



Katrina Hulse
Cushman and Wakefield

Our Ref: AS ENQ/20/0145

Your Ref:

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SENT BY EMAIL ONLY

Date: 25 September 2020

Dear Katrina

REQUEST FOR PRE-APPLICATION ADVICE ENQ/20/0145 IN RESPECT OF LAND ADJACENT TO KIRKHAM PRISON

I refer to your letter and accompanying plans of July 2020 concerning the above proposal. In your letter you set out a specific request for the Council's comments "*on the principle of the proposed development and, given the site's location within the Green Belt, the Very Special Circumstances (VSC) considered to apply.*" In responding to this request, we have presented the most pertinent parts of the Development Plan, followed by a consideration of the key issues and recommendations relating to progressing an application.

Proposal

The proposal is for the construction of a new Category C prison to house 1,680 prisoners, positioned to the north and west of the existing HMP Kirkham (a Category D prison). The site is to the south of the main developed area of Kirkham, with predominantly residential areas being located immediately to the north of the site with the A583 running between. Ribby Hall Village is a major leisure and tourism facility that is located a short distance to the west of the proposed site.

You have provided an indicative layout and standard elevations. These show that the development would likely consist of a series of buildings, with the main elements of the development being seven housing blocks, an entrance hub, a workshop and a central service hub, with a number of other buildings. A large 33,000sqm car park is also shown towards the north of the site, connecting to the A583 via a new vehicular and pedestrian access. The plans also indicate areas for planting to potentially include new trees, as well as two pockets of 'woodland protected areas' on the western edge of the site.

You have shown on the 'Proposed Indicative Site Layout' plan that the development will be located to the north and west of the existing prison. The existing use of the significant majority of the land is agricultural and the whole area is located within the Green Belt. The site is characterised by generally flat, undeveloped, open space, with some boundary vegetation and trees throughout. There are also a number of small agricultural buildings.

Policy and Guidance Background

The Fylde Local Plan to 2032 (the Plan) constitutes the most pertinent part of the Development Plan for this type of proposal. The Plan is considered up to date, having been adopted in October 2018 to cover the entire borough for the period of 2011 to 2032.

This section provides details of the policies from the Plan as well as elements of national policy and guidance considered to be most pertinent to the proposals.

GD1 Settlement Boundaries

The application site lies outside of any settlement boundaries. Therefore, policy GD1 states that this proposal should be in accordance with policies GD2, GD3, GD4 and /or GD5.

GD2 Green Belt

Policy GD2 states clearly that for sites within the Green Belt, national policy for development will apply. The NPPF is the primary source of national policy relating to development within the Green Belt. Section 13 of the NPPF sets out that *"the Government attaches great importance to Green Belts"* with paragraph 145 setting out the circumstances under which development in the Green Belt should be considered appropriate. Paragraph 143 adds that development which does not fall under the requirements and limitations of paragraph 145 can only be considered acceptable with VSC to justify the development.

The proposals would not fall under any of the paragraph 145 exceptions and therefore should be considered inappropriate in the Green Belt. It is therefore relevant to note that *"inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."* Therefore, any proposal would need to be accompanied by a VSC argument. Your submission recognises this point and so the merits of that are assessed in this response.

ENV1 Landscape

Policy ENV1 requires applicants to demonstrate the appropriateness that proposals would be appropriate in respect of *"the landscape character, amenity and tranquility within which it is situated, as identified in the Lancashire Landscape Character Assessment, December 2000 or any subsequent update."* The policy also sets out principles for appropriate landscaping, planting and other mitigation. Notably, the policy states that *"In the event of the loss of landscape features, the impact will be minimised or, where loss is unavoidable, their like-for-like replacement will be provided."*

ENV5 Historic Environment

Policy ENV5 states that *"Proposals for development should conserve, protect and, where appropriate, enhance the character, appearance, significance and historic value of Fylde's designated and undesignated heritage assets, in particular (...) the historic market town of Kirkham"*.

EC1 Overall Provision of Employment Land and Existing Employment Sites and EC2 Employment Opportunities

Policy EC1 provides details of the amount of land to be allocated for employment purposes at specified sites throughout the borough including new and existing sites. The proposed site and existing prison site do not fall within the areas identified in policy EC1. A number of sites identified in this policy are close to the site, including one site adjacent to the north east corner of the existing prison (but not adjacent to the proposed site).

Policy EC2 relates to employment opportunities beyond the scope of EC1 and is therefore relevant in this situation. When considering proposals for new employment uses, policy EC2 sets out that the development should be *"flexible and suitable to meet changing future employment needs"* as well as *"accessible for local people"* and otherwise in accordance with policy GD7 (detailed below).

INF1 Service Accessibility and Infrastructure

Policy INF1 requires development to provide essential site service and communications infrastructure and for proposals to demonstrate that it will support infrastructure requirements as set out in the Council's Infrastructure Delivery Plan.

T4 Enhancing Sustainable Transport Choice

Policy T4 sets out the importance of securing the long-term viability of the borough, to allow for the anticipated increased demands related to the movement of people and goods. Notably, this includes the integration of different modes of sustainable transport and the provision of improved pedestrian, disabled, cycling and public transport access to and from Kirkham and Wesham Railway Station.

T5 Parking Standards

Policy T5 requires new development to provide parking on site so as to ensure there is no detrimental effect on the safe and convenient use of highways.

GD7 Achieving Good Design in Development

Policy GD7 sets out an expectation that all development will achieve a high standard of design, taking account of the character and appearance of the local area, and provides a detailed list of considerations. This includes but is not limited to ensuring that development makes “*a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context*”.

CL1 and CL2 Flood Alleviation, Water Quality and Water Efficiency; and, Surface Water Run-Off and Sustainable Drainage

Policies CL1 and CL2 set out that all new development should minimise flood risk impacts on the environment, alongside detailed guidance and requirements. This includes that discharge rates should be agreed between the relevant parties which is of particular relevance given the green field nature of the existing site.

HW2 Community Facilities

Policy HW2 sets out that proposal for new community facilities should be co-located where possible, providing a range of services in one sustainable and accessible location. The details of the relationship of the use and function of the existing prison and proposed new prison may have bearing on any assessment against this policy.

Key Issues

The policy summary above reflects the issues which are expected to be the most significant in relation to the development of a new prison on this site in the Green Belt. Whilst a proposal of this scale in this location will generate a wide range of issues that would need careful consideration as part of any application, an overview of the most pertinent issues only is given here.

Development within the Green Belt and Very Special Circumstances

You state in your pre-application letter that you would seek to support any application with a VSC argument. I agree that the development proposals would not fall under NPPF paragraph 143 and would therefore need to be supported by VSC, if possible.

Any application would need to clearly define the harm to the Green Belt, in order to be able to weigh the benefits of any VSC against this harm. Any assessment of harm should be framed against the purposes of the Green Belt, as set out in paragraph 134. There is scope for each of these purposes to be relevant and it is anticipated that the first, third and fourth purposes will be of key given the position of the site and the scale of the development proposal, with these being to check the unrestricted sprawl of large built-up areas; to assist in safeguarding the countryside from encroachment; and, to preserve the setting and special character of historic towns.

There is no definitive guidance in the NPPF, PPG or any other material policy and guidance which defines what constitutes very special circumstances. Each site and proposal must be assessed on its own merits. This is a reflection of the sometimes complex and subjective nature of development in the Green Belt.

You set out in your pre-application letter the basis for a VSC case which comprises two main elements: meeting a strategic need for new prison places in the country and specifically the North West; and, the socio-economic benefits of the development.

With regards to meeting the need for new prison places, this is set out as being a need across the North West, rather than specifically in Fylde or a neighbouring authority area. You have set out information relating to the government's commitments, aspirations and funding related to this provision. However, in order for any VSC argument relating to this provision to be robust, it would need to first demonstrate through a sequential assessment that this was the only or most preferred site within the whole of the North West region to deliver the prison. This assessment would need to be extremely robust in order to overcome the high bar that that is associated with inappropriate development within the Green Belt, and the anticipated high level of harm that a development of this scale and nature would cause.

Your submission suggests that the site at Kirkham meets this requirement on the basis of it being of a sufficient size, being in the applicant's ownership, and that there is an adjacent facility bringing co-location benefits. I agree that these are all circumstances that would lead your client to favour this site as a location for this development. However, I am unsure that they alone can represent a compelling VSC argument without the examination through a sequential site assessment that there are no other suitable sites in the region that could accommodate the proposed facility, and which cannot be discounted for suitably valid reasons. The national green belt policy is a long-established cornerstone of the planning system and I do not believe that the apparent convenience of this site to the existing prison and your client's ownership represents a VSC that is sufficient to overrule the protection that it brings.

The socio-economic benefits as presented are independent of an understanding of the socio-economic profile of Kirkham, the borough and the wider area. Any VSC on this basis must be assessed against need, rather than independently. For example, the extent of the benefit of the suggested provision of new jobs within Kirkham and Preston depends of the ability of the job market in those areas to fulfil those jobs. The suggestion that the proposal will boost the local employment levels by 500-600 jobs is therefore an overly simplistic approach as it is inevitable that some of these jobs will be part time, others will be those moving into the area, that there likely will be a need for further development to support those moving in, etc.

To present a balanced argument on this point it is also necessary to consider the potential negative socio-economic impacts of the proposal with the proximity of the site to the holiday and leisure facility at Ribby Hall being an obvious area where the development has the potential to bring economic harm.

Furthermore, the Plan sets out a strategy for the delivery of adequate employment development within the borough, in order to support anticipated growth and provide sufficient jobs. This includes vibrant employment sites at Whitehills to the west of this site, an actively developing site at Mill Farm to the north of Kirkham and the Enterprise Zones at Blackpool Airport and BAE Systems Warton. In this respect, the Council considers that it can demonstrate that it has and continues to fulfil the requirements of section six of the NPPF in building a strong, competitive economy without the need for this development. This must devalue and VSC benefits that could be presented on this basis.

My conclusion on this aspect from the information in your submission has to be that I believe it is unlikely that the development will be able to deliver the VSC necessary to achieve policy support. However I hope that this section provides you with some guidance on the matters that you do raise in the event that you decide to progress this scheme to an application. It is important that any VSC arguments which are presented not only set out in isolation the anticipated benefits of the development but that these are set against the real-world situation that they relate to be it the sequential availability of other sites in the region, the socio-economic implications for the skills and capacity in the local labour market, or these local factors should any other VSC be presented.

Landscape Impact

The existing site is generally flat, open agricultural land with some boundary hedges and trees. Whilst the site is bound to the east by the existing prison and to the north by the A583 and Kirkham, there is open land to the south and west. Indeed, agricultural land stretches to the south west of the site largely uninterrupted for over 4km before reaching the fringes of Lytham. The site and elements of the wider setting are generally characterised as attractive, green and open agricultural land within which large developed areas containing sizeable buildings as would be inevitably the result of this proposal are not a feature.

Contrary to your overview provided in the pre-application letter, the development will not only be viewed against the backdrop of the existing prison at Kirkham. Indeed, views to, from and across the site to the north and south have the potential to be particularly sensitive. Any development of this site would have a significant impact upon these more open aspects, an issue that is exacerbated by the fact that this open space falls between the existing prison to the east and Ribby Hall Village a short distance to the west. Additionally, any proposed lighting would also have an impact upon this context and would need to be designed in a sensitive manner. We anticipate that there may be tension between security requirements in this respect.

Any application would need to be accompanied by a LIVA which should include a zone of theoretical visibility assessment and key viewpoints. The Council are happy to comment on the suitability of any proposed key viewpoints but these should in the first instance be generated by a suitably qualified landscape assessment provided by the applicant.

Highways and Parking

You have shown an indicative proposed car park and circulation space of 33,000sqm which also implies a new access would be created on to the A583.

The existing prison access from Kirkham Road is unlikely to be suitable for the construction and operational traffic associated with this development, irrespective of security implications associated with the relationship to the existing prison, and so I can envisage that the new A583 access would be required. This road is designed as a distributor road that serves as a bypass to Kirkham and so has a limited number of junction points to maximise the efficiency of its use by through traffic. Clearly this development will create significant changes to that operation and I must encourage you to engage with Lancashire County Council as the local highway authority at an early stage should the project progress further. They operate a major scale pre-application advice service which is available via a form on their website or developeras@lancashire.gov.uk.

I am happy to introduce your proposal and attend any discussions to ensure a joined up approach on this if necessary. I expect those discussions to cover the principle of the access, the design and capacity of the junction, the pedestrian and other model connections to the site and linking it to other services, and the parking levels that are justified by the development. The parking area will also create planning issues through its scale, location, design, drainage, lighting, landscaping, etc which will need to be carefully considered in any application.

Ecology

The site is not in any designated site, and is not in close proximity to any. However as a large greenfield site there will be a need for any application to be supported with an ecological appraisal of the potential impacts and an indication of how biodiversity gain can be achieved through the development.

One of the key local factors for consideration is the potential contribution that the site makes as a foraging site for Pink Footed Geese and other wintering wildfowl. The Ribble Estuary is internationally designated for the habitat it provides to various protected wintering wildfowl species, with the result that areas of large open land across the borough, such as this site, have the potential to be functionally linked to the estuary through their use by these birds for foraging. The season when they are active in this area is approaching and so this may be an area where surveys need to be commissioned soon should you wish for this project to progress.

Design

The flat open agricultural landscape of the site ensures that the design of the prison and supporting facilities will be challenging. It seems inevitable that there will be a need for large, functional buildings on the site and their positioning and design within the wider area is an aspect that needs to be carefully factored into the planning of the development alongside the LVIA. A key aspect of this is likely to be what form the site boundary features will take and where they would be location so as to ensure that the site is safe and secure but also would deliver high quality design in its rural landscape.

Summary on Merits of an Application

As with all planning decisions it is necessary to weigh up the positives and negatives of the proposal to reach a balanced assessment of its overall merits. My view on the proposal based on the information available at present is:

- There is no direct policy support for the development through an allocation in the Fylde Local Plan to 2032.
- There is a conflict with the designation of the site as green belt in that development plan
- There is no specific support in NPPF
- This leads to a need to demonstrate VSC to overrule the presumption against inappropriate development in the green belt
- The arguments put forward in the submission proposing VSC on the basis of ownership and logistical convenience and possible socio-economic benefits do not seem to provide a compelling case for the proposed facility to be located on this site. Justifying inappropriate development in the Green Belt is a high bar to overcome and the VSC that could prove that developed further and associated with specific local needs
- Your pre-app submission does not provide much detail on the benefits of the development to weigh against the policy harm
- It is envisaged that there will be other harmful impacts which are covered in this response and relate to landscape, highway capacity and operation, ecology, and design details. However, at this early stage in the evolution of the project it is not possible to provide a definitive view on these beyond highlighting them as areas of concern.

My overall summary on this proposal is that it is not one that I am expecting will receive officer support and so I advise against progressing it further.

Format of Application

In the event that you decide to proceed to a submission I understand that your intention is that this will be made in outline. To ensure that the key implications of the development are capable of assessment through that submission this would need to include the access, layout and scale elements leaving appearance and landscaping for future consideration at RM stage.

The application will need to be supported with background reports covering the following:

- Planning Statement including Very Special Circumstances arguments (sequential site search information across the NW region, details of specific socio-economic costs/benefits to the local area, etc)
- Design and Access Statement
- Landscape and Visual Assessment
- Flood Risk Assessment
- Transport Assessment including details of highway capacity, junction design, network connections, etc
- Light Assessment
- Various ecological appraisals and mitigation

Future Actions

Assuming you wish to proceed with an application I suggest that the following actions should be undertaken:

1. Pre-application consultation with the local highway authority
2. Further discussions with Fylde Council through this pre-application process
3. Submission of a screening opinion to allow the council to assess if the proposal involves EIA development
4. A consultation with local ward members and Parish/Town Councils. I would be happy to assist in facilitating that consultation if you wished.

I trust that this assists, but if you have any queries please do not hesitate to contact me on the details at the head of this letter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'AS', with a long horizontal stroke extending to the right.

Andrew Stell
Development Manager