



HM Prison &  
Probation Service

# Proof of Evidence

**Robin Seaton – Deputy Director, HMPPS Prison Supply Directorate**

Introduction	Page 2
Her Majesty's Prison and Probation Service	Page 4
Prison Policy	Page 8
Demand for prison places	Page 11
Meeting the need for new prison places	Page 14
Site search criteria	Page 16
Benefits of delivering the scheme	Page 17
Summary and conclusions	Page 19

A handwritten signature in black ink that reads "R. P. Seaton".

**Robin Seaton**  
14 June 2022

## 1. Introduction

- 1.1. My name is Robin Seaton and I am a Senior Civil Servant working as a Deputy Director within the Prison Supply Directorate in Her Majesty's Prison and Probation Service (HMPPS). In this role I am the Senior Responsible Owner (SRO) for the new prisons programme. I have been in this role, and a Senior Civil Servant, for around three years; held leadership positions in prison estate capital investment programmes for over six years and worked in the Criminal Justice System (CJS) since 2008. I am also Chief Operating Officer of the Prison Capacity Portfolio. My qualifications are:
  - B.A. Degree
  - Master's Degree
  - Graduate of the Government's Project Leadership Programme (PLP)
  - Currently member of a cohort of 26 on the Government's Major Projects Leadership Academy (MPLA)
- 1.2. As a civil servant, I am expected to carry out my role with dedication and a commitment to the Civil Service and its core values: integrity, honesty, objectivity and impartiality:
  - 'integrity' is putting the obligations of public service above my own personal interests;
  - 'honesty' is being truthful and open;
  - 'objectivity' is basing my advice and decisions on rigorous analysis of the evidence; and
  - 'impartiality' is acting solely according to the merits of the case and serving equally well governments of different political persuasions.
- 1.3. As well as being SRO for the four new prisons programme, I am SRO for the construction and mobilisation of two other prisons. HMP Five Wells, which opened in February this year, and a new prison, HMP Fosse Way, which is in construction and is due to open in 2023.
- 1.4. As SRO, I am ultimately accountable for the new prisons programme meeting its objectives, delivering the projected outcomes and realising the required benefits. I am the owner of the business case and accountable for all aspects of governance.
- 1.5. The government standard for project delivery notes that the responsibilities of the SRO role include:
  - Defining and communicating the vision and business objectives in line with policy;
  - Ensuring a real business need is being addressed;
  - Providing the team with leadership, decisions and direction;
  - Ensuring the delivered solution meets the needs of the business;
  - Assuring ongoing project viability; and
  - Engaging key stakeholders.
- 1.6. As SRO I am accountable to the Ministry of Justice's (MoJ) Permanent Secretary, Second Permanent Secretary and through them to Ministers and Parliament. The new prisons programme is part of the Government Major Projects Portfolio (GMPP), and as SRO for the programme I have personal accountability to Parliament for the

implementation of the Government's policies as assigned to me by the MoJ accounting officer. This accountability is recorded in my SRO's letter of appointment.

1.7. The purpose of this Proof of Evidence is to explain the need for a new Category C resettlement prison in the North West of England. I also explain HMPPS's requirements for a site for a new prison and address the benefits of delivering the scheme. My evidence should be read together with that of other witnesses who address the suitability of the site for the proposed prison, and, in particular, the evidence of Katrina Hulse which addresses (amongst other things) the absence of alternative sites for this development.

1.8. My Proof of Evidence is structured as follows:

- Section 2 explains the role and responsibilities of HMPPS, and types of prisons;
- Section 3 addresses the Government's policy on prison expansion;
- Section 4 considers the existing and future demand for prison places;
- Section 5 addresses the way in which the need for new prison places is to be met;
- Section 6 addresses the criteria for sites for a new prison of the type proposed;
- Section 7 considers the benefits of delivering the scheme; and
- Section 8 contains my summary and conclusions.

## 2. Her Majesty's Prison and Probation Service

2.1. HMPPS is an executive agency of the MoJ. It is responsible for keeping those sentenced to prison in custody and helping them lead law abiding and useful lives, both while they are in prison and after they are released. HMPPS has responsibility, on behalf of the Secretary of State for Justice, for working with criminal justice partners to deliver the orders of the courts by providing for England and Wales public sector prisons and managing the provision of private sector prisons<sup>1</sup> (CD/J12).

2.2. Within England and Wales, HMPPS is responsible for:

- Running prison and probation services;
- Rehabilitation services for people leaving prison;
- Making sure support is available to stop people reoffending; and
- Contract managing private sector prisons and services such as the prisoner escort service and electronic tagging.

2.3. HMPPS's priorities are to:

- Deliver the government's vision and investment to make prisons places of safety and reform, and to continue to transform HMPPS's work in the community; and
- To provide safe and supportive environments, where people work through the reasons that caused them to offend and prepare for a more positive future.

2.4. The service works with many agencies, organisations and partners to provide services including charities and social enterprises, independent inspectors, local councils, youth offending teams, courts, police and other enforcement agencies to support the justice system.

2.5. The legislative powers governing the prison service are set out in the Prison Act 1952 (the Act). Section 1 of the Act provides that "*All powers and jurisdiction in relation to prisons and prisoners which before commencement of the Prison Act 1877 were exercisable by any other authority shall, subject to the provisions of this Act, be exercisable by the Secretary of State.*"

2.6. In relation to place of confinement for prisoners, Section 12 of the Act provides that:

*(1) A prisoner, whether sentenced to imprisonment or committed to prison on remand or pending trial or otherwise, may be lawfully confined in any prison.*

*(2) Prisoners shall be committed to such prisons as the Secretary of State may from time to time direct; and may by direction of the Secretary of State be removed during the term of their imprisonment from the prison in which they are confined to any other prison.*

*(3) A writ, warrant or other legal instrument addressed to the governor of a prison and identifying that prison by its situation or by any other sufficient description shall not be invalidated by reason only that the prison is usually known by a different description.*

---

<sup>1</sup> HMPPS Framework Document

2.7. In relation to the development of the prison estate, Section 33 of the Act provides that:

*(1) The Secretary of State may with the approval of the Treasury alter, enlarge or rebuild any prison and build new prisons.*

*(2) The Secretary of State may provide new prisons by declaring to be a prison—*

*(a) any building or part of a building built for the purpose or vested in him or under his control; or*

*(b) any floating structure or part of such a structure constructed for the purpose or vested in him or under his control.*

*(3) A declaration under this section may with respect to the building or part of a building declared to be a prison make the same provisions as an order under the next following section may make with respect to an existing prison.*

*(4) A declaration under this section may at any time be revoked by the Secretary of State.*

*(5) A declaration under this section shall not be sufficient to vest the legal estate of any building in the Secretary of State.*

2.8. The Act contains specific provisions for the cell requirements in prisons in Section 14 as follows:

*(1) The Secretary of State shall satisfy himself from time to time that in every prison sufficient accommodation is provided for all prisoners.*

*(2) No cell shall be used for the confinement of a prisoner unless it is certified by an inspector that its size, lighting, heating, ventilation and fittings are adequate for health and that it allows the prisoner to communicate at any time with a prison officer.*

*(3) A certificate given under this section in respect of any cell may limit the period for which a prisoner may be separately confined in the cell and the number of hours a day during which a prisoner may be employed therein.*

*(4) The certificate shall identify the cell to which it relates by a number or mark and the cell shall be marked by that number or mark placed in a conspicuous position; and if the number or mark is changed without the consent of an inspector the certificate shall cease to have effect.*

*(5) An inspector may withdraw a certificate given under this section in respect of any cell if in his opinion the conditions of the cell are no longer as stated in the certificate.*

*(6) In every prison special cells shall be provided for the temporary confinement of refractory or violent prisoners.*

2.9. HMPPS Population Management Unit (PMU) has responsibility for the central administration of cell certificates and for maintaining the central database used to record official accommodation statistics and to produce bulletins and briefings for senior management and Ministers. The PMU provides advice and guidance on the preparation of cell certificates and on the application of the Accommodation Standard. It also advises on wider estate management issues that might influence decisions on changes proposed to accommodation and operational capacity.

2.10. All prison cells must have cell certificates in order for them to hold prisoners, the certificates must state on them the uncrowded capacity (Certified Normal Accommodation) as well as the maximum crowded capacity of the cell. Each prison has a total Certified Normal Accommodation (total number of available uncrowded prison places) and an Operational Capacity (total number of available places if those cells that are certified as being capable of being crowded are crowded).

2.11. The aim of HMPPS is to keep as few prisoners as possible in crowded accommodation, however, in the year ending March 2021, due to the limited capacity in the estate approximately 20% of prisoners were held in crowded conditions<sup>2</sup> (CD/J9).

2.12. In times of acute and urgent pressure on the capacity of the prison system HMPPS has a number of options available to manage those pressures (other than providing additional accommodation which takes time to deliver). In priority order these options are:

- Postponing or interrupting maintenance work or other projects which require accommodation to be out of use, to boost short term capacity.
- Increase levels of crowding so that a higher percentage of cells are holding more prisoners than they were designed to accommodate.
- Operation Safeguard – the short term use of police cells to hold prisoners overnight (under the supervision of a Police Custody Sergeant) pending transfer into the prison estate. Operation Safeguard places are limited to around 400.

2.13. A lack of capacity has previously led to prisoners being released before the end of their sentences. This reduced HMPPS's ability to protect the public from offenders and harmed public confidence in the CJS.

### **Security classification, prison function and the prison estate**

2.14. There are four security categories for adult male prisoners:

- **Category A:** Those whose escape would be highly dangerous to the public, the police or the security of the state.
- **Category B:** Offenders whose assessed risks require that they are held in the closed estate and who need security measures additional to those in a standard closed prison. Closed prisons are kept secure through the use of perimeter security fences or walls.
- **Category C:** Offenders who are assessed as requiring standard closed conditions, and do not need additional security. The proposed new prison will be Category C.
- **Category D:** Offenders who are either assessed as presenting a low risk or whose previously identified risk factors are now assessed as manageable in low security conditions.

2.15. Individuals are categorised according to the risk they present to security, safety and public protection, and must be held in a prison providing levels of security appropriate to managing identified risks. In categorising an individual to a particular security category, the risk factors to be assessed are:

- Risk of escape or abscond;
- Risk of harm to the public;
- Ongoing criminality in custody;
- Violent or other behaviour that impacts the safety of those within the prison; and
- Control issues which disrupt the security and good order of the prison.

---

<sup>2</sup> HMPPS Annual Digest 2020/21

2.16. There are four main functions of prison for adult males:

- **High Security Prisons:** There are two types of high security prison. ‘Core locals’ which serve a population as described below under the ‘Reception Prisons’ heading but can also hold Category A prisoners. ‘Dispersals’ which spread Category A prisoners across a number of prisons to ensure that the most dangerous prisoners are not held in a single establishment. Category A and B prisons form the Long-Term High Security Estate.
- **Training/Resettlement Prisons:** Category C and Category B ‘training’ prisons are designed to house offenders at their corresponding category and give them the skills they need to increase their chances of finding employment upon release. Some Category C training prisons are ‘resettlement’ prisons, which hold prisoners closer to their local community to prepare them for release. The proposed new prison will be a resettlement prison.
- **Reception Prisons:** Holding those on short sentences, those on remand awaiting trial, on trial or prisoners who have been convicted but are awaiting sentencing, and those awaiting allocation to another establishment post sentence. Reception prisons can hold all categories of offender.
- **Open Prisons:** Housing Category D prisoners, considered to be lowest risk. Sometimes these are prisoners who have worked their way down the prisoner security categories and are coming to the end of their sentence. Open prisons do not normally have perimeter security fences or walls and prisoners in open conditions often leave the prison during the day to go to work or education.

2.17. HMPPS has responsibility for the management of 122 establishments in England and Wales, including 119 prisons and three secure training centres managed under a service level agreement with the Youth Justice Board. A number of the prisons are multi-functional (e.g. have a resettlement and training function) and some are grouped together under a single Governor (e.g. HMP Usk and HMP Prescoed).

2.18. A breakdown of the number of prisons by category is provided in the table below.

Primary function	Number of prisons
Long-Term High Security Estate	16
Category C	44
Reception	30
Female	12
Category D or “Open”	13
Young Offenders’ Institute	4
Secure Training Centres	3
<b>Total</b>	<b>122*</b>

*\* In this table: HMP Usk (‘Cat C’) and HMP Prescoed (‘Open’) have been separated out. HMP Spring Hill (‘Open’) and Grendon (‘Long-Term High Security Estate’) have been separated out. HMP Peterborough is the only Male and Female prison in the estate. It has been separated out and included in ‘Reception’ and ‘Female’. 14 prisons are run under contract by the private sector.*

### 3. Prison policy

- 3.1. The adult male prison estate is, at present, operating close to capacity<sup>3</sup> **(CD/J13)**. Generally, the Government has recognised for some time that the projected demand for prison places will soon outstrip supply and there is a need to ensure there are sufficient prison places of the right type to meet long term needs. This was reflected in the 2019 Conservative Party Manifesto<sup>4</sup> **(CD/J8)** commitment to deliver 10,000 new prison places and developed further in the Prison Strategy White Paper in 2021<sup>5</sup> **(CD/J7)**, which increased this commitment to 20,000 places. I address the specific demand forecasts for prison places in more detail in Section 4.
- 3.2. The demand is primarily driven by:
- Reform of the CJS and the impact of 23,400 more police officers;
  - Changes to sentencing (increasing Magistrates' powers to sentence offenders from 6 to 12 months in prison);
  - An ongoing increase in the number of prisoners with longer term sentences; and
  - Working through the backlog of court cases following the Covid-19 pandemic.
- 3.3. The rate of police recruitment and their subsequent impact, along with reforms to the CJS, is forecast to lead to significantly more arrests, charges and sentences and a similarly significant increase in demand for prison places – well beyond existing capacity. The Government needs to ensure there is sufficient capacity to hold the additional prisoners that will come from this in order to protect the public. I have set out the impact of running out of capacity at 2.12 and 2.13.
- 3.4. This challenging demand profile generated by reforms to the CJS will be exacerbated by the rate of court recovery dealing with the increase in backlog of cases from the Covid-19 pandemic. The pandemic caused delays to the operation of Crown Courts which created a backlog of cases and will, when addressed, lead to more prisoners. An increase in Crown Court capacity over the next few years to drive down the backlog of cases will drive a further increase in demand for prison places as there is more capacity to hear more cases, and more prisoners enter the system.
- 3.5. It is therefore of critical importance to the CJS across England and Wales that additional prison places are provided at speed to meet demand over the next five years and beyond.

#### **Better Design, Safety and Security, Reduced Rates of Reoffending and Improved Life Chances for Offenders**

- 3.6. As well as the sheer demand for prison places, there are a number of issues faced by HMPPS with the current estate which justify the development of new prison places. The issues include:
- Around two thirds of the current prison estate was built in the Victorian era or in the mid-20<sup>th</sup> century (1940s-1970s). The age profile and design of these buildings makes them difficult to run modern prison regimes in and expensive to maintain. Accordingly, there is a need for renewal of the estate.

---

<sup>3</sup> Population and Capacity Briefing for Friday 10 June 2022

<sup>4</sup> Conservative 2019 Manifesto

<sup>5</sup> Prison Strategy White Paper (December 2021)



- Much of the existing prison estate is in poor condition due to high levels of backlog maintenance. Whilst HMPPS is continuing to maintain prisons – with £315 million being invested this financial year to improve condition and minimise the loss of useable cells – the need for significant investment in the existing estate in the context of a rising population requires the creation of new prison places alongside maintenance of the existing estate.
  - Much of our existing estate cannot be enlarged as there is insufficient footprint to do so. Those establishments which have had sufficient footprint have been enlarged either by predecessor expansion programmes or are being expanded/planned for expansion as part of our current prison expansion projects and programmes.
  - Some establishments crowd cells (as described in para 2.10 above) to manage population pressures. Crowding is where two or more prisoners are held in a cell designed for one person. Crowding has led to knock on effects on levels of prisoner on prisoner violence, prisoner on staff violence and ill health of prisoners. Single cell accommodation is recommended by academics and practitioners to help reduce levels of violence and increase prisoner well-being.
- 3.7. The new prisons currently being proposed have been designed to hold prisoners in single cell accommodation in a secure environment, which enables the delivery of a regime to address their offending behaviour and offer rehabilitation.
- 3.8. There are three elements of design that come together to make an effective operational prison:
- The **physical design** – this includes the site, building typography, size, physical features, materials and finishes; the function, look and feel of the physical environment.
  - The **regime design** – this includes the services, activity and regime that would be suitable for the population enabled by the built environment.
  - The **cultural design** – this includes the staff and prisoner relationships and the organisational culture.
- 3.9. By aligning these design elements, new prisons will significantly improve levels of safety for both prisoners and staff, appropriately punish and incapacitate prisoners for the crimes they have committed but at the same time give them the best chance to be rehabilitated and turn their lives around – ultimately, reducing crime and increasing public safety.
- 3.10. The maximum efficiency for construction cost and operation of a prison would be derived from a 6 or 7 houseblock prison (c1,450-1,715 places). The prison being proposed will comprise of seven houseblocks with a maximum capacity of 1,715 prisoners. Each of the 7 houseblocks will hold 245 prisoners. There will be four floors in each houseblock with around 60 prisoners on each floor (some floors will have slightly more than 60 prisoners and the ground floor slightly less than 60). Each house block has three wings per floor meaning that each wing holds approximately 20 prisoners. There is good evidence that holding prisoners in smaller groups such as these helps create a community spirit on the wing, reducing violence and offending behaviour.

3.11. As set out in the Prison Strategy White Paper<sup>6</sup> (CD/J7), we will use the wealth of evidence about what works to ensure that we design and construct state-of-the-art prisons that meet the needs of our diverse prison population, are digitally enabled and more environmentally sustainable – giving prison leaders additional tools to drive up performance. What this means in practice is building carefully designed prisons that:

- Have safety and security as foundational principles to reinforce our zero tolerance approach to drugs, weapons and other illicit contraband: all new build prisons are equipped with security measures that contribute to cutting crime as standard. This will include Enhanced Gate Security, X-Ray Body Scanners and biometric visitor identification;
- Are designed to facilitate education and employment, rehabilitation, healthcare and purposeful activity by: providing spaces for one-to-one and group education and skills development; have workshops for training and employment; have IT in cells to facilitate access to resources; welcoming visitor centres for families, peer support and therapeutic activity, including to address substance misuse; and include association spaces and quiet areas, together with adequate spaces for work;
- Have accessible facilities for our growing population of older prisoners or those with specific health needs which affect their ability to engage with the daily regime - for example, all new build prisons will have accessibility as a guiding principle, with 7% of all cells being wheelchair accessible;
- Use design features to support prisoners who have conditions such as learning disabilities, autism and ADHD or an acquired brain injury so we can better meet the needs of these prisoners in future design considerations; and
- Are more sustainable - all our future prison builds will be zero net carbon ready from day one.

---

<sup>6</sup> Prison Strategy White Paper (December 2021)

## 4. Demand for prison places

### Calculation of demand for national prison places

- 4.1. Calculating demand for prison projections uses a suite of modelling tools within the MoJ covering criminal courts and offender management. Starting from projected volumes of completed court cases, two main components of the modelling suite are used to develop prison population projections – a custodial sentencing model and a prison population projection model. This is detailed in MoJ's 'Prison Population Projections 2021 to 2026'<sup>7</sup> (CD/J14).
- 4.2. The custodial sentencing model is driven by projections of numbers of defendants convicted or sentenced in the criminal courts. To project volumes of people received into prison, it also considers:
  - The case type and court route defendants have come through;
  - The sentences which concluded cases attract; and
  - The proportion of sentences which lead to a prison reception.
- 4.3. The prison population projection model takes forecasts of offenders entering prisons and then models the amount of time offenders spend in prison to calculate the resulting prison population for each month of the projection period.
- 4.4. The projection model is based on latest available data from various sources including court proceedings and performance data and sentencing data. The latest offender management statistics are used to model prison receptions and population data.
- 4.5. The projections presented reflect the impact of the latest trends in sentencing, in the age band, sex, and offence of defendants entering the system and in the flow of defendants through the courts. Estimated impacts of changes to legislation and guidance which took place before August 2021 have been accounted for, along with policies included in the Police, Crime, Sentencing and Courts Act 2022, future parole hearing frequency and outcomes for indeterminate sentence prisoners.
- 4.6. Prison population projections are initially produced for separate sub-populations and then combined. In most cases, these population groups are projected by combining reception (inflow) projections over time, discharge (outflow) projections over time and the starting-point population, i.e. a stock-flow model. The reception projections come from modelling the flow of cases of particular types through courts, and then applying calculated ratios of court disposals (closed cases) that become prison receptions. The discharge projections are derived by applying time periods served in prison to the existing prison population and new receptions.
- 4.7. Assumptions for modelling were agreed through consultation with policy and operational experts at MoJ, HMPPS, Home Office and Crown Prosecution Service. The assumptions are based on analysis (where reliable data is available) and on expert judgement from stakeholders. The assumptions are therefore likely to be more robust for those measures and processes that are well defined.

---

<sup>7</sup> Prison Population Projections 2021 to 2026

4.8. The population projections have been published and refined annually since 2008 and are released with National Statistics status<sup>8</sup> meaning they meet the highest standards of trustworthiness, quality and public value.

### **National need for prison places**

4.9. The total prison population is forecast to increase to a record high of 98,500 by March 2026<sup>9</sup> **(CD/J14)**. As of 10 June 2022, the operational capacity of the system is 82,676 places and at the time of writing, the prison population is 80,115<sup>10</sup> **(CD/J13)**.

4.10. The projections show demand for prison places will soon outstrip supply (as I covered in Section 3), unless action is taken to increase supply. The pressure for new places is primarily driven by:

- Reform of the CJS and the impact of 23,400 more police officers;
- Changes to sentencing (increasing Magistrates' powers to sentence offenders from 6 to 12 months in prison); and
- An ongoing increase in the number of prisoners with longer term sentences.

4.11. This challenging demand profile will be exacerbated by the rate of court recovery dealing with the increase in backlog of cases from the Covid-19 pandemic; an increase in Crown Court capacity over the next few years to drive down the backlog of cases will drive a further increase in demand for prison places as there is more capacity to hear more cases, and more prisoners enter the system.

### **Regional need for prison places in the North West**

4.12. Our analysis predicts significant additional regional demand for prison places in the North West and Greater Manchester against HMPPS's planned capacity. This reflects the contribution of this region to the projected growth in prison population at a national level.

4.13. Based on current useable prison capacity, projected prison population and Office for National Statistics population by region<sup>11</sup>, we estimate a capacity gap of 2,000 prison places in March 2026 in the region that would be served by the proposed site at Garth Wymott. We do not expect prison place demand to decrease in the years following 2026 as increased police officer recruitment and Government policy to increase custodial sentences for serious offenders continue to add prison population pressure.

4.14. It should be recognised that there is a degree of uncertainty in prison place forecast requirements, not least, as these projected offenders are yet to have committed the crimes for which these prison places will be required. However, this is the best assessment of future requirements by MoJ's analytics team, based on current senior operational insight and data on CJS performance.

---

<sup>8</sup> National Statistics – Office for Statistics Regulation ([statisticsauthority.gov.uk](https://statisticsauthority.gov.uk))

<sup>9</sup> Prison Population Projections 2021 to 2026, England and Wales

<sup>10</sup> Population and Capacity Briefing for Friday 10 June 2022

<sup>11</sup> Estimates of the population for the UK, England and Wales, Scotland and Northern Ireland - Office for National Statistics ([ons.gov.uk](https://ons.gov.uk))

## **Existing unmet need for Category C places in the region**

4.15. In addition to the projected growth in demand for prison places, as of May 2022, around 1,350 Category C men (3% of total population) with less than 24 months sentence remaining and who had a home address in the North West were being held in prisons outside of the region<sup>12</sup>. This is the cohort (Category C resettlement) who would be held in the new prison, since the Government seeks to hold these prisoners in or close to their home region. This approach improves the prisoner's chances of successfully integrating with their communities and not reoffending when released. The existence of a large group of prisoners being in prisons outside their home region is a clear indication of an existing unmet demand for Category C places in the North West.

## **Category specific need for prison places**

4.16. Historically there has been an imbalance between the category of prisoners and the types of prisons in which they are held. Such imbalances have meant that many prisoners are held in a higher security category prison than they have been assessed for and which does not perform the function (e.g. resettlement) which they need. For example, in May 2022 there were around 1,750 male Category C prisoners being held in Category A or B prisons<sup>13</sup>. Holding prisoners in the wrong types of prison inhibits rehabilitation and is poor value for money as higher security prisons are more expensive to operate. Opportunities to engage in constructive activity (e.g. work or education) are more limited for prisoners held in higher security prisons, who are eligible for training or resettlement prison places. In terms of running costs – by way of example, a Category A place is around £71k per annum, whereas a Category C place is on average around £40k per annum<sup>14</sup>. The operating costs of the new prisons, such as HMP Five Wells and HMP Fosse Way, are lower than the average Category C cost, due to the design enabling the operation of a modern prison regime, reduced maintenance requirements and energy efficiency.

---

<sup>12</sup> Live HMPPS data – total Cat C Male population at 6 May 2022: 44,560

<sup>13</sup> Live HMPPS data

<sup>14</sup> <https://www.gov.uk/government/publications/prison-performance-data-2020-to-2021>

## 5. Meeting the need for new prison places

### National response

- 5.1. The forecast rise in prison population is unprecedented territory for HMPPS and it is essential that we build capacity to respond to that rise, and to continue to protect the public.
- 5.2. The Government confirmed in June 2020<sup>15</sup> that four more new prisons would be built across England over the next six years to meet the demand for places (these four are in addition to two pre-existing new prison projects, HMPs Five Wells and Fosse Way). That commitment followed the Conservative Manifesto (2019) which confirmed the Government would 'add 10,000 more prison places, with £2.75 billion already committed to refurbishing and creating modern prisons'<sup>16</sup> **(CD/J8)**.
- 5.3. This objective was subsequently increased to provide 20,000 prison places by the mid 2020s as referenced in para 3.1. Around 4,000 expansion and refurbishment places have been confirmed to be delivered across 16 sites (subject to receiving planning permission). This was announced by the Deputy Prime Minister in February 2022<sup>17</sup>. A further c6,000 places will be delivered through expansions, conversions and refurbishments across multiple sites, with the remaining c10,000 of the 20,000 places being delivered through the six new prisons. Approximately 3,100 of the 20,000 places have been delivered to date, including 1,680 places at the new prison, HMP Five Wells.
- 5.4. Due to the age and site constraints of our existing prisons it would not be possible to deliver all the additional prison places through expansion alone. It would also not be the right long-term or best value for money solution. New modern prisons will provide better long-term value for money, increased sustainability and better opportunities to reduce reoffending. The combined economic and social cost of reoffending, in England and Wales, has been estimated at £18.1 billion<sup>18</sup> **(CD/J11)** and so the opportunity presented by the proposed development to reduce reoffending rates is of significant value. Currently adults released from prison have a proven reoffending rate of 38.6% within one year of release<sup>19</sup> **(CD/J10)**.
- 5.5. The four new prisons, planned to provide around 6,500 additional prison places, are a major step in a multibillion-pound programme to deliver modern prisons that will help boost rehabilitation and reduce reoffending, providing improved security and additional training facilities to help offenders find employment on release. The four new prisons form a major part of plans to transform the prison estate and create environments where offenders can be more effectively rehabilitated and turned away from crime for good. As well as providing a boost to our CJS and contributing to its reform, the four new prisons will create thousands of new permanent jobs and provide vital investment in our national infrastructure.

### Regional response

- 5.6. When considering the need for prison places in a particular location, it needs to be considered together with the surrounding geographic region. It is for this reason that

---

<sup>15</sup> [Four new prisons boost rehabilitation and support economy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/four-new-prisons-boost-rehabilitation-and-support-economy)

<sup>16</sup> Conservative 2019 Manifesto

<sup>17</sup> [Thousands of new prison places to rehabilitate offenders and cut crime - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/thousands-of-new-prison-places-to-rehabilitate-offenders-and-cut-crime)

<sup>18</sup> Economic and Social Costs of Reoffending - Analytical report (Ministry of Justice, 2019)

<sup>19</sup> Proven reoffending statistics: April to June 2020

the proposed site adjacent to HMP Garth and HMP Wymott has been identified as a strategically valuable location for a Category C resettlement prison in the North West. The application site is centrally located in the North West and so is well-placed to meet the regional demand for Category C resettlement places, as detailed at para 4.13.

- 5.7. Part of the rationale for building a new Category C resettlement prison at the application site is that it will enable HMPPS to meet the regional needs of prisoners in this category. The primary reason for allocation to a resettlement prison is for the prisoner to be closer to their home, to help them prepare for release and resettlement into their community, through maintaining or improving their family and community ties. As noted above, at present a significant number of Category C prisoners are being held outside of their home region in the North West.

### **Why expansions alone will not meet demand**

- 5.8. We have reviewed our estate and in doing so, we have concluded that additional capacity through houseblock expansion, reconfiguration and refurbishment of existing prisons will be insufficient to meet the long-term projected demand for prison spaces or the best value for money solution for the following reasons, reflecting the matters set out above:
- Many existing establishments simply cannot be expanded by the scope and scale required due to their age, configuration, site restrictions and do not have sufficient footprint.
  - Those existing establishments (that are in the right place to meet demand) that can be enlarged have been identified and are planned for expansion.
  - There are benefits in building new prisons which cannot be achieved through extending existing prisons. New prisons represent a step change in the design and approach to the delivery of prison places and will enable transformation of the estate in order to reduce re-offending and improve value for money.

## 6. Site search criteria

6.1. Katrina Hulse's Proof of Evidence addresses the site search. As noted in her proof the site search was informed by the following selection criteria.

### **Mandatory Requirements:**

- Minimum 12ha developable area; and
- In the preferred area of search, and requirement for at least one location in each region. For the North West region, the preferred area of search included Cheshire, Greater Manchester, Merseyside and Lancashire. Cumbria was excluded due to its relative remoteness and longer journey times from the main urban areas of Manchester and Liverpool.

### **Secondary Requirements:**

- Sufficiently flat;
- Have good strategic access to public transport and the motorway/trunk road network;
- Accessible for construction without major enhancement of transport infrastructure;
- Not significantly overlooked so as not to compromise security;
- Capable of connection to utilities without unreasonable cost; and
- Outside floodplains.

### **Tertiary Requirements:**

- Previously developed / brownfield;
- A suitable shape for prison development;
- Ease of recruitment for prison operatives;
- Manageable in terms of ground conditions / contamination;
- Not prejudiced by major ecological or historic designations; and
- Not affected by significant public rights of way or other similar issues.

6.2. A minimum site size of 12 ha is required for prisons of this scale. Prisons are effectively small village complexes providing the living accommodation for prisoners and additional ancillary facilities such as kitchens to provide food for the prisoners, education facilities, healthcare, a multi-faith centre, workshops, a visitors centre and associated administrative functions. A 1,715 place prison has 7 houseblocks (living accommodation) and a 1,468 place prison 6 houseblocks. Prisons are constructed to this size in order to maximise both construction and operational efficiencies. Each houseblock can accommodate 245 prisoners. Over four floors (or landings) with around 60 prisoners per floor. The ground floor of each houseblock has fewer cells as it contains more accessible cells for prisoners with low mobility.

6.3. Smaller prisons take up proportionately more space, as smaller prison still requires the ancillary facilities such as a kitchen, healthcare, visitors' centre, workshops and education facilities. Smaller prisons are therefore less efficient in construction and operational costs, and in the use of their land.

6.4. In order to maintain safety and security in prisons the internal perimeter includes a sterile zone of 5 metres between the external and internal security fences/wall making escape by scaling the fences more difficult. This sterile zone also hinders items being thrown over the fences or walls landing in prisoner accessible areas.



## 7. Benefits of delivering the scheme

- 7.1. The new Category C resettlement prison at the site adjacent to HMP Garth and HMP Wymott will enable more prisoners to be in the right category and function of prison by addressing the deficit of Category C resettlement prison places. Currently many prisoners are being held in a security category which is higher than they require and a function for which they are not suited and therefore does not address their needs. The new modern, purpose built, Category C resettlement prison, would provide the right environment and facilities for prisoners to address the causes of their offending behaviour, giving them the opportunities to develop job and life skills that will assist with their reintegration to society on release. If we do not meet this need, prisoners will continue to be held in the wrong function and category of prison without appropriate resources to support rehabilitation and rates of reoffending will not decrease. The combined economic and social cost of reoffending has been estimated at £18.1 billion<sup>20</sup> (CD/J11) and so the opportunity presented by the proposed development to reduce reoffending rates is of significant value. If we do not provide sufficient capacity in the prison system, prisoners may end up being released before the end of their sentences, as I referred to at para 2.13. This reduces HMPPS's ability to protect the public from offenders and harms public confidence in the CJS.
- 7.2. The design of the prison will create an environment that should lead to reductions in violence and self-harm and improve prisoner and staff well-being when compared to similar sized prisons in the existing estate. This is due to having smaller community sizes, single cell accommodation, eliminating blind spots, increased natural daylight and lower levels of noise. These design features also enable positive interactions between staff and prisoners which in turn can lead to a reduction in reoffending.
- 7.3. Compliance with the MOJ's sustainability policy<sup>21</sup> is a pre-requisite in appointing construction contractors and their supply chain to ensure we transition to a lower carbon, more environmentally sustainable estate. MOJ policy requires that we use the 'Government Buying Standards for New Build, Construction Projects and Refurbishment'<sup>22</sup>, to ensure that each project incorporates sustainable construction throughout the project lifecycle. MOJ applies the 'Building Research Environmental Assessment Method'<sup>23</sup> (BREEAM) to assist in the creation of a fit-for purpose, less costly and more sustainable estate. This project will achieve at minimum an 'excellent' rating and will aim for an 'outstanding' if it represents value for money.
- 7.4. The proposed new prison at Chorley will be delivered in a way which supports the Government's commitment to improve the state of the environment and to be at net zero carbon by 2050. In operation, it reflects a c90% reduction in carbon emissions and c70% reduction in energy use when compared to the most recent new prison (HMP Five Wells). The construction of the new prison will be delivered in a way which minimises impact and provides over c20% biodiversity net gain compared to the MoJ target of 10%.
- 7.5. Through the construction of these new prisons, HMPPS will create opportunities for people, including ex-offenders and prisoners Released on Temporary Licence (ROTL), to be trained and upskilled in construction. HMPPS will also create opportunities for businesses, helping boost local economies. HMPPS's supply chain

---

<sup>20</sup> Economic and social costs of reoffending: Analytical report (Ministry of Justice, 2019)

<sup>21</sup> [Ministry of Justice and the environment - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

<sup>22</sup> [Sustainable procurement: the GBS for construction projects and buildings - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

<sup>23</sup> [BREEAM - BRE Group](https://www.breeam.com/)

will deliver a wider economic boost, including to areas important to the Government's Levelling Up agenda. Targets include a minimum of:

- 20% Local spend within a 25-mile radius of the site
- 40% Local spend within a 50-mile radius of the site
- 75% Local spend within a 100-mile radius of the site
- 25% Local employment within 25 miles of site
- 25% of construction jobs given to former prisoners or those near to release
- £50k spend with Voluntary, Community and Social Enterprises
- 1 community project per year
- 15 targeted events, such as job fairs and school visits
- 1,750 Work placement Days
- Monthly newsletters
- Community engagement for residents living close to site, such as site tours
- 50 new apprentice opportunities

7.6. The full economic benefits created by the scheme are covered in the note from Richard Cook, appended to Katrina Hulse's Proof of Evidence and in 'Economic Impact of a New Prison' **(CD/J1)**.

## 8. Summary and conclusions

8.1. My Proof of Evidence has set out that:

- HMPPS is the agency responsible for keeping those sentenced to prison in custody and is responsible for the prison estate.
- Much of the prison estate dates to the Victoria era. The age and design of Victorian prisons makes them difficult to run modern prison regimes in and expensive to maintain.
- Category C resettlement prisons fulfil an important role, to enable the prisoner to be closer to their family and community as they serve the last part of their sentence and prepare for release.
- There is a mismatch in the supply of and demand for types of prison places, with too many prisoners held in prisons that are more secure than they need, and cannot sufficiently address their resettlement needs.
- There is a rising prison population which is creating a national need for new prisons places and a regional need within the North West. I have shown how this is forecast and explained the specific requirement for Category C resettlement places in the North West.
- The Government has committed to deliver this additional capacity through a combination of new prisons and expansions. HMPPS's ability to expand existing prisons is limited.
- New prisons improve levels of safety for both prisoners and staff; appropriately punish and incapacitate prisoners for their crimes and give prisoners the best chance to be rehabilitated.
- Through the construction of these new prisons, HMPPS will create opportunities for people including current and ex-offenders to be trained and employed in construction. HMPPS has also set out targets for constructors which will help boost local businesses and benefit the local economy and will provide ongoing economic benefits and local employment when the prison is operational.

8.2. I have clearly demonstrated that the national and local need for prison places would be met in part through the construction of a new prison at the site adjacent to HMP Garth and HMP Wymott. I have also set out the risks of running out of prison places, alongside the benefits of prisoners serving their sentences in modern, fit for purpose prisons, both in terms of reducing their chances of reoffending and providing the best long term value for money.

**Robin Seaton**

14 June 2022