffic survey data and justifies how the approach taken is considered suitably robust.</p> <p>In summary, this comprised using the traffic survey undertaken in March 2021 and factoring this against an historic count site to account for the reduction in traffic volumes.</p> <p>It is relevant that the majority of prison workers were classed as ‘key workers’ and thus it was considered that the peak hour flows along Moss Lane would be unaffected by the covid-19 pandemic. Flows along Moss Lane were therefore not factored.</p> <p>The approach to traffic data was agreed with LCC in pre-application discussions.</p>
<p>Cumulative traffic impact – The Transport Assessment has not taken account of the cumulative impact from other committed developments.</p>	<p>Section 7.2.3 of the Transport Assessment sets out that the cumulative impact of any committed development sites and allocations within the vicinity of the site were suitably accounted for within TEMPro v7.2 Chorley local growth factor.</p> <p>Further justification was provided within the Highways Technical Addendum.</p> <p>LCC confirmed that this justification was acceptable and an alternative approach would not influence the mitigation package to be provided.</p>
<p>Location of site access –</p> <ol style="list-style-type: none"> a. The position of the site access will adversely impact highway safety for local residents. b. The existing site access to HMP Wymott and HMP Garth should be used, or an access road running parallel to Moss Lane. c. The siting of the proposed site access will result in headlights shining into the opposite residential property. 	<ol style="list-style-type: none"> a. The highways consultant has confirmed that the proposed access point meets relevant highways technical safety standards. LCC do not object to the proposed siting of the access point. b. Alternative access options have been robustly explored. The site access location into the new prison has been decided through a review of existing gaps in trees along Moss Lane, so as to minimise impact to trees, as well as needing to locate the access point a certain distance from the existing HMP Garth and HMP Wymott access off Moss Lane to meet highway safety standards. The proximity to the residential driveway opposite has also been considered by highway engineers and it was concluded that the proposed access solution was preferable in terms of highway safety. <p>The option suggested to reroute the access between Moss Lane and HMP Wymott was considered but discounted for several reasons. Significant earthworks would be</p>

	<p>required due to the existing topography which would also necessitate the reprofiling or use of a retaining wall to the east. There would be significant loss of the existing woodland belt, which provides visual screening from the east.</p> <p>The shape of the site is such that it is not preferable to access between HMP Wymott and HMP Garth, as this would result in houseblocks being located closest to nearby residential dwellings which may adversely impact residential amenity.</p> <p>c. Mitigation has been offered with regards to new fencing or boundary treatments on the eastern side of Moss Lane which would adequately mitigate this impact.</p>
<p>Flooding – Moss Lane floods several times per year and overflows onto the proposed car park area.</p>	<p>Moss Lane and the proposed car park area are both within flood zone 1 where land is at the lowest risk of flooding. The proposed drainage scheme for the site has been designed to ensure there is no adverse off-site impact as a result of the proposed development. Detailed drainage schemes will be subject to an appropriately worded condition.</p> <p>Consultation responses have been received from the Environment Agency and Lead Local Flood Authority who have both confirmed they do not object.</p> <p>There is an outstanding query from United Utilities regarding ultimate drainage connection points – information has been provided to overcome this concern and it is relevant that their comment does not relate to Moss Lane.</p>
<p>Crime and personal safety –</p> <ul style="list-style-type: none"> a. Prisoner visitors will be able to access the Wymott estate and play area. The car park should be fenced off. b. Criminal associates will visit the area and introduce drugs into the community. Local police and the MoJ may not be able to handle this. c. Concern that this will be an open prison. 	<ul style="list-style-type: none"> a. Visitors to prisoners are ordinary members of the public who are not unduly restricted in their ability to access public land, such as the nearby play area. All visitors to the prison will have a pre-booked time for their visit, and will be clearly directed to use the designated car park if arriving by car. An outdoor play space will also be provided for any children visiting the prison within the visits area. b. The MoJ take the security of prisons extremely seriously and have identified an additional £100m investment in new measures to stop drugs entering prisons, and are designing new prisons with additional security to deter the smuggling of contraband which further reduces risk of items being passed in or out of cells. MoJ will also be working closely with the local police on the detailed operational planning. It is noted that Lancashire Constabulary have been consulted with and do not object to the proposal.

	<p>c. The proposed prison will be a Category C resettlement prison. It will not be an open prison (Category D).</p>
<p>ROTL prisoners – There are concerns about the safety of local residents from ROTL (release on temporary licence) prisoners.</p>	<p>All prisoners eligible for release on temporary licence (ROTL) for work placements or other forms of rehabilitative activity in the community are subject to robust risk assessments. This risk assessment includes the transport arrangements to and from the ROTL placement.</p> <p>The small number who may abscond face tough consequences, including being returned to stricter prison conditions where they may have to serve additional time.</p> <p>At the proposed Category C resettlement prison, only a small number of prisoners would be eligible for release on temporary licence at any one time.</p>
<p>Impact to air quality.</p>	<p>Please refer to the submitted Air Quality Assessment and paragraphs 9.78-9.83 which conclude that the impact to air quality is negligible at all receptors.</p>
<p>Noise – There are noise impacts from the existing prisons which will be exacerbated by the new prison which is in closer proximity to residential dwellings.</p>	<p>Whilst the proposed new prison element of the application is submitted in outline and layout is a matter to be reserved, an illustrative layout plan is submitted with the application. This shows that the houseblocks will all be located in the west of the new prison site, maximising the distance to the nearest residential dwelling.</p> <p>Non-openable windows will also be used, further minimising noise impact.</p> <p>The submitted Noise and Vibration Impact Assessment concludes that no mitigation is required.</p>
<p>Light pollution – The development will create unacceptable levels of light pollution.</p>	<p>Please refer to the submitted lighting assessments and paragraphs 9.93-9.95 of the Planning Statement. This concludes that whilst recognising the specific lighting standards necessary to meet the security requirements of a prison, light spillage has been minimised and the impact will be significantly under the threshold for the relevant environmental zone.</p>
<p>Overlooking/ overshadowing/ privacy – The 4 storey house blocks will overlook into residential properties on the Wymott estate, adversely impacting privacy.</p> <p>The proposed development will result in overshadowing.</p>	<p>Whilst the proposed new prison element of the application is submitted in outline and layout is a matter to be reserved, an illustrative layout plan is submitted with the application. This shows that the houseblocks will all be located in the west of the new prison site, maximising</p>

	<p>the distance to the nearest residential dwelling. It is not considered that there will be any opportunity for overlooking or impact to overshadowing as a consequence.</p>
<p>Ground conditions – Some buildings at the existing HMP Garth and HMP Wymott have suffered subsidence. What measures are being put in place to prevent this?</p>	<p>Please refer to the submitted Phase I & II Geo-environmental Site Assessment. Intrusive ground investigations have been undertaken and this has not identified any concerns with regards to potential risk of subsidence.</p>
<p>Ecology surveys – The submitted surveys do not take account of the full scale of recorded species in the local area. No winter or breeding bird surveys have been undertaken.</p>	<p>GMEU (the Council’s ecology consultee) have reviewed the comments made by the Ulnes Walton Action Group in detail and confirmed that in their opinion, this information does not give rise to any requirement for additional surveys.</p>
<p>Barn owls – Barn owls nesting in B10 will be disrupted by the rerouting of Pump House Lane, during construction and a ‘pincer movement’ of human traffic either side of the proposed new nest site.</p>	<p>The Barn Owl Survey submitted during determination proposes a range of mitigation measures to minimise the impact to barn owls roosting in B10, including demolition and tree removal to avoid the nesting season, a 30m standoff to any active nest until chicks have fledged and a sensitive lighting plan.</p> <p>GMEU confirm in their consultation response that they are “satisfied with the broad outline of the approach to mitigation”. GMEU make several suggestions with regards to the mitigation for B10 and advise that the Barn Owl Mitigation needs to be an iterative process, which will require close monitoring initially with further remediation if required.</p>
<p>Biodiversity net gain calculation – The data has been manipulated to give a false impression. Concerns are raised regarding the length of time in which the biodiversity net gain will be realised.</p>	<p>The biodiversity net gain calculator is produced by Natural England and the calculation has strictly adhered to the guidance produced by Natural England.</p> <p>GMEU have reviewed the comments made by the Ulnes Walton Action Group and advised that the BNG Metric is designed to build into its unit cost model, the difficulty and time to reach the required condition. The Metric accepts that some habitats will take longer to reach maturity than others.</p> <p>GMEU conclude that “the trading has been modelled as acceptable”, the BNG calculation is acceptable and that “the application of the Metric by the applicant is in line with all the emerging Government guidance and modelling”.</p>

<p>Impact to local public services – The development will have a detrimental impact to local residents' ability to access public services.</p>	<p>All local 'blue light' emergency services have been consulted. Detailed operational planning will take place with these agencies to manage any demand from a new prison without impact on the services for residents.</p> <p>NHS England provide primary health services in prisons, rather than local GP practices, and have also been consulted to ensure relevant services are planned.</p>
<p>Pump House Lane – The ability to use the prescriptive footpaths will be removed.</p>	<p>A short section of Pump House Lane extending north from Willow Road will be diverted further east, extending the route by c. 170m in length. The diverted track will be a significant improvement in quality to the current track and will be available for use by the public, including horse riders, after construction. Access will be maintained during construction as far as possible.</p>
<p>Impact from construction activity.</p>	<p>It is anticipated that a Construction Environmental Management Plan will be a condition of any grant of planning consent. This will allow for matters such as construction working hours, piling methods etc to be adequately considered.</p> <p>The applicant is already working with LCC to prepare a robust Construction Traffic Management Plan and exploring innovative ways in which to reduce the length of the construction programme and thus minimise the length of any impacts.</p> <p>It is also relevant that the impacts from construction are temporary and are therefore not a valid ground for refusing to grant planning consent.</p>
<p>Prison workshops – Whilst there is a benefit in prisoners undertaking work whilst in prison, prisoners in the workshops should not be exploited.</p>	<p>New prisons are designed to facilitate education and employment with workshops and classrooms for training and employment. MoJ aims to deliver sector specific skills training to meet the changing needs of the economy and smooth the path from prison to employment, reducing the likelihood of re-offending.</p> <p>Learning is embedded across the prison in workshops as well as classrooms; to deliver skills and improve the qualifications of every prisoner, by working in partnership with employers to deliver the high-quality training needed to fill labour market gaps.</p>
<p>Socio-economic benefits –</p>	<p>a. The socio-economic statement is considered robust and based on the best and most recently available evidence.</p>

<p>a. The conclusion presented in the Socio-Economic Statement is not reliable because data from the most directly comparable prison was discounted. A low sample number was used in the prison staff survey referenced.</p> <p>b. Economic impacts vary by prison due to site-specific characteristics and location.</p> <p>c. Only a small number of people in the local area are forecast to obtain employment at the site.</p>	<p>b. The local economic characteristics have been taken into account</p> <p>c. The MoJ are committed to working with SMEs to ensure that the positive social value derived from a potential new prison here is felt not just by people living across the wider Chorley and Lancashire area, but also by the communities immediately adjacent to the proposed site. MoJ are committed to making a positive contribution for local people and are keen to work with local communities to ensure as many local people benefit as possible.</p>
<p>Employment and skills plan – As per the Central Lancashire Employment Skills SPD (September 2021), an employment and skills plan should be provided.</p>	<p>Correspondence with the case officer has confirmed that there is no such SPD with a date of September 2021. The most recent version of the SPD is from 2017.</p> <p>It is agreed with the case officer that the proposed land use does not meet the thresholds contained within for an Employment and Skills Statement to be provided.</p> <p>Nonetheless, and as set out within the submitted Socio-Economic Statement and paragraphs 9.16-9.27 of the Planning Statement, the socio-economic benefits are considered significant.</p>
<p>South Ribble – Leyland residents were not consulted with.</p>	<p>The addresses directly consulted with by the LPA for the statutory public consultation period is not a matter within the applicant's control. Notwithstanding, the LPA erected a site notice close to the application site boundary, the application documents were available to view online and there were numerous press articles and social media posts about the application during the determination period. As such, it is considered that there was sufficient promotion and opportunity for interested residents in the Leyland area to view and comment on the proposals.</p> <p>South Ribble ward councillors were consulted with prior to the submission of the application and so were aware of the proposals.</p> <p>Furthermore, South Ribble Council discussed the proposal at their planning committee on 11th November. It was resolved to provide comments to Chorley Council outlining areas of concern (addressed earlier in this table).</p>

<p>Playing fields – Removal of the playing fields will negatively impact the health of children.</p>	<p>The playing fields affected by the proposed scheme are within the existing secure perimeter fence of HMP Wymott and therefore local children are not currently able to use the playing fields. There is thus no adverse impact to local children.</p> <p>Please also refer to the submitted response to Sport England comments regarding usage of the playing fields and the justification for their loss.</p>
<p>The proposed prison will be an eyesore and negatively impact outlook.</p>	<p>Loss of outlook or view is not a material planning consideration.</p> <p>Landscaping details have been submitted in full detail to allow the landscape and visual impact to be fully assessed at this stage. The Council's landscape officer has confirmed no objection.</p>
<p>House Prices – The proposal would adversely impact house prices. Compensation should be provided.</p>	<p>Impact to property prices is not a material planning consideration.</p>