

STATEMENT OF COMMON GROUND

**Between Chorley Council and the
Ministry of Justice**

Land adjacent to HMP Garth and HMP
Wymott, Leyland

June 2022

LPA Ref: 21/01028/OUTMAJ

Appeal on behalf of Ministry of Justice

CONTENTS

1. Introduction	3
2. The Site and Surroundings	4
3. Proposed Development.....	8
5. Application Timeline.....	12
6. Relevant Planning Policies and Guidance	13
7. Matters Agreed.....	16
8. Matters in Issue	22
9. Planning Obligations and Conditions.....	23
10. Declaration.....	24

1. Introduction

- 1.1 This Statement of Common Ground (SoCG) comprises the agreed matters between the Ministry of Justice ('the Appellant') and the Local Planning Authority, Chorley Council ('the Council'). It has been prepared and submitted in respect of a proposal 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”

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

- 1.3 The application was refused for the following reasons:

1. *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.*
2. *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.*
3. *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.*

- 1.4 This SoCG sets out the areas of the appeal that are not in issue between the Appellant and the Council.

2. The Site and Surroundings

- 2.1 The Appeal site comprises 4.5ha of land surrounding HMP Garth and HMP Wymott. The red line boundary the subject of the Appeal is shown in Figure 2.1 below with the remaining land in the Appellant's control edged blue.

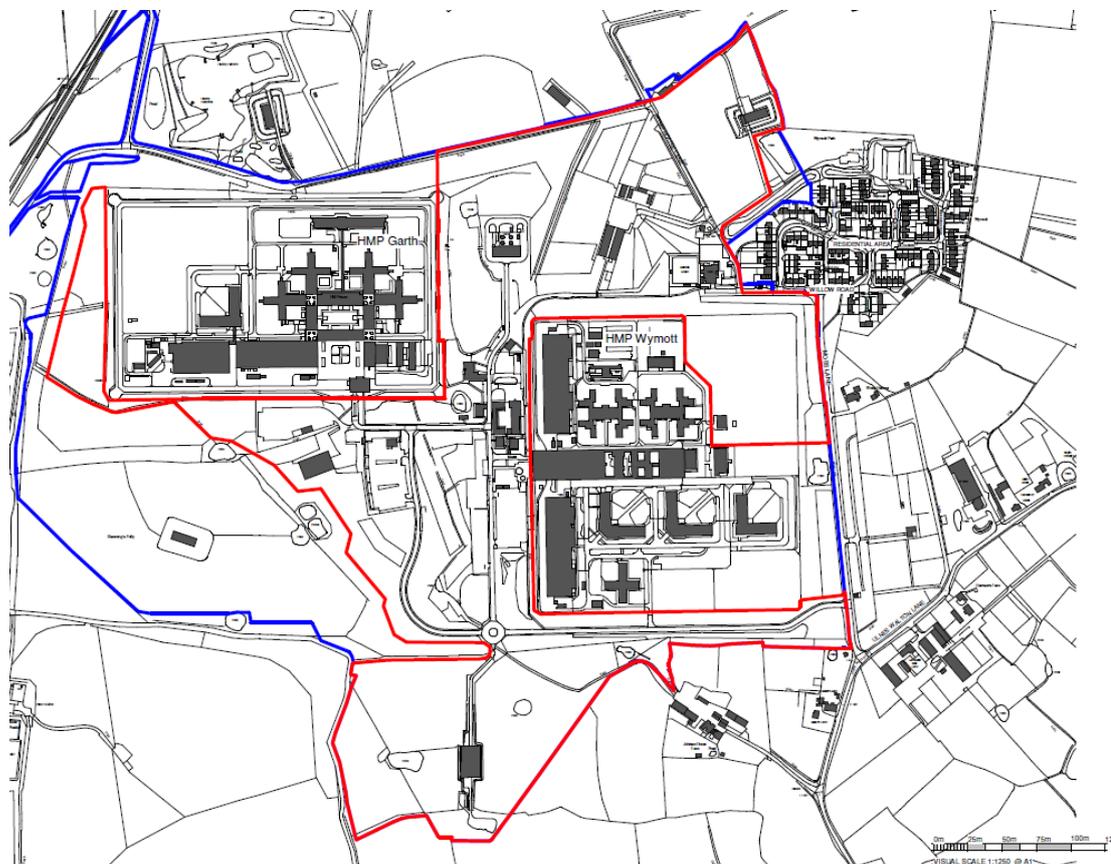


Figure 2.1: Site Area

- 2.2 The existing HMP Garth comprises an 850 capacity Category B men's prison, whilst HMP Wymott comprises a Category C men's training prison with a capacity of c. 1,100.
- 2.3 The site and adjacent existing prisons are situated on land which was formerly an army ammunition depot, the remnants of which are still visible in the landscape to the north of the site.
- 2.4 The site is located within the Green Belt.
- 2.5 There are no listed buildings on the site or in close proximity to it. The site is not in a conservation area nor does it include or form part of a Scheduled Monument. The site is not a designated nature conservation site (i.e. SSSI, local nature reserve). It is within the Consultation Zone of the Ribble Estuary SSSI.
- 2.6 The site is not within a Coal Mining Reporting Area.
- 2.7 The majority of the site is within flood zone 1. Only a small strip along the north-west margin of the site will fall within flood zone 2. No built development is proposed in this area.
- 2.8 The majority of the northern area of the site is within a Mineral Safeguarding Area.

New Prison

- 2.9 The new prison will be located on land to the north of HMP Wymott and the east of HMP Garth.
- 2.10 The proposed site is partly in agricultural use, including associated farm buildings, and partly in use for ancillary prison purposes, containing a boiler house with biomass boiler and a tall flue which serves both prisons.
- 2.11 Wymott Bowling Club is located in the east of the site, and a former ammunitions storage building and man-made mound located in the north-east. A pumping station is located just off Pump House Lane.
- 2.12 The south-east area of the site presently provides sports fields and recreation space within the perimeter fence of HMP Wymott.
- 2.13 An 'L' shaped belt of mature trees runs along the northern boundary before turning southwards and running across the centre of the site, separating the agricultural area from the existing boiler house.
- 2.14 Pump House Lane dissects the eastern area, running north from Willow Road. It then splits, turning west to connect to Ridley Lane or north to connect to Nixon Lane. Pump House Lane is considered to be an unadopted bridleway route and has been treated as a prescriptive right of way. Similarly, a footpath running east-west along the south boundary of the new prison site has been treated as an unadopted right of way in this application.

Bowling Green

- 2.15 The replacement bowling green for Wymott Bowling Club will be located on a grass field to the south of the existing prisons, to the south-west of the roundabout on the internal access road to the prisons.

Boiler House

- 2.16 The new boiler house will be located on land between HMP Garth and HMP Wymott, to the south-west of the new prison site.
- 2.17 The site currently comprises hardstanding used informally for car parking, as well as gas meter housing and a single storey portacabin office.
- 2.18 A new car parking area will be provided to replace the spaces lost and the portacabin relocated. This area will be to the east of the access spine road, immediately to the south of the existing car parking area in front of HMP Wymott. The site currently comprises a grass area.
- 2.19 The remaining land area within the red line boundary will be used to deliver the required biodiversity net gain. This land currently comprises grassland and a small number of ponds.

Surrounding Area

- 2.20 The site is situated in the countryside about 2 miles to the south-west of Leyland. Preston lies about 5.5 miles to the north, Blackburn about 12 miles to the north-east and Liverpool about 21 miles to the south-west. The M6 is situated about 3 miles to the east with the site accessible via junction 28 (Leyland).
- 2.21 Local access is off Ulnes Walton Lane which runs to the east of the prisons from Leyland in the north to a junction with the A581 at Ulnes Walton in the south. Road access is via Moss Lane which serves just the two prisons and some 130 houses. The local road system, although comprised of minor roads, is generally good. The closest railway station is at Croston, about 3

miles by road. This is served by the Ormskirk branch line running between Preston and Ormskirk. There is a second station on the West Coast mainline at Leyland, about 5 miles away by road. There is a regular hourly bus service from Leyland station to the prisons.

- 2.22 To the north of the site is an 'L' shaped belt of mature trees which runs along the northern boundary. Beyond this is land in agricultural use.
- 2.23 To the east of the site lies a small area of two-storey terraced housing which it is understood was originally developed to provide prison officer accommodation. The housing is separated from HMP Wymott by a grass verge of c.25m which has been planted to create a landscape buffer.
- 2.24 Land to the south and west of the prison complex is predominantly in agricultural use.

Planning History

- 2.25 HMP Garth was completed in 1988 with an additional cell block being added in the early 21st century. HMP Wymott was completed in May 1979 and following disturbances in 1993, wings C and D had to be replaced. An additional houseblock was constructed in the mid-1990s.
- 2.26 The applications of relevance to this Statement are set out in the table below and the full planning history for the site is included at **Appendix 2** of the Planning Statement.

Application ref.	Address	Description	Date of Decision	Decision
21/01320/DEMCON	HMP Wymott	Application for prior determination for the proposed demolition of J Wing	06/12/2021	Approve
07/01197/FULMAJ	HMP Wymott	Erection of sixty-four place prisoner block with ancillary soft tarmac multi court exercise area, extension to staff car park and provision of additional visitors car parking spaces	09/01/2008	Permission
07/00873/FUL	HMP Wymott	Renewal of temporary planning permission 02/00601/CIRC to retain Prison Accommodation Unit	25/09/2007	Permission
04/00385/CIRC	HMP Garth	Circular 18/84 application for the erection of cranked three storey houseblock and a first-floor security link	30/06/2004	No objection
03/00985/CIRC	HMP Garth	Circular 18/84 to seek full planning clearance for the construction of a one cranked three storey, 180 place houseblock, a new kitchen and a first-floor security link	21/10/2003	Objection
02/01184/CIRC	HMP Wymott	Erection of additional accommodation	22/01/2003	No Objection
02/00601/CIRC	HMP Wymott	Circular 18/84 application for additional prisoner living accommodation	31/07/2002	No Objection
02/00069/CIRC	HMP Wymott	Circular 18/84 Application for erection of additional accommodation block (renewal of 9/96/474/CIRC)	27/03/2002	No Objection

Statement of Common Ground – Land adjacent to HMP Garth and HMP Wymott, Leyland

Application ref.	Address	Description	Date of Decision	Decision
02/00067/CIRC	HMP Garth	Circular 18/84 Application for erection of two additional accommodation blocks (renewal of 9/96/388/CIRC)	27/03/2002	No objection
96/00388/CIRC	HMP Garth	Circular 18/84 Application for erection of two additional accommodation blocks	10/07/1996	No objection
93/00880/FUL	HMP Wymott	Construction of two three storey living units and all-weather pitch jogging track	08/03/1994	Recommended for approval
80/01230/CIRC	HMP Wymott	Circular 7/77 Notification. Proposed new prison	19/01/1981	No objection to principle of development
75/00091/CIRC	HMP Garth	Straightening out of access road (Moss Lane) to prison officers housing accommodation within new prison complex. Circular 80 procedure	19/03/1975	No objection

3. Proposed Development

- 4.1 This section summarises the appeal scheme. Reference should be made to the Planning Statement and Design and Access Statement submitted with the Application.
- 4.2 The proposed site plan was amended during the application determination period to allow for the proposed new pumping station (to replace an existing one on site which is to be relocated to facilitate the new prison) to be brought into the scope of this application, rather than be subject to a future separate application by United Utilities.
- 4.3 The Application was submitted as a hybrid application seeking:
- i. Outline planning permission (with all matters reserved except for means of access, parking and landscaping) for a new prison (up to 74,532 sqm GEA) (Class C2A) within a secure perimeter fence following demolition of existing buildings and structures and together with associated engineering works;
 - ii. Outline planning permission for a replacement boiler house (with all matters reserved except for access); and
 - iii. Full planning permission for a replacement bowling green and club house (Class F2(c)).
- 4.4 Each element is described in further detail below.
- 4.5 **New Prison**
- 4.6 Outline permission is sought for the new prison, with all matters reserved except for means of access, parking and landscaping. Landscaping is submitted in detail in direct response to pre-application comments raised by the Council and Greater Manchester Ecology Unit to enable a full assessment of the mitigation proposed in relation to the landscape and visual impact and ecology.
- 4.7 The new prison will be located on land to the north of HMP Wymott and east of HMP Garth.
- 4.8 The prison will consist of a number of buildings as follows:
- An Entrance Resource Hub (ERH), comprising visitor facilities and administrative space;
 - A support building, providing space for administrative and FM functions;
 - A central service hub, providing educational, health, multi-faith and staff facilities;
 - A kitchen block;
 - A workshop building;
 - A care and segregation unit (CASU); and
 - 7 x 'T60' houseblocks, each with a capacity of up to 245 prisoners.
- 4.9 The application proposes a maximum floorspace amount of 74,532 sqm (GEA). This is expected to be provided across 13 buildings, laid out as suggested on the Indicative Site Layout Plan. The total floorspace has been calculated as the GEA of each building.
- 4.10 The indicative building parameters are shown in the below table, and these, alongside the indicative site layout, has formed the basis for various technical assessments including the Landscape and Visual Impact Assessment.

Building	Number of buildings proposed	Indicative Building Parameters	
		GEA (sqm)	Storeys
Entrance Resource Hub (ERH)	1	4,729	3
Support Building	1	805	2
Central Services Hub	1	5,102	2
Kitchen	1	1,955	2 (+ mezzanine)
Workshops	1	7,367	2
Care and Separation Unit (CASU)	1	1,102	1
Houseblocks	7	7,639	4
Total	13	74,532 (rounded)	-

- 4.11 The site is broadly split into the public zone and the secure area. The public zone comprises the car parking area and pedestrian access points up to the entrance plaza outside the ERC.
- 4.12 The secure compound area of the site will be enclosed by a perimeter fence extending to 5.2m high. The fence will comprise a steel post and weldmesh panel fence with 2.4m high steel sheet in an inner concrete apron.
- 4.13 The fence will not be externally lit, instead lit internally, whilst CCTV cameras will be mounted on columns inside the secure perimeter.
- 4.14 The ERH forms part of the external secure line and includes the gatehouse that monitors vehicles entering the secure compound including prisoner transfers and deliveries to the facilities on site such as the kitchen or workshop. There will be various internal fences and gates separating buildings and creating zones within the secure compound. The illustrative site layout plan suggests how this may be laid out, however this will be confirmed as part of a reserved matters application.
- 4.15 The site access point will be located off Moss Lane. The entrance has been designed to ensure suitable visibility splays are achieved for all vehicles likely to visit site. The position along Moss Lane has taken into account the proximity to existing junctions along Moss Lane (i.e. the junction with Willow Road and the existing two prisons), existing breaks in the tree line to maximise retention of existing vegetation, as well as being sited as far away as possible from the Wymott residential estate to minimise impacts from vehicular traffic.
- 4.16 The car park for both staff and visitors will be located in front of the Entrance Resource Hub. It will provide 525 parking spaces, which has been calculated on the basis of assumptions over staff and visitor numbers based on evidence from other facilities as well as consideration of shift patterns, the availability of public transport and anticipated modal split amongst staff.
- 4.17 The car park will include 24 accessible car parking spaces located close to the entrance building, 53 electric vehicle charging spaces and 27 spaces set aside for car sharing users.
- 4.18 A 51 space covered cycle parking area will be positioned on the plaza outside the entrance building.
- 4.19 A landscaping strategy was submitted in full detail with the application. The strategy has been developed in response to the site's existing characteristics and seeks to protect and reinforce habitats and vegetation where possible, maximising biodiversity net gain and providing appropriate mitigation for any ecology, landscape and visual impacts.
- 4.20 The entrance area is designed to blend into the surrounding area, which is rural in character,

with a series of woodland areas, a pond and wildflower meadows. The design approach has been to provide an environment that protects and enhances existing ecology and biodiversity, integrating the drainage strategy with the landscaping.

- 4.21 Landscaping around the new prison has been designed to support a positive mental and physical well-being, whilst balancing the security and surveillance requirements.
- 4.22 Opportunities for new and enhanced screening along the north and north-east of the new prison has been a key factor in preparing the illustrative site layout. This has sought to maximise retention of the existing tree screen whilst ensuring a clear zone of 15m is maintained outside of the external perimeter fence in accordance with MoJ security requirements. This has allowed for a continuous tree screen of varying depth to be proposed along the entire northern boundary with a larger area of new woodland planting in the north-east area.
- 4.23 Across the wider site, landscaping proposals have been developed in line with the biodiversity net gain strategy. This includes new ponds, wildflower meadows, grassland areas, tree planting and hedgerows.
- 4.24 The wider red line boundary includes 24.27 hectares of land owned by the MoJ to the south and west of HMP Garth. This is so that it includes all of the land required for compensatory landscape planting and ecological enhancement, delivering a minimum 20% biodiversity net gain on site.

Bowling Green

- 4.25 As previously set out, the area of the site where the new prison will be developed currently contains a bowling green (leased to Wymott Bowling Club) and a small club house. These will be demolished in order to facilitate the proposed new prison development, and are proposed to be reprovided as part of the application.
- 4.26 The construction programme requires the bowling green to be relocated at an early stage, and so this element of the proposal is submitted in full detail.
- 4.27 The replacement facilities will be located to the south of the roundabout located on the internal access road to the existing two prisons. Access will be taken from the existing road that in turn joins to the internal site roundabout.
- 4.28 The proposed bowling green has been designed in accordance with national standards and will measure 40m x 40m with a 0.25m ditch running around the green. A 2m wide hard surface will be sited around the perimeter of the green.
- 4.29 4 no. lighting columns will be located around the green (1 in each corner) to enable evening play during the winter months.
- 4.30 A club house or pavilion building will be sited to the west of the green. It will have a footprint of 72 sqm and extend to 3.1m in height. It will be timber clad and flat roofed to minimise its visual impact.
- 4.31 A number of smaller ancillary storage buildings and spectator shelters will be located around the green as shown on the proposed site layout plan.
- 4.32 A car park will be located in front of the club house, providing 37 no. car parking spaces, including 2 no. disabled spaces.
- 4.33 New landscaping including hedgerows and trees are proposed to screen and soften the visual

impact of the proposed development.

Boiler House

- 4.34 The area of the site proposed for the new prison contains an existing energy centre which is required to be relocated to facilitate the new prison development.
- 4.35 The energy centre structure serves HMP Garth and HMP Wymott, and was originally constructed to house coal burning boilers. Works have been undertaken in recent years to replace the coal burning boilers with three dual fuel gas/oil boilers and one wood pellet biomass boiler.
- 4.36 As a consequence of these refurbishment works, the existing building is now vastly oversized and so the proposed relocation provides an opportunity to reduce its scale to something more appropriate.
- 4.37 The proposed site for the replacement boiler house is just to the south on an area of hardstanding between HMP Wymott and HMP Garth. Access will be taken from the existing internal site road.
- 4.38 The replacement boiler house will contain the same equipment as the current – that is three dual fuel gas/oil boilers and one wood pellet biomass boiler.
- 4.39 The boiler house component of the application is submitted in outline with all matters reserved except for access. An illustrative site layout and site sections were submitted to demonstrate the anticipated footprint and height of the boiler house and how this relates to the existing built form close by.
- 4.40 The boiler house structure is proposed to have a footprint of 41m x 14m, and extend to a maximum height of 9m. It will have a single external flue extending to no higher than 22m. The flue height has been calculated on a worst-case basis, and the detailed design process may enable this to be reduced – this will be confirmed in any subsequent reserved matters application.
- 4.41 Externally, two biomass pellet silos will extend to 5.2m high and 2 oil tanks will extend to 2m high. The illustrative site plan demonstrates that the compound contains sufficient space for an HGV servicing vehicle to turn around and exit in a forward gear.
- 4.42 The existing portacabin, measuring 10m by 15m, and car parking currently occupying this area of hardstanding will be relocated c. 260m to the south.
- 4.43 A small area of new car parking will be provided to the immediate south of an existing area of car parking in front of HMP Wymott providing an exact replacement for the number of spaces currently accommodated on the hardstanding.

5. Application Timeline

- 5.1 The Appellant commenced working on the proposed development scheme in 2020. An initial briefing was held between the Appellant and senior stakeholders at Chorley Council in July 2020.
- 5.2 A formal pre-application request submitted later in July 2020, a meeting held in August 2020 and a written response received in October 2020. Extensive pre-application discussions were held with the planning officer and technical officers (highways, ecology, landscape). Full details of the engagement and advice received is contained within the submitted Statement of Community Involvement.
- 5.3 Wymott Bowling Club was identified as a key stakeholder and engaged with from an early stage to understand its requirements, ensure the proposed site for the new bowling green was appropriate, and that the design was acceptable.
- 5.4 Further meetings were held with political and other stakeholders between May and July 2021.
- 5.5 Engagement with the public took place in June and July 2021. Feedback received is summarised in the Statement of Community Involvement, and informed the design process where appropriate.
- 5.6 The application was submitted on 24th August 2021. It was registered on 13th November 2021 and backdated to be valid as of the submission date. It was provided with reference number 21/01028/OUTMAJ. The application was subject to the necessary statutory consultation.
- 5.7 An informal EIA screening exercise was undertaken with the LPA prior to the submission of the application who advised that the development proposal does not require an EIA to be undertaken to support the application. This was subsequently been followed by a formal EIA screening request, submitted on 9th August 2021 (ref. 21/00968/SCE). The Council issued their decision on 8th September 2021 confirming that the application did not comprise EIA development.
- 5.8 The application was supported by a suite of documents and plans, with additional material submitted to the Council during the determination period. **Appendix 1** to the Statement of Case lists the submitted documents and drawings, noting their date of submission and identifying where earlier versions have been updated or superseded.
- 5.9 During the determination of the application, a number of additional reports were submitted to provide more information on the agricultural land classification of the site and the outcome of protected species surveys. An addendum to the submitted Transport Assessment was also provided following feedback from Lancashire County Council as highways authority.
- 5.10 The application was heard at the Council's Planning Committee on 21st December 2021, with the officer's report (OR) providing a recommendation for approval subject to completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 ('the 1990 Act').
- 5.11 The committee determined to refuse the application contrary to the officer recommendation. The decision notice was issued on 22nd December 2021.

6. Relevant Planning Policies and Guidance

- 6.1 The appeal proposal should be determined in accordance with section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that an application for planning permission shall be determined in accordance with the development plan unless material considerations indicate otherwise.

The Adopted Development Plan

- 6.2 It is agreed that the statutory development plan comprises the following documents:
- Central Lancashire Core Strategy (CLCS) (2012);
 - Chorley Local Plan 2012 – 2026 (CLP) (2015);
 - Joint Lancashire Minerals and Waste Core Strategy (2009); and
 - Joint Lancashire Minerals and Waste Site Allocation and Development Management Policies Parts 1 and 2 (2013).
- 6.3 The Central Lancashire authorities (Chorley, Preston and South Ribble) have started working towards the preparation of a Joint Local Plan for Central Lancashire which will replace both the CLCS and the CLP. The authorities consulted on the Issues and Options from November 2019 to February 2020, and were due to consult on the Preferred Options between June-August 2021 however this has not yet commenced. It is agreed that limited weight should be afforded to both emerging documents in accordance with paragraph 48 of the Framework.
- 6.4 Lancashire County Council, Blackpool Borough Council and Blackburn Borough Council (who are jointly responsible for the Minerals and Waste Local Plan) have started preparing a new Local Plan and consulted on the draft revised Local Plan in Autumn 2018. No further progress has been made since and the local plan review timetable is significantly out of date. It is agreed that no weight is afforded to the emerging Minerals and Waste local plan.
- 6.5 It is agreed that the site is located within the Green Belt, outside of any settlement development boundary, albeit the adjacent existing two prisons and most of the new prison site (extending to the existing route of Pump House Lane) is allocated as a Previously Developed Site within the Green Belt (Policy BNE5). An area of the new prison site is also allocated as a Minerals Safeguarding Area. Ridley Lane and part of Pump House Lane running east-west along the north boundary of the application site is allocated as a New Cycle Route (Policy ST1).
- 6.6 It is agreed that the most relevant policies to the determination of the proposed development are as follows:

Chorley Local Plan

- Policy V1 (Model Policy);
- Policy ST1 (Provision or Improvement of Footpaths, Cycleways, Bridleways and their Associated Facilities in Existing Networks and New Development);
- Policy ST4 (Parking Standards);
- Policy BNE1 (Design Criteria for New Development);
- Policy BNE5 (Redevelopment of Previously Developed Sites in the Green Belt);
- Policy BNE6 (Light Pollution);

- Policy BNE9 (Biodiversity and Nature Conservation);
- Policy BNE10 (Trees);
- Policy BNE11 (Species Protection);
- Policy HW2 (Protection of Existing Open Space, Sport and Recreational Facilities); and
- Policy HW6 (Community Facilities).

Central Lancashire Core Strategy

- Strategic Objective 1;
- Strategic Objective 10;
- Policy MP;
- Policy 1 (Locating Growth);
- Policy 3 (Travel);
- Policy 15 (Skills and Economic Inclusion);
- Policy 17 (Design of New Buildings);
- Policy 18 (Green Infrastructure);
- Policy 21 (Landscape Character Areas);
- Policy 22 (Biodiversity and Geodiversity);
- Policy 24 (Sport and Recreation);
- Policy 26 (Crime and Community Safety);
- Policy 27 (Sustainable Resources and New Developments);
- Policy 29 (Water Management);
- Policy 30 (Air Quality); and
- Policy 31 (Agricultural Land).

Joint Lancashire Minerals and Waste Core Strategy (2009); and

- Policy CS2 (Minimising the need for Mineral Extraction); and
- Policy CS7 (Managing our Waste as a Resource).

Joint Lancashire Minerals and Waste Site Allocation and Development Management Policies Parts 1 and 2 (2013).

- Policy M2 (Safeguarding Minerals).

6.7 Save for those policies specified in the reasons for refusal, it is agreed that the appeal proposal otherwise accords with all of the other relevant policies of the adopted development plan.

Other Material Considerations

National Planning Policy Framework and Guidance

- 6.8 It is agreed that the Framework (2021) is a material consideration in the plan making and decision taking process.
- 6.9 It is agreed that the following paragraphs are of particular relevance:
- Paragraph 110 of the Framework sets out the highway matters that should be considered in assessing development proposals, with paragraph 111 going on to state that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
 - Paragraph 138 of the Framework sets out that Green Belt serves five purposes with paragraph 147 stating that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
 - Paragraph 148 sets out that when considering any planning application, decision makers should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.10 It is agreed that the associated Planning Practice Guidance (PPG) and any succession documents are relevant.

Supplementary Planning Documents

- 6.11 It is agreed that relevant Supplementary Planning Documents include:
- Design Guide SPD (Central Lancashire) provides an overview of the design principles the Council will employ when considering planning proposals;
 - Biodiversity and Nature Conservation (Central Lancashire) provides guidance on biodiversity and nature conservation;
 - Employment Skills (Central Lancashire) sets out the Councils’ requirement to see additional benefits (or social value) incorporated into housing and commercial development opportunities; and
 - Renewable and Low Carbon Energy (Chorley) provides further guidance on Core Strategy Policies 27 (Sustainable Resources and New Developments) and 28 (Renewable and Low Carbon Energy Schemes).

7. Matters Agreed

Harm Arising to the Green Belt

- 7.1 The site is within the Green Belt. It is agreed that the proposed development comprises inappropriate development in the Green Belt.
- 7.2 It is therefore necessary to demonstrate that very special circumstances exist which outweigh the potential harm to the Green Belt and any other harm resulting from the proposed development.
- 7.3 It is agreed that there is definitional harm to the Green Belt. It is agreed that the proposed development will result in harm to the openness of the Green Belt.
- 7.4 When considering the proposed development against the five purposes of the Green Belt (paragraph 138 of the Framework), it is agreed that there is no conflict with the following purposes:
- Check the unrestricted sprawl of large built up areas.
 - Prevent neighbouring towns merging into one another.
 - Preserve the setting and special character of historic towns.
- 7.5 It is agreed that there is a degree of conflict with the purpose of safeguarding the countryside from encroachment.

Need for the Proposed Development

- 7.6 It is agreed that the prison population is forecast to increase over the next ten years, reaching unprecedented levels by 2030. The MoJ is therefore seeking to deliver additional prison places through the refurbishment and expansion of existing prisons, and construction of new prisons.
- 7.7 The proposed prison is one of four new prisons which will help to address the forecast increased demand for prison places. It is agreed that these new prisons need to be distributed across the country in order to best target the areas of greatest forecast demand.
- 7.8 It is agreed that there is a specific need for new Category C resettlement prison places in the North West. Category C resettlement prisons provide prisoners with the opportunity to develop skills so they can find work and resettle back into the community on release.

Socio-Economic Benefits

- 7.9 It is agreed that during the construction phase, the development could support 122 (gross) FTE jobs including the creation of 69 (net) FTE jobs and generate a Gross Value Added (GVA) of £117.2 million within the region.
- 7.10 In addition to these direct impacts, the construction phase will support 37 indirect and induced jobs, with an additional £35.1 million indirect and induced GVA.
- 7.11 The construction phase will provide opportunities for people to be trained and upskilled in construction skills, alongside opportunities for businesses. Apprenticeships and work placement days will also be available.
- 7.12 Further to this, the appointed contractor will be contractually obliged to meet key performance targets including: a 25% local spend within 25 miles of the site; £50,000 spend with voluntary, community and social enterprises; and at least 1 community project per year.

- 7.13 It is agreed that once operational, 643 permanent jobs are forecast to be created at the prison, in a wide range of roles, including office admin staff, chaplaincy, education and prison officers. This equates to a total income of £14.1 million per year, of which £12.98 million would be retained locally.
- 7.14 It is agreed that the expenditure of the prison will lead to a series of additional indirect impacts. Based on 1,715 prisoners, this will amount to an annual spend of £13.7 million with £2.7 million retained locally, supporting 230 jobs at a regional level, of which 46 will be at a local level.
- 7.15 The regional supply chain spend from the new prison will equate to £17.9 million per annum, supporting 299 jobs at a regional level.
- 7.16 It is common ground that further economic benefits will result from the expenditure of prison staff and visitors within the local and regional economy. These induced impacts equate to £10.4 million induced spend per annum with 30 jobs supported as a consequence.
- 7.17 It is agreed that the relocated bowling green and clubhouse represent a substantial qualitative improvement to the current facilities. This will make the facility more attractive to new members, encourage people to keep active and create a more sustainable future for the club.

Design

- 7.18 It is agreed that whilst layout and appearance are reserved matters for the new prison, the illustrative site layout reflects the necessary functional form of the proposed development.
- 7.19 The bowling green and club house are submitted in full detail. It is agreed that the design is of a modern and functional facility that is no larger than necessary. The timber cladding would provide a natural finish, blending visually into the woodland close to the site.
- 7.20 It is agreed that the boiler house (whilst submitted in outline with all matters reserved except access) would be of a lesser scale than the existing energy centre which would be demolished to make way for the new prison. It is agreed that the relocation of the boiler house further towards the centre of the wider prisons site and sited between HMP Wymott and HMP Garth would effectively screen the new built form and limit its impact on the character of the area.

Landscape and Visual Impact

- 7.21 It is agreed that the proposed development would be set against the backdrop of HMP Garth and HMP Wymott which comprise extensive and significant built form.
- 7.22 The appeal site is not subject to any national or local landscape designations.
- 7.23 The appeal site and surrounding area do not comprise a valued landscape for the purposes of paragraph 174 (a) of the NPPF.
- 7.24 The LVIA which accompanied the application has been written in accordance with the Guidelines for Landscape and Visual Impact Assessment (GLVIA3) 3rd Edition (2013).
- 7.25 The locations of viewpoints set out in the LVIA were agreed with the Landscape Officer.
- 7.26 The Comprehensive Landscape Masterplan provides for new tree planting that will reduce the visual impact of the appeal proposals.
- 7.27 The extent of this new tree planting is considered proportionate to compensate for the proposed tree losses and offers benefits in terms of extending and diversifying the current arboricultural resource.

Transport and Access

- 7.28 The traffic surveys undertaken by the Appellant were validated against 2019 survey data shared by the highways authority. It is agreed that the approach taken to the traffic surveys is satisfactory and provides a suitable baseline against which to assess the impacts of the proposed development.
- 7.29 It is agreed that the Appellant's approach to committed developments in the Transport Assessment is acceptable.
- 7.30 It is agreed that the proposed development will give rise to a junction capacity issue at the A581 Southport Road / Ulnes Walton Lane junction, requiring mitigation.
- 7.31 It is agreed that the following measures will be delivered through a s106 agreement between the Appellant, Chorley Council and Lancashire County Council:
- £100,000 per annum for a period of 5 years to fund the enhancement of the existing 112 bus service;
 - A contribution of £485,834 towards the highway authority's proposed corridor scheme along the A581 Southport Road;
 - A contribution of £50,000 towards the improvement of the carriageway of Nixon Lane and provision of new signage to promote cycle links to the site;
 - A one-off £18,000 contribution to enable the highways authority to monitor and appraise the travel plan for a period of 5 years;

Noise, Vibration and Residential Amenity

- 7.32 It is agreed that there are no concerns regarding the impact of existing noise sources on the proposed development and a suitable amenity will be achieved for prisoners.
- 7.33 It is agreed that notwithstanding the design and layout of the new prison are submitted in outline, the illustrative layout demonstrates that the proposal can be designed such as not to give rise to any concerns regarding overlooking.
- 7.34 The Appellant concurs with the assessment at paragraph 190 of the OR that the nearest dwellings along Wray Crescent will be suitably separated from the proposed new prison and there will be no adverse impact to light or outlook.
- 7.35 It is agreed that the distance between the proposed site access to the new prison and the nearest windows in the side elevation of the closest dwelling (Windy Harbour) is c. 30m. The Appellant agrees with the comments in the OR at paragraph 194 that this provides an adequate degree of separation. It is agreed that views from vehicles leaving the prison site would be fleeting and not dissimilar to existing impacts from pedestrians or vehicles passing along Moss Lane.
- 7.36 It is agreed that the impact to the occupants of Windy Harbour from headlights exiting the proposed new prison would be intermittent and restricted to specific times of day at specific times of the year. The Appellant concurs with paragraph 193 of the OR that these impacts would not be harmful to the amenity of the occupiers of this property given the layout of the property and proposal by the Appellant to provide mitigation such as a fence or planting.
- 7.37 Insofar as visual impacts are concerned, the proposed development is considered to comply with Policy BNE1 b) of the Chorley Local Plan in relation to potential impacts on residential amenity.

Air Quality

- 7.38 It is agreed that subject to the mitigation measures set out within the submitted Air Quality assessment, the effects of construction dust on nearby sensitive receptors would be effectively controlled and the impacts would not be significant.
- 7.39 It is agreed that the effective relocation of the boiler house will not exacerbate the air quality impacts, and will in fact, mean that the off-site air quality impacts are likely to be lower.
- 7.40 The impact of the development on air quality once operational (including from generated traffic) will be negligible at all assessed receptors. Mitigation measures for the operational stage are therefore not required.
- 7.41 It is agreed that the development is compliant with Policy 30 of the Central Lancashire Core Strategy.

Sport and Recreation

- 7.42 The site contains a bowling green and club house, leased to Wymott Bowling Club. The proposed development will reprovided these facilities and details were submitted in full as part of the hybrid application. It is agreed that the replacement facility will be of a high quality and thus is compliant with Policy HW1.
- 7.43 The application site also includes a football pitch within the secure fence of HMP Wymott. The pitch is not available for public use and thus has not been assessed or accounted for within the Council's Open Space SPD. This pitch will be lost to allow for the development of the proposed new prison car parking.
- 7.44 The football pitch will not be replaced and it is therefore agreed that this conflicts with Policy HW2 of the Chorley Local Plan.
- 7.45 The football pitch has not been well-used for several years and suffers from poor drainage. Its positioning close to the secure fence line of HMP Wymott also presents a security risk from 'throw overs'. It is agreed that these factors should be considered in the overall balancing exercise.

Ecology and Arboriculture

- 7.46 It is agreed that the ecology surveys undertaken are comprehensive and suitably identify all protected species present at the site.
- 7.47 It is agreed that it is appropriate for the proposal to use Biodiversity Metric 2.0 rather than Biodiversity Metric 3.0 due to the stage of the project at the time when the latter was published.
- 7.48 It is agreed that the proposed landscaping scheme will result in 20.08% net gain in habitat units and 11.25% net gain in hedgerow units. There are no running waterways on the site and so no net gain is required in this typology.
- 7.49 It is agreed that a programme of management and maintenance (secured via condition and a s106 obligation) will ensure this net gain is maintained for at least 30 years.
- 7.50 It is agreed that the approach to mitigation for the identified impacts to protected species is broadly acceptable, and the detailed mitigation is capable of being secured via a suitably worded condition.
- 7.51 No trees will be impacted by the bowling green or boiler house elements, whilst the new prison

element will result in the loss of low and moderate value trees and hedgerows as well as an area of early mature woodland.

- 7.52 The proposed development is considered compliant with Policies BNE9, BNE10 and BNE11 of the Chorley Local Plan.

Flood Risk and Drainage

- 7.53 It is agreed that the majority of the site is within flood zone 1. A small margin of the site to the north-west is within flood zone 2, however no built form is proposed in this area.

- 7.54 A safe means of access and egress is demonstrated and the finished floor level of buildings will incorporate flood resistance and resilience measures.

- 7.55 The proposed surface water drainage strategy comprises a range of measures which will ensure that there is no adverse impact. At the time of the application's determination, there were no outstanding objections from relevant technical consultees (Environment Agency, Lead Local Flood Authority, or United Utilities).

- 7.56 The proposed development is therefore in compliance with Policy 29 of the Central Lancashire Core Strategy.

Heritage and Archaeology

- 7.57 It is agreed that relevant heritage assets to consider the impact upon comprise xxx

- 7.58 The findings of the submitted Heritage Statement are agreed with in that the degree of separation between the site and these listed buildings is such that there is no meaningful visual connection and there is thus no harm caused.

- 7.59 It is agreed that the former Ministry of Supply Depot, the remnants of which can be seen in the surrounding landscape, has some value / significance as a non-designated heritage asset.

- 7.60 It is agreed that the loss of significance is considered to be minor / low.

- 7.61 It is agreed that there is therefore no need to undertake a balancing exercise as per the requirements of the Framework as no harm is caused to the significance of a designated heritage asset.

Ground Conditions

- 7.62 The submitted Phase I & II Geo-environmental Site Assessment did not identify any contamination that cannot be suitably controlled via mitigation measures.

- 7.63 It is therefore agreed that the development complies with Policy BNE7 of the Chorley Local Plan.

Agricultural Land

- 7.64 The submitted Agricultural Land Classification survey identifies that the site contains no Grade 1 or 2 agricultural land, and 6% (2.6ha) Subgrade 3a. The majority of the site area does not comprise best and most versatile agricultural land.

- 7.65 The findings of the survey are agreed with and it is common ground that the wider benefits of the proposal outweigh the loss of 2.6 hectares of subgrade 3a agricultural land.

Mineral Safeguarding

- 7.66 The site is located within a mineral safeguarding area. It is agreed that the significant need for the proposed development outweighs that of extracting minerals at the site.
- 7.67 It is acknowledged that the programme and the site's location adjacent to two existing prisons means that it is not possible to extract the minerals in advance of the proposed development. It is agreed that it would also not be environmentally acceptable to extract the minerals.
- 7.68 It is therefore agreed that there is no conflict with Policy M2 of the Minerals and Waste Local Plan.

8. Matters in Issue

8.1 There is disagreement between the Appellant and the Council as to whether:

- The benefits associated with the proposed development constitute the very special circumstances necessary to justify the grant of permission in accordance with paragraph 148 of the Framework;
- The proposed development would have an acceptable highways impact in terms of highway safety and accord with paragraph 111 of the Framework and Policy BNE1 of the Chorley Local Plan; and
- The vehicular traffic movements associated with the proposed development would result in a harmful impact on the amenity of residents by virtue of the potential noise nuisance and disturbance and conflict with Policy BNE1 of the Chorley Local Plan.

9. Planning Obligations and Conditions

Planning Obligations

9.1 It is agreed that there is a requirement for an agreement under Section 106 of the 1990 Act in order to make the development acceptable.

9.2 A final agreed S106 agreement will be submitted before the start of the Inquiry.

9.3 The S106 agreement is expected to include the below items which are considered to comply with the tests set out at paragraph 57 of the Framework:

1. Contribution towards provision of an enhanced bus service

To pay to Lancashire County Council a financial contribution towards enhancing the 112 bus service for a period of 5 years.

2. Cycleway improvements to Nixon Lane

To pay to Lancashire County Council a financial contribution towards resurfacing works to Nixon Lane and improved signage to promote the cycling route between the site and School Lane.

3. Appraisal and monitoring of the travel plan

To implement and monitor the success of the travel plan.

4. Contribution towards a corridor improvement scheme along the A581

To pay to Lancashire County Council a financial contribution towards the corridor improvement scheme along the A581.

5. Monitoring of the biodiversity net gain

To implement and maintain the proposed biodiversity net gain enhancements.

6. Reprovision of the bowling green and club house

To deliver and maintain in perpetuity the replacement bowling green and club house for use by Wymott Bowling Club.

Conditions

9.4 A draft schedule of conditions was included in the Addendum to the Officer's Report to Planning Committee, which had been subject to discussion between the Appellant and Council prior to the Planning Committee.

9.5 This list of conditions will be further refined and agreed for the Inspector's consideration in advance of the Inquiry.

10. Declaration

10.1 This is an agreed Statement of Common Ground between the Ministry of Justice and Chorley Council.

Signed by:



Claire Pegg, Cushman & Wakefield

On behalf of the Ministry of Justice

And:



.....

On behalf of Chorley Council

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