

# PLANNING STATEMENT

**Land adjacent to HMP Garth and HMP  
Wymott, Leyland**  
Ministry of Justice

Job No: 2003DN00

DEVELOPMENT & STRATEGIC ADVISORY

GHX0000: Project Wide  
Planning Statement  
Garth Wymott 2  
608623-0000-CUS-GHX0000-XX-RP-T-0003

Issue Number P06  
S3 – Suitable for Review and Comment

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## 1. Introduction

- 1.1 This Planning Statement has been prepared to support a hybrid planning application for a new prison and associated ancillary facilities, a replacement boiler house and a replacement bowling green at land adjacent to HMP Garth and HMP Wymott, Leyland submitted by Cushman & Wakefield on behalf of the Ministry of Justice (MoJ).
- 1.2 The application is a hybrid planning application comprising 3 components:
- 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)).
- 1.3 The application site comprises 43.5 ha of land, illustrated on the Site Location Plan submitted.

### Application Drawings and Documents

- 1.4 The planning application includes an extensive suite of drawings that are listed in **Appendix 1**. It is also supported by a full set of technical documents that should be considered in conjunction with this Planning Statement and planning application drawings.
- 1.5 The following documents are submitted in support of this application:
- Air Quality Assessment (Ramboll)
  - Arboricultural Impact Assessment and Method Statement (Tyler Grange)
  - Archaeological Desk-Based Assessment (Orion Heritage)
  - Design and Access Statement (Pick Everard)
  - Ecological Impact Assessment (Ramboll)
  - Biodiversity Net Gain Calculation (Ramboll)
  - Energy and Sustainability Statement (Mace)
  - BREEAM Pre-Assessment Report (Mace)
  - External Lighting Report (Pick Everard)
  - Flood Risk Assessment (Hydrock)
  - Drainage Strategy Reports (Foul Water, SUDS, Surface Water) (Pick Everard)
  - Bowling Green Building Services Report (Lighting and Utilities) (Pick Everard)
  - Heritage Statement (Heritage Advisory)
  - Landscape and Visual Impact Assessment (Pegasus)
  - Noise and Vibration Impact Assessment (Hydrock)
  - Phase I & II Geo-environmental Site Assessment (e3p)
  - Socio-Economic Statement (Mace)
  - Statement of Community Involvement (Cushman & Wakefield)
  - Transport Assessment (Atkins)
  - Outline Travel Plan (Atkins)
  - Utility Report (Pick Everard)
  - Waste Management Strategy (Mace)
- 1.6 Due to the survey periods, some of the Phase 2 ecology surveys are currently being finalised. The results, and details of any additional mitigation required, will be submitted during

determination. This approach has been agreed with Chorley Council and Greater Manchester Ecology Unit.

- 1.7 In addition, an Agricultural Land Assessment and Construction Traffic Management Plan are currently being finalised and will be submitted during the determination period. This has similarly been agreed with Chorley Council and Lancashire County Council.

### **Environmental Impact Assessment (EIA)**

- 1.8 An informal EIA screening exercise has been undertaken with the LPA who advised that the development proposal does not require an EIA to be undertaken to support the application.
- 1.9 This has subsequently been followed by a formal EIA screening request, submitted in early August 2021 (ref. 21/00968/SCE).

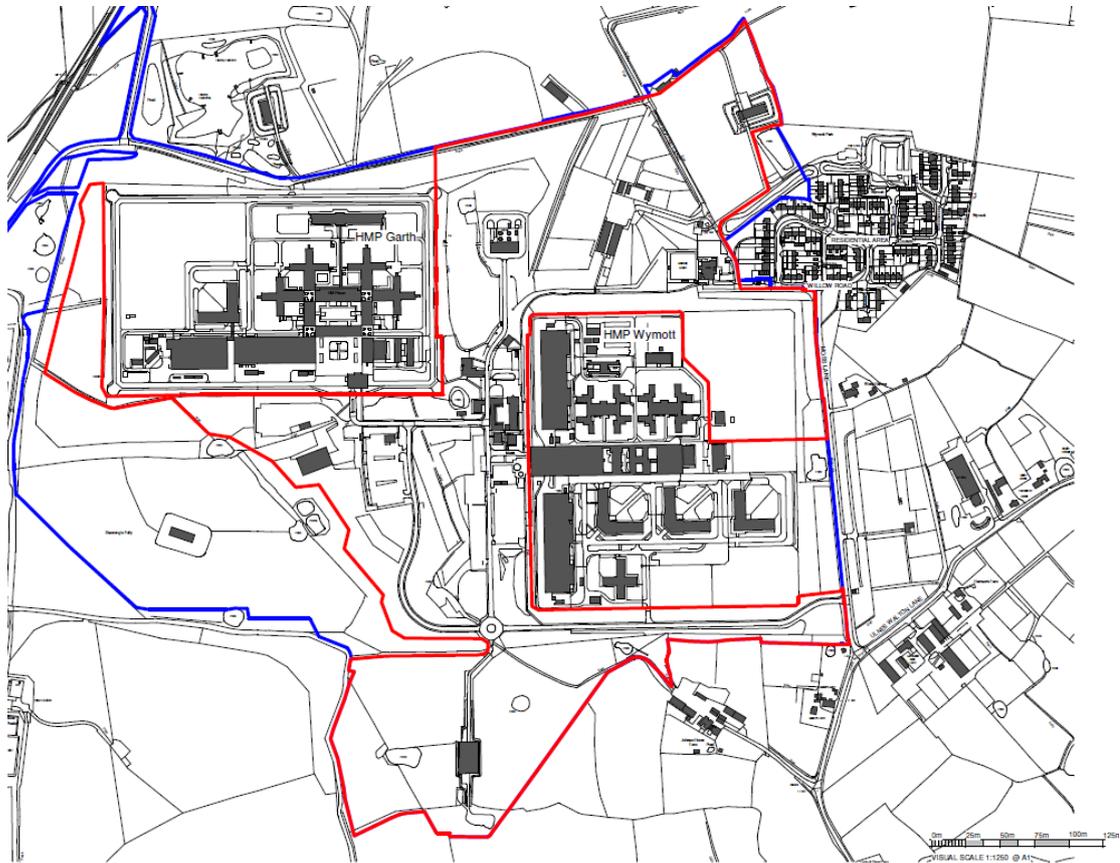
### **Report Structure**

- 1.10 This statement defines the site's location and describes the proposed development. An analysis is made of the relevant planning policies and material considerations, prior to considering the key planning merits of the proposed development when assessed against these policies and considerations. It is structured as follows:

- **Section 2** – Application Site and Surrounding Area;
- **Section 3** – Proposed Development;
- **Section 4** – Planning Policy Context;
- **Section 5** – Supporting Technical Assessments;
- **Section 6** – Pre-Application Consultation and Stakeholder Engagement;
- **Section 7** – Project Objectives, Need Assessment and Alternatives;
- **Section 8** – Green Belt Assessment;
- **Section 9** – Planning Assessment; and
- **Section 10** – Conclusion.

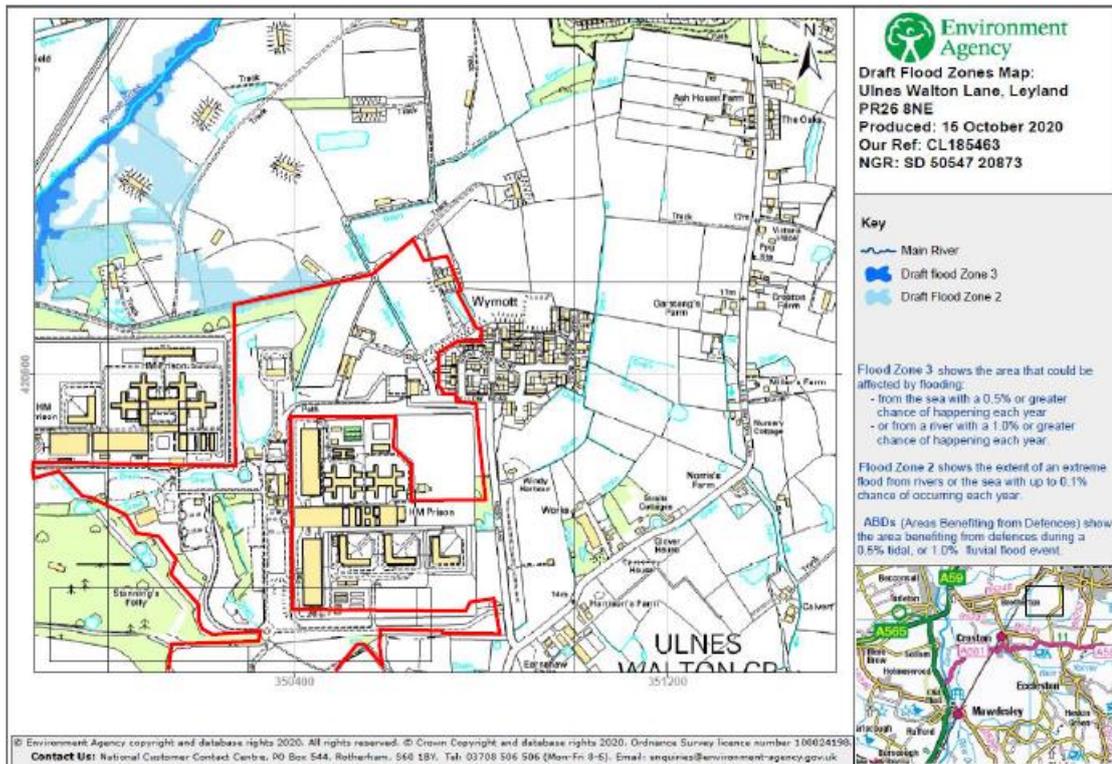
## 2. Application Site and Surrounding Area

2.1 The application site comprises 43.5 ha in MoJ ownership. The development site surrounds HMP Garth and HMP Wymott, with the proposed development comprising 3 areas. The red line boundary is shown in Figure 2.1 below.



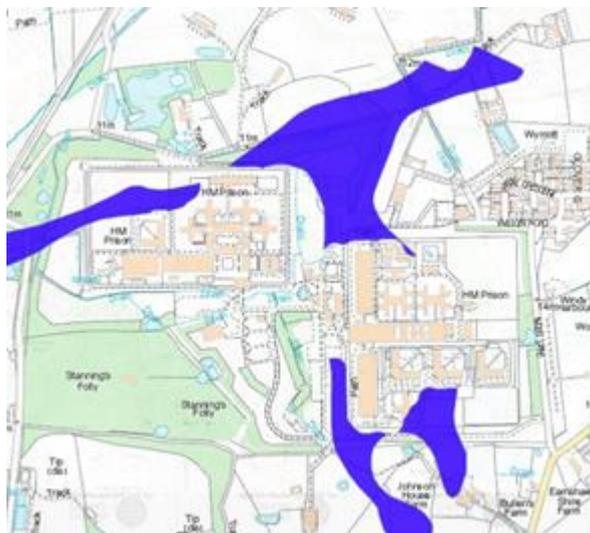
**Figure 2.1: Site Area**

- 2.2 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. 1,200.
- 2.3 The site and adjacent 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 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.
- 2.5 The site is not within a Coal Mining Reporting Area.
- 2.6 An area to the north-west is currently identified as within Flood Zones 2 and 3, however the Environment Agency has confirmed that the current Flood Map for Planning is inaccurate due to an issue with data from the 'Tidal 2014 Study'. The Environment Agency provided an Updated Flood Map for Planning to the flood risk consultants (Hydrock) and the consequence is that only a small strip along the north-west margin of the site will actually fall within flood zone 2 with the remainder of the site comprising flood zone 1. Figure 2.2 shows the Updated Flood Map for Planning.



**Figure 2.2: Updated Flood Risk Mapping**

2.7 The majority of the northern area of the site is within a Mineral Safeguarding Area (Figure 2.3).



**Figure 2.3: Mineral Safeguarding Area**

**New Prison**

2.8 The new prison will be located on land to the north of HMP Wymott and the east of HMP Garth.

2.9 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.

2.10 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.

- 2.11 The south-east area of the site presently provides sports fields and recreation space within the perimeter fence of HMP Wymott.
- 2.12 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.
- 2.13 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**

- 2.14 The new bowling green 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**

- 2.15 The new boiler house will be located on land between HMP Garth and HMP Wymott, to the south-west of the new prison site.
- 2.16 The site currently comprises hardstanding used informally for car parking, as well as gas meter housing and a single storey portacabin office.
- 2.17 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.
- 2.18 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**

- 2.19 The application 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).
- 2.20 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.
- 2.21 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.
- 2.22 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.

2.23 Land to the south and west of the prison complex is predominantly in agricultural use.

### Planning History

2.24 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.

2.25 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**.

Application ref.	Address	Description	Date of Decision	Decision
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
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	19/03/1975	No objection

Planning Statement – Land adjacent to HMP Garth and HMP Wymott, Leyland

		accommodation within new prison complex. Circular 80 procedure		
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## 3. Proposed Development

### Description of Development

3.1 The description of the proposed development is:

*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*

3.2 The indicative site layout proposes a range of buildings and facilities typical of a Category C resettlement prison, including:

- Seven new houseblocks each accommodating up to 245 prisoners (1,715 prisoners in total), totalling c.53,472 sqm GEA
- Supporting development including kitchen, workshops, kennels, Entrance Resource Hub, Central Services Hub and support buildings, totalling c. 21,060 sqm GEA
- Ancillary development including car parking (c. 525 spaces), internal road layout and perimeter fencing totalling 1,326 linear meters enclosing a secure perimeter area of 10.5 ha

3.3 The house blocks will be four storeys in height, whilst the other buildings will range from one to three storeys.

3.4 Other development proposed includes kennels, polytunnels, car parking (c. 525 spaces), internal road layout (shown for illustrative purposes) and perimeter fencing.

3.5 In the north eastern corner of the site is an existing bowling green and club house, which will be demolished and reprovided elsewhere on the site as part of this proposal.

3.6 In the north of the site is an existing boiler house, which will similarly be demolished and reprovided elsewhere on the site as part of this proposal.

3.7 The new prison will be designed and built to be highly sustainable and to exceed local and national planning policy requirements in terms of sustainability. MoJ's aspirations at this site include targeting near zero carbon operations, a minimum 20% biodiversity net gain, and at least BREEAM 'Excellent' certification, with endeavours to achieving BREEAM 'Outstanding'.

### Form of the Application

3.8 As set out within the description of development, the planning application comprises 3 distinct components. Outline permission is sought for the new prison and replacement boiler house, whilst detailed permission is sought for the new bowling green and club house. This is due to the phasing requirements and need to deliver the bowling green at an early stage.

3.8 The sections below discuss each of these three elements.

#### New Prison

3.9 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.

- 3.10 The new prison will be located on land to the north of HMP Wymott and east of HMP Garth.
- 3.11 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.
- 3.12 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.
- 3.13 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
<b>Total</b>	<b>13</b>	<b>74,532 (rounded)</b>	<b>-</b>

- 3.14 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.
- 3.15 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.
- 3.16 The fence will not be externally lit, instead lit internally, whilst CCTV cameras will be mounted on columns inside the secure perimeter.
- 3.17 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.

- 3.18 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.
- 3.19 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.
- 3.20 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.
- 3.21 A 51 space covered cycle parking area will be positioned on the plaza outside the entrance building.
- 3.22 As earlier mentioned, the landscaping strategy is submitted in full detail with this 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.
- 3.23 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.
- 3.24 Landscaping around the new prison has been designed to support a positive mental and physical well-being, whilst balancing the security and surveillance requirements.
- 3.25 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.
- 3.26 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.
- 3.27 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**

- 3.28 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 this application.

- 3.29 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.
- 3.30 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.
- 3.31 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.
- 3.32 4 no. lighting columns will be located around the green (1 in each corner) to enable evening play during the winter months.
- 3.33 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.
- 3.34 A number of smaller ancillary storage buildings and spectator shelters will be located around the green as shown on the proposed site layout plan.
- 3.35 A car park will be located in front of the club house, providing 37 no. car parking spaces, including 2 no. disabled spaces.
- 3.36 New landscaping including hedgerows and trees are proposed to screen and soften the visual impact of the proposed development.

#### **Boiler House**

- 3.37 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.
- 3.38 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.
- 3.39 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.
- 3.40 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.
- 3.41 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.
- 3.42 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 are submitted to demonstrate the anticipated footprint and height of the boiler house and how this relates to the existing built form close by.
- 3.43 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.

- 3.44 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.
- 3.45 The existing portacabin, measuring 10m by 15m, and car parking currently occupying this area of hardstanding will be relocated c. 260m to the south.
- 3.46 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.

### **Construction Phasing**

- 3.47 A phasing plan has been submitted with the application to demonstrate how the proposed development will be delivered.
- 3.48 The first phase of works will be the enabling works. This will include relocating HMP Wymott's secure fence line, constructing the diverted Pump House Lane, demolishing some onsite structures and early ecology works.
- 3.49 Phases 2 and 3 will comprise the construction of the replacement bowling green and club house, the boiler house and relocated area of car parking.
- 3.50 The new prison will then be constructed during phase 4.

## 4. Planning Policy Context

- 4.1 As required by s.38 of the Planning and Compensation Act 2004, planning applications must be determined in accordance with relevant policies set out in the appropriate development plan, unless material considerations indicate otherwise. The main planning policies at national and local level relevant to the determination of this application are summarised and explained in this section.
- 4.2 The development plan for Chorley Borough Council comprises:
- Central Lancashire Core Strategy (CLCS) (2012);
  - Chorley Local Plan 2012 – 2026 (CLP) (2015);
  - Joint Lancashire Minerals and Waste Core Strategy (2009);
  - Joint Lancashire Minerals and Waste Site Allocation and Development Management Policies Parts 1 and 2 (2013).
- 4.3 The National Planning Policy Framework (NPPF) and any relevant Supplementary Planning Documents ('SPDs') are material considerations in the determination of planning applications.
- 4.4 There is no Neighbourhood Plan proposed that would apply to the application site.
- 4.5 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. The emerging Local Plan is clearly at an early stage with no policies or allocations available to comment on and is thus afforded no weight.
- 4.6 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. No weight is afforded to the emerging Minerals and Waste local plan.
- 4.7 The sections below set out an overview of relevant policies and material considerations. A detailed assessment of how the proposed development accords with these policies and material considerations is contained at **Appendix 3**.

### Chorley Local Plan (2015)

- 4.8 The Chorley Local Plan (CLP) was adopted in 2015 and covers the period 2021 to 2026. The CLP identifies the scale of development in each settlement, allocates sites to meet the development needs of Chorley and provides a set of development management policies to be used by the Council in determining planning applications.
- 4.9 The site is located within the Green Belt, outside of any settlement development boundary, albeit the 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 extract of the policies map is shown below at Figure 3.1



**Figure 3.1: Chorley Local Plan Policies Map Extract**

- 4.10 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).
- 4.11 There are no policies specific to the development of new prisons within the Chorley Local Plan.
- 4.12 Relevant policies include:
- 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 (2012)**

- 4.13 The Central Lancashire Core Strategy (CLCS) was adopted in 2012, and sets out the vision, objectives and spatial strategy for Central Lancashire to 2026.
- 4.14 Relevant policies include:
- 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)**

- 4.15 The Joint Lancashire Minerals and Waste Core Strategy was adopted in 2009 and provides the strategic policies and principles to guide development over the plan period. The plan period runs until 2021.
- 4.16 Relevant policies include:
- 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)**

- 4.17 The Site Allocations and Development Control Policies Local Plan was adopted in 2013. The document specifies locations for development, including safeguarding areas, sets out specific requirements for individual proposals as well as policies to ensure development is undertaken in line with the Core Strategy.
- 4.18 Relevant policies include:
- Policy M2 (Safeguarding Minerals).

### **National Planning Policy Framework (NPPF, 2021)**

- 4.19 A revised version of the National Planning Policy Framework (NPPF) was published in July 2021.
- 4.20 The NPPF is a material consideration in the determination of all planning applications. Relevant sections include:
- Achieving sustainable development;
  - Building a strong, competitive economy;
  - Promoting healthy and safe communities;
  - Promoting sustainable transport;
  - Making effective use of land;
  - Achieving well designed places;
  - Protecting Green Belt land;
  - Meeting the challenges of climate change, flooding and coastal change;
  - Conserving and enhancing the natural environment;
  - Conserving and enhancing the historic environment; and
  - Facilitating the sustainable use of minerals.

4.21 **Appendix 3** details the relevant paragraphs from the above sections.

### **Supplementary Planning Documents**

4.22 Chorley Council and Central Lancashire have adopted various Supplementary Planning Documents (SPDs). The following SPDs are considered most relevant to the proposed development:

- **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).

## 5. Supporting Technical Assessments

- 5.1 This application is submitted with a package of supporting information to confirm site constraints and opportunities that have in turn informed the proposed development. A summary of these is provided for information below.

### **Air Quality Assessment (Ramboll)**

- 5.2 An Air Quality Assessment of the proposed development has been undertaken to consider potential impacts to air quality during the construction and operational phases.
- 5.3 The air quality impacts associated with the proposed development of the site have been assessed. Chorley Council has not declared any AQMAs, however South Ribble Borough Council has declared 4 AQMAs due to exceedances of the annual mean NO<sub>2</sub> objective. The closest AQMA is located approximately 3km north east of the application site. None of these AQMAs would be impacted by the proposed development.
- 5.4 The assessment of potential impacts to air quality during the construction stage has identified that with mitigation in place, the effects of construction dust on nearby sensitive receptors would be effectively controlled and the impacts would not be significant. Suitable mitigation would be provided through a series of measures set out in a dust management plan to form part of a CEMP to be agreed with the local authority by a suitably worded condition.
- 5.5 The intention is that the relocation of the boiler house will involve a 'like for like' replacement of equipment. The flue height has been calculated on the same basis as the existing boiler house flues and will give an equivalent level of dispersion. As the new boiler house will be located to the south of the existing and towards the centre of the site, off-site impacts are likely to be lower than currently achieved in the existing location.
- 5.6 Concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> have been predicted for worst-case locations representing existing properties adjacent to the road network. Predicted concentrations would be well below the relevant objectives at all the existing receptor locations with the proposed development in place. The impact of the proposed development on air quality is negligible at all receptors.
- 5.7 Mitigation measures to reduce the direct impacts of the development on air quality concentrations are not required, but additional transport related mitigation measures will be employed to reduce emissions from the development in accordance with the adopted development plan. Concentrations across the application site would be expected to meet all relevant NAQOs. Air quality at the site would therefore be suitable for the proposed development without the need for mitigation.
- 5.8 Overall, it is concluded that there are no air quality constraints to the proposed development.

### **Ecological Impact Assessment (CGO)**

- 5.9 An extended Phase 1 Habitat Survey was undertaken by Ramboll in 2020, which has informed the Phase 2 surveys undertaken by CGO. CGO have then used these to prepare the Ecological Impact Assessment (EclA). Species specific surveys were undertaken for bats, water voles, barn owls, great crested newts and reptiles. CGO also undertook a walkover of the site searching for Invasive Non-Native Species (INNS).
- 5.10 Some of the species specific surveys are ongoing and will be reported during the determination

of this application. This approach has been agreed with the LPA and GMEU.

- 5.11 CGO conclude that by undertaking the work in accordance with the commitments and recommendations made in this report, the proposed development is likely to be in conformity with relevant planning policy and legislation relating to ecology. Following the implementation of the mitigation and enhancements identified, negative impacts on biodiversity will be minor and temporary and in the long term the proposed development will provide full compensation with numerous benefits to biodiversity including 20% biodiversity net gain.
- 5.12 Designated sites – Only one designated site (Longton Brickcroft LNR) is within 5km, sited 4.5km north of the site. The River Douglas, a tributary of the River Ribble, lies 4.5km west of the site. The Ribble catchment includes Ribble Estuary SSSI (Site of Special Scientific Interest), Ribble Estuary NNR (National Nature Reserve), Ribble and Alt Estuaries SPA (Special Protection Area), and Ribble and Alt Estuaries Ramsar site. The EclA concludes that the proposal will not have any residual or cumulative impacts to designated sites.
- 5.13 Habitats – Whilst some areas of habitat will inevitably be lost by the proposed development, new habitats will be created on the site. Woodland planting, grassland enhancement and hedgerow creation will each produce a net surplus by area, alongside six new ponds created. Overall, 20% biodiversity net gain will be achieved. A Construction Environmental Management Plan (CEMP) will be prepared to include details of how ecological receptors will be protected, among other matters, during construction. Annual monitoring should take place for 5 years, followed by monitoring at 5 year intervals for 30 years.
- 5.14 Bats – A large maternity roost is located in a building close to the proposed boiler house site. It is advised that works in the immediate vicinity avoid the most sensitive times of the year and minimises any increase in lighting and noise so far as practically possible given the security requirements. Whilst some surveys are still ongoing to confirm the extent of mitigation requirements, such measures will, if required, include new bat roosts on trees or suitable retained buildings or woodland. A lighting plan has been submitted demonstrating avoidance of light spill on to retained habitats during construction and on to retained and new habitats during operation.
- 5.15 Other mammals – Good construction practice will seek to check for hedgehogs in areas they may typically shelter. New woodland and pasture reversion to meadows will enhance habitat and connectivity, alongside the installation of 10 artificial hedgehog homes.
- 5.16 Barn owls – Barn owls are present in two buildings at the site. One existing nest and roost site will be lost, however the nest box will be moved to/ replaced within a retained building offering better access to retained agricultural grassland to the north.
- 5.17 Other birds – Vegetation clearance would take place between September and January, thereby avoiding the nesting season and direct negative impacts on breeding birds. Alternatively, these habitats will be checked for the presence of nesting birds by an experienced ecologist no more than 48 hours prior to removal and appropriate mitigation formulated if nesting birds are found. New landscape planting will be created, and new bird boxes will be erected to provide nesting opportunities for birds within the completed development.
- 5.18 Amphibians – Habitat removal will be undertaken under a great crested newt Licence from Natural England or DLL alternative. No great crested newts (GCN) breeding ponds will be affected and new terrestrial and aquatic habitat will be provided at the site post-development, which will replace the existing terrestrial habitat. The provision of several new ponds would incidentally increase the overall available breeding and terrestrial habitat for amphibians. New

ponds will be kept fish-free to benefit GCN and other amphibians.

- 5.19 Invertebrates – New habitat creation proposed as part of the development will offset the loss of habitat and is likely to result in an overall enhancement for invertebrates during the operational phase of the development compared to the baseline habitats that would be removed during construction. Measures such as integrated bee-bricks will be installed.
- 5.20 Invasive Non-Native Species (INNS) – Himalayan Balsam has been identified at the site and alongside the other identified plant species, a suitable eradication programme has been prepared. Good construction practice will seek to install good biosecurity measures, and identify any new infestations as quickly as possible.

### **Flood Risk Assessment (Hydrock) and Drainage Statements (Pick Everard)**

- 5.21 An area to the north-west is currently identified as within Flood Zones 2 and 3, however the Environment Agency has confirmed that the current Flood Map for Planning is inaccurate due to an issue with data from the 'Tidal 2014 Study'. The Environment Agency provided an Updated Flood Map for Planning to the flood risk consultants (Hydrock) and the consequence is that only a small strip along the north-west margin of the site will actually fall within flood zone 2 with the remainder of the site comprising flood zone 1.
- 5.22 A site-based sequential approach has been taken to locate all operational elements of the proposed development within flood zone 1. The finished floor level of buildings will incorporate flood resistance and resilience measures.
- 5.23 It has also been demonstrated that a means of safe access and egress is possible to and from the site.
- 5.24 Outline drainage statements have been prepared separately for the site and are included with the planning application. The three statements separately address foul water, surface water and SuDS.
- 5.25 The surface water drainage statement proposes various drainage methods across each of the different elements of the scheme. This includes an attenuation basin and pumping station for the new prison; RWPs and permeable paving at the bowling club discharging into a nearby pond (on MoJ's land); and for the boiler house, discharge to an adjacent ditch via a below ground attenuation storage facility. These will each ensure that there is no adverse impact to surface water drainage.
- 5.26 The FRA and drainage statements demonstrate that, in respect of flood risk, the proposed development of the site with a new prison meets the flood risk requirements of the NPPF:
- Is suitable in the location proposed;
  - Will be adequately flood resistant and resilient;
  - Will not place additional persons at risk of flooding and will offer a safe means of access and egress;
  - Will not increase flood risk elsewhere as a result of the proposed development through the loss of floodplain storage or impedance of flood flows; and
  - Will put in place measures to ensure surface water is appropriately managed.

### **Noise and Vibration Impact Assessment (Hydrock)**

- 5.27 The Noise and Vibration Impact Assessment has examined the impact of both the construction

and operational phases of development on existing sensitive receptors, including through the generation of road traffic, siting of the car park and plant equipment, as well as looking at the impact of existing noise sources on the proposed development.

- 5.28 The noise survey (undertaken over 24 hours in October 2020) identified that the dominant existing source of noise was road traffic noise from the local road network throughout the daytime and night time monitoring periods.
- 5.29 The assessment concludes that suitable acoustic conditions can be achieved within the proposed development by way of standard glazing and a passive ventilation scheme.
- 5.30 Regarding plant equipment, the noise assessment identifies that due to the outline stage of the proposed development, the siting and specification is not yet known, however the assessment concludes that low-noise plant and proprietary attenuation measures are likely sufficient to ensure no impact to nearby residential dwellings.
- 5.31 The assessment concludes that with regards to road traffic and the proposed car park, the increase in traffic will have a minor short-term impact to the worst affected sensitive receptor and a negligible impact in the long-term. As such, no mitigation is required.
- 5.32 The assessment also considers the noise and vibration impact of the construction phase. It is identified that these have potential to generate short-term increases in noise, but this will vary considerably depending on the equipment being used and siting of works within the site. A Construction Environmental Management Plan can be conditioned, which will set out the best practice methods to minimise noise emissions. This will include measures such as use of temporary screens when works are taking place closest to sensitive receptors, set working hours, turning engines off when possible and making staff aware when working close to a sensitive receptor.
- 5.33 The impact of vibration from construction activities is concluded as being transient in nature, for a limited period and unlikely to exceed the maximum permitted vibration level as recommended by BS5228-2. As such, no specific mitigation is required but best practice methods will be implemented to minimise potential vibration levels.

### **Lighting and Utilities (Pick Everard)**

- 5.34 The impact of lighting from the new prison and the relocated bowling green has been assessed by Pick Everard.
- 5.35 The assessment for the new prison concludes that the lighting proposed at the new prison (noting this element is submitted in outline) provides the required illumination level to achieve the security standard expected of a prison, whilst still being significantly under the relevant environmental zone threshold.
- 5.36 The assessment for the flood lighting proposed at the relocated bowling green will similarly meet the relevant environmental zone threshold.
- 5.37 The utility assessment summarises the investigations that have taken place regarding the delivery of electrical, water (potable and fire-fighting) and communications to the site. Discussions have taken place with the relevant statutory undertakers and requirements will be included in future design stages.
- 5.38 For the bowling green, the utilities investigations have confirmed that Electricity North West will require a substation to be positioned due to there being no Low Voltage (LV) connection. United

Utilities have provided information regarding a new water connection.

### **Phase I & II Geo-environmental Site Assessment (e3p)**

- 5.39 A Phase I & II Geo-environmental Site Assessment has been prepared by e3p. The report identifies that the site has historically been used as agricultural land with a small number of ponds until the 1970s when a number of tracks and structures were constructed.
- 5.40 e3p have undertaken an intrusive ground investigation comprising window sample boreholes and advise that made ground deposits were encountered within the majority of locations.
- 5.41 Elevated concentrations of non-volatile polycyclic aromatic hydrocarbons (PAH) and total petroleum hydrocarbon (TPH) compounds were identified however the report concludes that this can be mitigated through the installation of a suitable cover system in relevant areas to remove any potential for direct exposure. TPH C12-C16 concentrations were confined to one localised hotspot and so it is advised this hotspot is removed during the cut/fill works.
- 5.42 The report identifies that preliminary ground gas monitoring suggests the site should be classified as CS2, requiring specialist protection measures.
- 5.43 The report advises further additional works which should be undertaken prior to any works commencing, which are capable of being conditioned.

### **Archaeology (Orion Heritage)**

- 5.44 An Archaeological Desk Based Assessment has been prepared by Orion Heritage. It has reviewed the available archaeological, historic, topographic and land-use information to assess the archaeological potential of the application site.
- 5.45 The assessment concludes that the study site has a low potential to contain finds and features from all periods except the post-medieval period, where it has a moderate potential to contain features relating to use as part of the Royal Ordnance Factory estate. These features, if present, may however have been removed or truncated by later development and agricultural practice.
- 5.46 Archaeology is therefore not considered to be a constraint to the proposed development.

### **Heritage Statement (Heritage Advisory)**

- 5.47 A Heritage Statement has been submitted which considers the historic evolution of the site and local area, relevant heritage assets and the potential for their significance to be affected by the proposed development.
- 5.48 Whilst the application site is not subject to any statutory heritage designation, it is nevertheless located within the setting of a number of statutory and non-statutory heritage assets:
- Norris Farmhouse and Attached Barn, Ulmes Walton Lane – Grade II Listed
  - Barn circa 75 metres east of Littlewood Hall Farmhouse, Ridley Lane – Grade II Listed
  - Nixon Court, Leyland – Grade II Listed
  - Ministry of Supply Depot – Non listed Heritage Asset
- 5.49 The assessment prepared as part of the Heritage Statement confirms that there is very limited impact upon the significance of all three listed heritage assets and their settings and therefore further archaeological analysis and recording is not deemed necessary.

5.50 Whilst the development does necessitate the removal of one munitions depot, the loss is considered minor given the number of surviving features across the landscape more generally. The overall impact is therefore concluded as being very limited and will be substantially outweighed by the numerous public benefits resulting from the implementation of the proposals.

5.51 Further archaeological analysis or recording may be deemed necessary at a later stage.

### **Landscape and Visual Impact Assessment (Pegasus)**

5.52 A Landscape and Visual Impact Assessment (LVIA) has been prepared to determine the likely landscape and visual effects of the proposed development.

5.53 For both landscape and visual effects, the final conclusions on those effects are based on the combination of the sensitivity of receptor and magnitude of change (or impact). The rationale for the overall judgement on significance is based on the sequential combination of each of the criteria individually leading to the balance and justification of these. Detailed assessment is a means of drawing together, in a systematic way, an assessment of the likely significant environmental effects of a proposed development; however not all landscape and visual effects arising will be significant.

5.54 In terms of landscape receptors, the LVIA has identified the likely impact of the proposed development and significance of effect for Landscape Character Area 15c: Croston – Mawdesley as minor to moderate adverse effect in the short term, reducing to minor adverse in the longer term as the proposed mitigation along the outer extent of the new prison matures and establishes.

5.55 At the level of the site and its immediate context the significance of effect is found to be moderate adverse, reducing to minor to moderate adverse in the longer term. At this more local level however, notwithstanding the presence of large-scale built form across the site, the landscape mitigation measures will reflect positively on the existing landscape context.

5.56 In terms of visual effects, the LVIA has identified the likely impact of the proposed development and significance of effect for a range of representative visual receptors. The LVIA has concluded some major to moderate adverse effects in the longer term for sensitive visual receptors (including occupiers of residential properties) close to the site. Further from the site, visual effects reduce to moderate adverse where there is extensive existing reference to prison-built form, or at middle distances. In the wider landscape, visual effects reduce to minor adverse, negligible and nil (for the most distant potential receptors).

5.57 In this instance, it is considered that the likely effects, as concluded in the LVIA, are not significant.

### **Socio-Economic Statement (Mace)**

5.58 A socio-economic assessment has been undertaken to define the social and economic impact of the proposed development at the local level and for the wider region during the construction and operational phases of development.

5.59 The construction phase of the prison could directly support 122 (gross) FTE jobs including 69 (net) jobs and generate £65.9 million (net) direct Gross Value Added (GVA). In addition to these direct impacts, the construction of the proposed development could support a total of 21 (net) indirect and induced jobs at local and regional level and an additional £19.8 million (net) indirect and induced GVA at local and regional level. These indirect and induced impacts would be due

to the supply chain involved with the construction of the Proposed Development, and the expenditure of construction staff within the economy. All construction impacts would be temporary, aligned to the period of the construction spend and deliver.

- 5.60 Based on comparison data from the MoJ the proposed development could employ 643 staff employed directly at the prison; this data suggests that 590 of these could be undertaken by people residing within a 40-mile radius.
- 5.61 The expenditure of the prison itself once operational could lead to a series of additional indirect impacts, including £14.1 million (net with inflation) indirect annual spend with £2.7 million (net with inflation) retained locally, and 230 indirect jobs, of which 46 could be expected to be undertaken by local labour. There is also forecasted that regional supply-chain spend could equal £17.5 million (net with inflation) per annum spend, supporting 299 jobs at a regional level.
- 5.62 Further economic impacts could be expected to result from the expenditure of prison staff and visitors within the economy. These induced impacts could include £10.4 million (net with inflation) induced spend per annum with 30 induced jobs supported.
- 5.63 The proposed development will have a positive impact on the number of prison places available in the local area, and due to being newly designed, would also result in improved facilities being available to prisoners, supporting their effective rehabilitation and increased safety.
- 5.64 Community services within the local and regional area (e.g. those offering housing, employment, physical and mental health support) may also benefit through being engaged to support the rehabilitation of short-term prisoners. This is due to the larger number of prisoners that would be based locally, and the fact that these additional prisoners will be Category C (rather than categories A and B).

### **Energy and Sustainability Statement (Mace)**

- 5.65 The Energy and Sustainability Statement sets out the sustainable design and construction measures included in the new prison and demonstrates that the proposed development is considered highly sustainable, as measured against all relevant local and national planning policy.
- 5.66 The MoJ is investing heavily in the sustainability of its New Prisons Programme and has developed its own Sustainability Delivery Plan. MoJ's commitment to sustainability covers several key targets for all new prisons which far exceed local and national planning policy requirements. Amongst others, these aspirations include targeting near zero carbon operations, at least 10% Biodiversity Net Gain, and at least BREEAM 'Excellent' certification, with endeavours to achieving BREEAM 'Outstanding'.
- 5.67 The new prison has been registered and will be assessed against the latest BREEAM 2018 New Construction scheme, under the 'prison' assessment category. A BREEAM Pre-Assessment report has been prepared and outlines a possible route to achieving a BREEAM 'Outstanding' score of 85% and the minimum credit requirements. The exact route to certification may vary as the detailed design progresses.
- 5.68 Other key features of the sustainability strategy are outlined as follows:
- Energy Efficiency: High fabric energy efficiency, air source heat pumps, photovoltaic panels and energy efficient lighting, appliances, and equipment will be specified to assist in achieving the MoJ's target to be net zero carbon ready.

- **Biodiversity and Ecology:** Existing ecology will be protected where possible and ecological enhancements will be implemented to target 20% Biodiversity Net Gain.
- **Water Efficiency:** Flow control devices and water efficient fixtures and fittings will be installed to reduce water consumption in line with BREEAM Wat 01 requirements.
- **Waste and Recycling:** Construction waste will be minimised by applying modern methods of construction, and at least 95% of waste will be diverted from landfill. During operation there will be a designated Waste Management Unit which will provide facilities for the separation, recycling and disposal of solid waste streams generated across the site.
- **Pollution:** Measures will be implemented to minimise noise, air and light pollution both during construction and operation.
- **Sustainable Transport:** Sustainable modes of transport will be encouraged for staff and visitors through the provision of cycle storage facilities and electric vehicle charging points in line with planning requirements.
- **Flood Risk and SUDs:** The proposed development site lies in a low flood risk zone and will benefit from Sustainable Urban Drainage Systems (SuDS).
- **Health and Wellbeing:** The promotion of health and wellbeing for future occupants has been a fundamental consideration in the design of this new prison, particularly in terms of thermal, acoustic and visual comfort, site safety and security and promoting active modes of travel.
- **Materials:** New materials will be selected based on their environmental impact and responsible suppliers will be used. The new building materials will be sourced locally where possible to reduce transportation pollution and support the local economy.

### **Transport Assessment and Outline Travel Plan (Atkins)**

- 5.69 A Transport Assessment (TA) and Outline Travel Plan has been prepared by Atkins. Pre-Application scoping discussions were undertaken with Lancashire County Council (LCC) at the start of the project, and dialogue with the Highways authority has continued.
- 5.70 The TA evaluates the transportation aspects of the development and considers the existing highway network and sustainable transport provision within the vicinity in relation to the proposed new Prison and the replacement Bowling Green and Club House.
- 5.71 Based on a Prisoner to staff ration of 0.5, the development will support approximately 858 staff (uniformed and non-uniformed). The prison is proposed to take vehicular and pedestrian access via a new priority-controlled junction off Moss Lane, north of the existing HMP Garth and HMP Wymott internal access road.
- 5.72 The Bowling Green and Club House will also be served via the internal access road off Moss Lane.
- 5.73 It is not considered that the replacement Bowling Green and Club House will generate any additional trips on the existing highway network above and beyond the existing Bowling Green and Club House. However, it is acknowledged that there will be a localised re-distribution of traffic along Moss Lane.
- 5.74 The daily number of trips generated by the Bowling Green and Club House is assumed to be 40 arrivals and 40 departures throughout the course of the day.
- 5.75 The TA confirms most trips forecast to be generated by the proposed prison development, both visitors and staff, would be undertaken by car. It is forecast that the proposed development

would generate up to 223 and 253 two-way vehicle trips during the development AM and PM peak hours, respectively. The vehicle trips have been determined using existing travel characteristics for the local area, so reflect the current options for journeys undertaken by sustainable transport at this location.

- 5.76 Junction capacity modelling has demonstrated that all assessed junctions will operate within acceptable capacity thresholds, with the exception of Ulnes Walton Lane/ A581 where a potential issue has been identified.
- 5.77 The MoJ are working collaboratively with Lancashire County Council (LCC) to find a solution at this location and to agree input to the County Council's strategy for the wider A581 corridor, as well as the mitigation required in other key locations.
- 5.78 Full details will be provided early in the determination period. The Applicant, Atkins and LCC agree issues are not insurmountable and the highways solution will be secured by way of a s106 and/or s278 agreement.

### **Tree Survey and Arboricultural Impact Assessment (Tyler Grange)**

- 5.79 A tree survey was completed in accordance with BS5837 in November 2020. A measured topographical survey was used to inform the location of trees and their surrounding context.
- 5.80 The distribution of the trees and hedgerows surveyed is illustrated on the Tree Constraints Plan which includes plotted details of their constraints to new development, including tree quality gradings, root protection areas (RPAs), the value of arboricultural features surveyed and a layout design tool indicating the minimum area to contain sufficient roots and rooting volume to maintain the tree's viability. Findings for each of the trees surveyed are detailed in the Tree Survey Schedule.
- 5.81 The Tree Survey identified a total of 38 individual trees, 22 tree groups, 8 hedges and one woodland area. The tree cover comprises a mix of broadleaf field boundary tree groups, hedgerows, scattered self-set trees and groups and a dense wooded area. Hybrid black poplar were also identified on the site.
- 5.82 The Arboricultural Impact Assessment (AIA) confirms that none of the trees surveyed were of 'high' arboricultural value (Category A) and no tree veteran or ancient trees in terms of age class were identified. There are therefore no trees of such significant merit that represent a major constraint to development on the site.
- 5.83 The trees required to be removed to facilitate the new prison development comprise low and moderate value trees, including an area of early mature woodland. The development will deliver substantial new soft landscaping, including new woodland areas. The AIA concludes that the extent of new planting is considered proportionate to compensate for the tree losses and offers benefits in terms of extending and diversifying the current arboricultural resource.
- 5.84 No trees are impacted by the bowling green or boiler house elements of the proposed development.

## 6. Pre-Application Consultation and Stakeholder Engagement

6.1 The 2011 Localism Act (part 6 chapter 4) sets out how developers should consult local communities before submitting planning applications for certain developments. Section 122 introduced a requirement upon prospective developers to consult local communities before submitting applications for certain developments. The Act requires a prospective developer to carry out Pre-Application consultation by publicising a proposed application for planning permission in order to bring it to the attention of the majority who live at, or otherwise occupy premises in the vicinity.

### **Chorley Council Pre-Application Consultation (October 2020, March 2021)**

6.2 The proposed development of a new prison on the application site was presented at an initial briefing with MoJ and Senior Management of Chorley Council on 21<sup>st</sup> July 2020.

6.3 Pre-Application advice was received in October 2020, following a formal request made in July 2020 and meeting in August 2020. This identified the following planning constraints:

- Site is within the Green Belt and is considered to be inappropriate development.
- Residential dwellings are located adjacent to the east.
- Local policy requires all new buildings to achieve at least BREEAM Very Good.
- Bowling green is a public recreational facility which should be protected or re-provided.
- History of the site as a WWII munitions depot with associated archaeology remains potential.
- A full Phase 1 Habitat Survey should be undertaken, paying particular attention to the recorded presence of bat roosts and Great Crested Newts.
- Due to the scale of the proposed development and its location within the Green Belt, a LVIA will be required.
- The EA flood mapping identified parts of the site within flood zones 2 and 3<sup>1</sup>.
- Most of the site is safeguarded for mineral extraction.

6.4 Details of Pre-Application advice received is provided in the Statement of Community Involvement submitted with this application. Advice received from Chorley Council confirms the following:

- The Council confirmed that the scale of the proposed development was such that it would amount to inappropriate development in the Green Belt.
- Information outlining the site selection process and criteria, including why other sites within the region were discounted, and the functional/ operational reasoning for selecting this site, is requested.
- The social and economic benefits associated with a development of this nature would be material in the determination of any application, and given the broad understanding for selecting this site, officers considered an argument could likely be made that very special circumstances exist that outweigh any harm to the Green Belt and any other harm identified.
- Officers confirmed that the bowling green would need to be reprovided before the existing facility is demolished.

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<sup>1</sup> It is relevant to note that the EA flood mapping has since updated and the site is now nearly entirely in flood zone 1.

- Highways, ecology, flood risk and residential amenity were highlighted as design and technical issues that would need to be properly assessed and mitigated.

6.5 Further pre-application consultation was undertaken with specific technical officers, including:

- Lancashire County Council, regarding highways and Public Rights of Way;
- Greater Manchester Ecology Unit; and
- Simon Forster, Chorley Council (Landscape officer).

### **Wymott Bowling Club**

6.6 Extensive pre-application discussions were held with representatives of Wymott Bowling Club throughout the design process to understand their requirements, ensure the proposed site for the new bowling green was appropriate, and that the design was acceptable.

### **Stakeholder Consultation**

6.7 On 28<sup>th</sup> May 2021, Robin Seaton (Deputy Director, New Prisons), Suky Atwal (Director of Prison Infrastructure), Katrina Hulse (Cushman and Wakefield) and Charlotte Woods (Lexington) met with Councillor Alastair Bradley, Leader of Chorley Council, to discuss the proposals and forthcoming pre-application consultation.

6.8 On 8<sup>th</sup> June, letters were issued to several stakeholders advising of the launch of the forthcoming public consultation launching on 14<sup>th</sup> June and inviting them to meet with the development team to discuss the proposals in more detail.

6.9 These letters were issued to stakeholders including: ward members for Croston, Mawdesley & Euxton South and ward members for Eccleston, Heskin & Charnock Richard on Chorley Borough Council; ward members for Moss Side on South Ribble Borough Council; Ulnes Walton Parish Council; Bretherton Parish Council; Croston Parish Council; the Leader and Cabinet Member for Economic Development and Growth on Lancashire County Council; Chorley and South Ribble Clinical Commissioning Group; North West Ambulance Service; Lancashire Fire and Rescue Service; Lancashire's Police and Crime Commissioner; and Lancashire Police.

6.10 All councillors elected to Chorley Borough Council were invited to a virtual meeting to discuss the proposals on 24<sup>th</sup> June. The session was attended by a dozen councillors. The meeting took the form of a presentation followed by a question-and-answer session with attendees.

6.11 Additional meetings were held with the following stakeholders:

<b>Date</b>	<b>Stakeholder</b>	<b>Project Team Attendee</b>
16 <sup>th</sup> June 2021	Councillor Philippa Williamson, Leader of Lancashire County Council  Councillor Aidy Riggott, Cabinet Member for Economic Development and Growth	Robin Seaton (Deputy Director, New Prisons)  Suky Atwal (Director of Prison Infrastructure) Katrina Hulse (Cushman and Wakefield) Charlotte Woods (Lexington)
23 <sup>rd</sup> June 2021	Councillor Alan Platt and Councillor Martin Boardman, ward members for Croston, Mawdesley & Euxton South.	Robin Seaton (Deputy Director, New Prisons)  Suky Atwal (Director of Prison Infrastructure) Katrina Hulse (Cushman and Wakefield)

		Charlotte Woods (Lexington)
29 <sup>th</sup> June 2021	Representatives from the local NHS including North West Ambulance Service	Robin Seaton (Deputy Director, New Prisons) Billahl Mehter (Principal Project Sponsor) Claire Pegg (Cushman and Wakefield) Charlotte Woods (Lexington)
7 <sup>th</sup> July 2021	Representatives from Chorley and South Ribble Clinical Commissioning Group	Robin Seaton (Deputy Director, New Prisons) Katrina Hulse (Cushman and Wakefield) Charlotte Woods (Lexington)
20 <sup>th</sup> July 2021	Councillor Mary Green and Councillor Michael Green, ward members for Moss Side, South Ribble	Suky Atwal (Director of Prison Infrastructure) Claire Pegg (Cushman and Wakefield) Charlotte Woods (Lexington)

### Public Consultation

- 6.12 Public consultation on the proposals for the proposed new prison took place for a period of five weeks across June and July 2021. During the consultation window a consultation document providing in depth information about the plans was hosted on a bespoke consultation website.
- 6.13 In addition, two webinars were held on 1<sup>st</sup> and 2<sup>nd</sup> July where the proposals were presented, and questions could be submitted to be answered by the project team.
- 6.14 An in-person social distanced event was held at Chorley Market on 8<sup>th</sup> July.
- 6.15 The consultation feedback and responses are discussed within the Statement of Community Involvement submitted with this application.

## 7. Project Objectives, Need Assessment and Alternatives

- 7.1 The prison population is currently forecast to increase over the next 10 years, reaching unprecedented levels by the end of the decade. The MoJ and its executive agency, HMPPS are embarking on the most ambitious programme of prison expansion in over a century, delivering over 18,000 additional prison places through a portfolio of programmes and projects, including the 10,000 Additional Prison Places Programme, first announced by the Prime Minister in August 2019.
- 7.2 That commitment was part of 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>2</sup>.
- 7.3 The Government announced in June 2020<sup>3</sup>, that four new prisons would be built across England over the next six years as part of the 10,000 Additional Prison Places Programme.
- 7.4 These 10,000 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 Government has made it clear that 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. The Government has also stated that as well as providing a boost to our Criminal Justice System (CJS) and contributing to its reform, the Four New Prisons will create thousands of new permanent jobs and send a clear signal that the Government can and will continue to invest in the vital national infrastructure this country needs.
- 7.5 The Four New Prisons will help to address the forecast increased demand for prison places by delivering an additional 6,366 places. Construction of the Four New Prisons is currently planned to be completed between 2025-2026. Following analysis of current and future national demand for additional prison places, two of these New Prisons are proposed to be built in the North of England and two in the South, targeting areas of greatest forecast demand and supporting the construction industry and local economies. Outline planning permission to build a new Category C Resettlement Prison at Full Sutton in East Yorkshire has already been secured; the site at Full Sutton will be the location for the first of the Four New Prisons (application ref. 18/04105/STOUT).
- 7.6 The 10,000 Additional Prison Places Programme also aims to deliver approximately 3,500 prison places through expansion, reconfiguration and refurbishment of the existing estate. Due to the age, configuration and site restrictions of many of our existing prisons, it is not the right long-term, or best value for money solution to deliver all the 10,000 additional prison places through expansion of existing prisons alone. New Prisons provide better long-term value for money solutions and provide better opportunities to reduce reoffending.

### Project Objectives and National Need

- 7.7 The Four New Prisons Project aligns with the HMPPS Business Strategy: Shaping our Future<sup>4</sup> and vision of ‘working together to protect the public and help people lead law-abiding and

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<sup>2</sup> Get Brexit Done: Unleash Britain’s Potential, The Conservative and Unionist Party Manifesto (2019)

<sup>3</sup> <https://www.gov.uk/government/news/four-new-prisons-boost-rehabilitation-and-support-economy>

<sup>4</sup> <https://www.gov.uk/government/publications/hmppps-business-strategy-shaping-our-future>

positive lives', and delivers against the four HMPPS principles:

- Enable people to be their best;
- Transform through partnerships;
- Modernise our estates and technology; and
- An open, learning culture.

7.8 The Project is also strongly aligned with MoJ's guiding principles and is central to delivering three of MoJ's strategic objectives set out in the MoJ single departmental Plan 2019 – 2022<sup>5</sup>:

- Ensure that Prisons are decent, safe and productive places to live and work;
- Protect the public from harm caused by offenders; and
- Reduce rates of reoffending and improve life chances for offenders.

### **Sufficient Prison Places to Meet Long-Term Forecast Demand**

7.9 The prison population is forecast to rise significantly during the 2020s, putting sustained pressure on the estate over the rest of this decade and beyond<sup>6</sup>. The projected demand will soon outstrip supply and is primarily driven by:

- Flagship Government policies to reform the Criminal Justice System (CJS) such as the impact of 23,400 more police officers;
- Changes to sentencing;
- An ongoing increase in the number of long-sentenced offenders; and
- Court recovery following the Coronavirus pandemic.

7.10 The rate of police recruitment and their subsequent focus, 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.

7.11 This challenging demand profile will be exacerbated by the rate of court recovery dealing with the increase in backlog of cases from the COVID 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 sit more cases, and more prisoners enter the system.

7.12 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.

### **Prisoners in the Right Type of Prison at the Right Time**

7.13 In the recent past, there has been an imbalance between the needs of prisoners and the types and locations of prisons they are held in. Such imbalances have meant that many prisoners are held in a higher security category prison than they have been assessed for (i.e. Category D or C prisoners being held in Category A or B prisons).

7.14 Holding prisoners in the wrong types of prison inhibits rehabilitation and is poor value for money. Opportunities to engage in constructive activity (e.g. work or education) are more limited for

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<sup>5</sup> <https://www.gov.uk/government/publications/ministry-of-justice-single-departmental-plan/ministry-of-justice-single-departmental-plan--3>

<sup>6</sup> <https://www.gov.uk/government/statistics/prison-population-projections-2020-to-2026>

prisoners held in local prisons who are eligible for training or resettlement prison places.

7.15 Alongside ongoing work to reconfigure existing places, the Four New Prisons will seek to remedy, and continue to avoid such imbalance by constructing three Category C Resettlement prisons and one Category B Training prison to meet long-term demand.

7.16 Part of the rationale for building a new Category C Resettlement prison at the application site is that it will enable MoJ to meet the regional needs of prisoners in this category. Allocations to resettlement prisons are based on closeness to home to help individuals to prepare for release and resettlement into their community, through maintaining or improving their family and community ties.

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

7.17 The Four New Prisons have been designed to hold prisoners in an environment specifically suited to meet their rehabilitative needs, that enables a regime specifically designed to address their offending behaviour. This design will also significantly improve levels of safety for both prisoners and staff. The physical design has been created to enable the optimum delivery of a regime that will give prisoners the best chance to turn their lives around.

#### **Contributing to Building Back Better and Levelling Up**

7.18 Building Four New Prisons demonstrates a clear commitment from the Government to the UK construction sector and reflects its determination to help the country and the construction market recover following the Coronavirus pandemic, by offering a clear pipeline of work and investment.

7.19 The Four New Prisons will each create c. 550-700 permanent jobs for local communities once they are operational, and additional jobs during the construction phase; maximising the social and economic benefits of the projects.

7.20 Through the construction of these new prisons, MoJ will create opportunities for people, including ex-offenders and prisoners Released on Temporary Licence (ROTL), to be trained and upskilled in construction. MoJ will also create opportunities for businesses - helping boost local economies. MoJ's supply chain will deliver a wider economic boost, including to areas important to the Government's Levelling Up initiative.

7.21 More information on the socio-economic benefits is contained in the Socio-Economic Impact Assessment and Section 9 of this report.

#### **Regional Need for the Proposed Capacity and Type**

7.22 The proposed new prison would be a Category C Resettlement prison, accommodating 1,715 Adult Male prisoners within a secure perimeter. Category C prisons are for training and resettlement cohorts (as previously mentioned, the proposed new prison will be resettlement only), providing prisoners with the opportunity to develop skills so they can find work and resettle back into the community on release.

7.23 When considering surplus demand for prison places in a particular location, it needs to be considered together with the surrounding region. It is for this reason that 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 relatively centrally located in the North West region and so is well-placed to meet the regional demand

for Category C resettlement places.

- 7.24 The most recently available data from November 2020 shows that at that time 1,121 Category C men 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.
- 7.25 HMPPS has conducted extensive research and development work, which has indicated that the maximum efficiency for construction cost and operations would be derived from 1,468-1,715 place prisons. The prison being proposed will comprise of seven house blocks with a maximum capacity of 1,715 prisoners.
- 7.26 The initial design proposed for the new prison suggested that the proposed new prison would accommodate 1,680 prisoners. A review of the design for the Four New Prisons led to a revised capacity of 1,715. This change has been achieved through relatively minor design changes to the internal layout of the houseblock accommodation only and has not, therefore, enlarged the footprint of any of the proposed buildings or site or had any consequential impact on staffing ratios.

## **Alternative Sites**

### **Site Selection**

- 7.27 The site selection strategy for the 10,000 Additional Prisoner Places Programme balances a number of important considerations. Sites within MoJ ownership and suitable for development were identified, alongside other government owned land.
- 7.28 In addition, an extensive market search was undertaken by C&W. This search was informed by a requirement circulated to over 600 agents, a desktop search over multiple online databases, and contact with commercial property agents to identify potential options.
- 7.29 Both government land and the market site search were informed by the following criteria:

Mandatory Requirements:

- Minimum 12ha developable area; and
- In the preferred area of search, and requirement for at least one location in each region.

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.

- 7.30 Land in MoJ ownership was considered as priority sites given the potential for quicker delivery to meet challenging delivery programme and avoid additional costs and time delays associated with the purchase of land.

### **Shortlisted Sites**

- 7.31 From C&W's site search of non-Government owned land, 10 market opportunities and four off market opportunities were identified that met the mandatory requirements. When considered against the secondary requirements, the shortlist reduced to five sites and when reviewed against the tertiary requirements, all sites were ultimately dismissed as one or more of the tertiary requirements were not met. For example, sites would require significant remediation works (with cost and timescales implications), were of a shape that would not work for the proposed development or due to decommissioning activities, would not become available within the necessary timescales.
- 7.32 Land adjacent to existing prisons in the north west was also explored. Only one site met the mandatory requirements and was considered suitable to be shortlisted, however it was ultimately dismissed as it did not meet the secondary or tertiary requirements.
- 7.33 On a national scale, four sites were ultimately selected for further consideration and feasibility work.
- 7.34 Of these four potential sites – and with reference to the aforementioned mandatory requirement for a geographical distribution of the sites – one is in the South East, one is in Yorkshire and the North East, and one is located centrally and potentially being developed as a Category B training prison. Category B training prisons are national resources with different geographical requirements.
- 7.35 The remaining site is the land adjacent to HMP Garth and HMP Wymott (the application site) which is strategically located to meet the substantial forecast demand in the north west region.
- 7.36 The proposed site satisfies many of the site search criteria and is situated in a region where substantial demand for additional prison places is expected. The site is already owned by the MoJ which reduces the aforementioned costs and time delays.

### **Alternative Options**

- 7.37 The preceding text has clearly set out the national need for new prison places, the requirement for new Category C resettlement places in the north west region and the lack of alternative sites capable of meeting this demand.
- 7.38 In recognition of the application site being Green Belt, there is also a need to demonstrate that not only is the application site the preferred location, but that the scale of development proposed is the only way in which this demand can be met i.e. the development could not be split up across multiple sites.
- 7.39 As discussed at paragraph 7.6, new prison buildings represent the best value for money and long-term solution to meet demand for additional prison places, when compared to other options, such as the expansion of existing prisons. Due to the age, configuration and site restrictions of many existing prisons, it is not the right long term and value for money solution to deliver all of the required 10,000 additional places through expansion of existing prisons alone.
- 7.40 Notwithstanding this, 3,500 places required by the 10,000 Additional Prison Places Programme

will be met through expansion, reconfiguration and refurbishment of the existing estate. Detailed feasibility studies have been undertaken across the existing estate and this has concluded that 3,500 is the maximum feasible to be met through refurbishment, reconfigurations or expansion (i.e. development of new houseblocks) at this time.

- 7.41 As previously described, there is a specific regional need for Category C male resettlement prison places and hence this is the type proposed at the application site. This combination of the North West region, Category C (male) and the resettlement format further limited the options to achieve the additional required prison places at existing prisons.
- 7.42 There are two existing Category C resettlement prisons in the North West, however neither prison is capable of being expanded to accommodate any element of the proposed development.
- 7.43 As such, there are no alternative options to the scale of the proposed development and it is necessary that this is delivered at the application site.

### **Conclusion on Need and Alternatives**

- 7.44 The above has clearly demonstrated that:
- a) There is a significant national need for new prison places, specifically Category C resettlement;
  - b) There is a requirement for the new Category C resettlement prison places to be distributed around the country;
  - c) There are no available alternative sites in the North West region, either in private or public ownership, capable of accommodating the proposed new prison within the required timescales; and
  - d) There are no alternative existing Category C resettlement prisons in the North West region that could accommodate part of the required demand and reduce the scale of the proposed development.

## 8. Green Belt Assessment

### Introduction

- 8.1 This section provides an assessment of the proposed development against national and local planning policies for the Green Belt.
- 8.2 The NPPF sets out that Green Belts have two essential characteristics – “their openness and permanence” – as well serving five purposes:
- To check the unrestricted sprawl of large built-up areas;
  - To prevent neighbouring towns merging into one another;
  - To assist in safeguarding the countryside from encroachment;
  - To preserve the setting and special character of historic towns; and
  - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 8.3 The NPPF goes on to identify that in respect of the Green Belt and with relevance to this application:
- The construction of new buildings is ‘inappropriate’ unless they comprise:
    - The provision of appropriate facilities for outdoor sport or recreation provided that the openness of the Green Belt is preserved and there is no conflict with the purposes of including land within the Green Belt;
    - Limited infilling which would not have a greater impact on the openness of the Green Belt than the existing development; and
  - Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.
- 8.4 ‘Any other harm’ is accepted as referring to harm to the Green Belt as well as any other planning harm<sup>7</sup> such as environmental issues. The former will be considered in this section whilst the latter will be considered in section 9 of this Planning Statement.
- 8.5 The proposed development comprises several elements – the new prison, replacement boiler house and replacement bowling green and clubhouse. It is recognised that the scale of the proposed new prison development is such that it undoubtedly comprises inappropriate development within the Green Belt. The LPA concurred as such in their initial pre-application feedback. Therefore, the NPPF is clear that very special circumstances need to be demonstrated in order to justify the development.
- 8.6 An existing boiler house is required to be relocated to facilitate the new prison. The equipment will be moved to a new structure located between the existing two prisons on an area of existing hardstanding. The new boiler house will be c. 9m in height, with a single flue extending to no more than 22m in height. Whilst the boiler house is considered to comprise ‘limited infilling’ and as such, could be considered appropriate development, case law<sup>8</sup> establishes that the

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<sup>7</sup> [2014] Secretary of State for Communities and Local Government, Reigate and Banstead Borough Council and Tandridge District Council v. Redhill Aerodrome Limited [EWCA 1386]

<sup>8</sup> [2005] Kemnal Manor Memorial Gardens Ltd v First Secretary of State [EWCA Civ 835]

proposed development should be considered as a whole for the purposes of Green Belt policy. As the new prison element is inappropriate development, all elements of the proposed development will therefore be treated as such.

- 8.7 The proposed development also includes the provision of a new bowling green and associated single storey club house to replace an existing facility which must be lost in order to facilitate the new prison. Similar to the boiler house, whilst the change of use of land to the proposed bowling green and club house, as an outdoor sport and recreation use, could be considered appropriate development<sup>9</sup>, the assessment will consider the entire development as inappropriate development due to the new prison element.

### **Harm to Openness**

- 8.8 Planning Practice Guidance (PPG)<sup>10</sup> sets out that establishing the impact of a proposal on the openness of the Green Belt requires a judgement based on the specific circumstances of the proposal. PPG goes on to state that the Courts have confirmed this can include consideration of the visual impact of the proposal, as openness has both a spatial and visual aspect.
- 8.9 This guidance is reinforced in the Supreme Court decision in *R.(ao Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council [2020]* which confirmed that consideration of visual openness is a relevant issue to consider when making judgements on Green Belt openness.
- 8.10 The visual impact on openness is more than just a consideration of the impacts on visual amenity (assessed through the submitted Landscape and Visual Impact Assessment), and should include matters such as the type, scale and volume of the proposed development, impact to long-distance views and the spatial location of development.
- 8.11 Given the different attributes of the new prison, boiler house, bowling green and club house, each element is considered separately below.

### **New Prison**

- 8.12 The proposed new prison will be located on land to the north of HMP Wymott and east of HMP Garth.
- 8.13 The spatial dimension of the openness of the site is influenced by the existing buildings at the site which include farm buildings, the pumping station, the existing bowling green, disused social club and the existing boiler house, much of which is, or has been, prison-related infrastructure. The LVIA submitted with this application identifies that the wider spatial context of this area of the site is undoubtedly influenced by the large-scale built form of HMP Garth and HMP Wymott, whilst the adjacent Wymott estate and the remnant built elements of WWII ammunition storage to the north also have an impact. The LVIA concludes that the introduction of the proposed development would not therefore be entirely uncharacteristic when considering the spatial dimension.
- 8.14 Whilst these components of the application are submitted in outline, the standardised design approach to new prisons is such that the buildings will range between 1 and 4 storeys in height.
- 8.15 Visually, the application site is currently relatively well-contained by adjacent existing

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<sup>9</sup> Paragraph 150 e), NPPF

<sup>10</sup> Paragraph: 001 Reference ID: 64-001-20190722

development to the south, east and west. The LVIA concludes that this and existing vegetation acts to limit the medium distance views which characterise the openness of the Green Belt at a local level.

- 8.16 Nonetheless, the proposed new buildings are significant in their scale and the LVIA concludes that they may have an impact on the visual openness of the Green Belt. This adverse effect will be robustly mitigated with new and enhanced woodland planting to the north and north-east boundaries in particular.

#### **Bowling Green and Club House**

- 8.17 The replacement bowling green and club house are proposed on land to the south of the existing prison sites, to the immediate south-west of the roundabout on the internal access road from Moss Lane.
- 8.18 In this area of the site, the spatial dimension of the openness of the Green Belt is influenced by an access track to a farm building close to the south, but is otherwise undeveloped. Visually, views are influenced by the existing field boundary vegetation and mature tree belt to the north and west.
- 8.19 The club house will be single storey in height, with a flat roof and clad in timber cedar cladding. New hedgerow and tree planting is proposed around the site boundaries to minimise its visual impact.
- 8.20 Whilst the bowling green and club house are relatively small-scale compared to the wider development subject of this application, it is considered that they will nonetheless result in a degree of harm to the openness of the Green Belt.

#### **Boiler House**

- 8.21 The replacement boiler house will be located on an existing area of hardstanding located between the existing two prisons and south of the boundary of the new prison. A single storey portacabin is currently located on the hardstanding, alongside a small area of informal car parking surrounded by a security fence.
- 8.22 The boiler house will house equipment being relocated from within the existing boiler house currently sited c. 150m to the north. The existing boiler house is significantly larger in volume than actually required (a recent refurbishment altered the equipment housed within it), and as such, the new boiler house will have a smaller scale and massing than the existing. The boiler house will extend to c. 9m high.
- 8.23 The flue at the existing boiler house extends to 14m. Due to the closer proximity to the houseblocks at the existing two prisons, the flue at the new boiler house is required to be slightly taller and will extend to no more than 22m.
- 8.24 The new boiler house is located on previously developed land, centrally within the wider prison complex and located between the two prisons. The proposed development will result in a reduction in the scale and massing of the boiler house, albeit a slight increase in the overall height of the associated flue. It is not considered the boiler house development will adversely impact the spatial openness of the Green Belt, nor will it adversely impact the visual openness as views of the boiler house are screened by the existing built form adjoining the site.

### **Conclusion on Openness**

- 8.25 It is considered that the new boiler house element of the proposed development will not result in any greater impact on the openness of the Green Belt than the existing boiler house development.
- 8.26 The remainder of the proposed development will however, as a whole, result in some adverse impact on the openness of the Green Belt, albeit the spatial impact is influenced by the existing prison complex and the visual impact will be reduced over time by the new and enhanced areas of planting.

### **Harm to Green Belt Purposes**

- 8.27 The below sections consider the extent to which the development impacts on the five purposes of the Green Belt as set out in the NPPF.

### **Impact on Urban Sprawl**

- 8.28 The majority of the application site is located within an allocation as a Previously Developed Site and is relatively well-contained by the existing development of HMP Garth to the west, HMP Wymott to the south and the Wymott residential estate to the east. The existing prisons in particular are significant in terms of their scale and massing.
- 8.29 The northern boundary is defined by an existing tree belt and a lane connecting Ridley Lane to Pump House Lane, and new landscape planting is proposed along the north and north-east boundaries to create a stronger defensible boundary to the wider Green Belt.
- 8.30 Therefore, whilst the proposed development would comprise a significant built form, it is not considered that it would lead to the unrestricted sprawl of a large built-up area due to the existing and proposed physical barriers and thus there is no conflict with this purpose.

### **Impact on Merging of Towns**

- 8.31 Whilst the proposed development will result in new built form being located closer to the residential area of Wymott, it is not considered that this would in turn result in Wymott merging with nearby towns. Similarly, the bowling green and club house will comprise only a small extension of built form to the south of the existing prison sites.
- 8.32 Significant areas of undeveloped land will remain between Wymott and the nearest settlements of Croston, Ulnes Walton and Leyland.
- 8.33 It is therefore not considered that the proposed development will have a significant impact on the merging of neighbouring towns.

### **Impact on Countryside**

- 8.34 The Landscape and Visual Impact Assessment submitted with this application concludes that whilst all forms of development are likely to comprise encroachment to an extent, the majority of the site comprises previously developed Green Belt land associated with the historic WWII ammunition storage use of the site.
- 8.35 Existing built form at the site includes a number of farm buildings and grazing land (managed by the existing adjoining prisons), a bowling green and disused social club. The site's context in adjoining HMP Garth and HMP Wymott is considered to reduce the site's countryside

characteristics.

8.36 As such, whilst the site displays some characteristics of the open countryside, it is not considered to possess a strong rural character. Nonetheless it is accepted that there is a degree of conflict with this purpose of the Green Belt, resulting in some harm.

8.37 Notwithstanding this, the encroachment to the countryside is considered to be mitigated due to the site being relatively well contained by neighbouring development as well as there being an opportunity for new planting along the north and north-east edges of the site introducing a new landscape boundary to the Green Belt in this location.

#### **Impact on Protection of Historic Towns**

8.38 The requirement to preserve the historic character of towns is not considered relevant to this application and as such, there is no conflict with this policy purpose.

#### **Impact on Urban Regeneration**

8.39 Section 7 sets out the need case for the proposed development, as well as demonstrating that there are no alternative sites in the north-west capable of accommodating the proposed development. The proposed development clearly cannot be accommodated on a brownfield or non-Green Belt site in an urban area, and it is therefore considered that it will not undermine this policy purpose.

8.40 Separately and as set out in Section 9 and the separately submitted Socio-Economic Impact Assessment, the proposed development will result in significant direct and indirect economic benefits, during both construction and operation.

8.41 Furthermore, the proposed new prison comprises a modern design, creating an environment where offenders can be more effectively rehabilitated. The Category C resettlement prison will provide prisoners with the opportunity to develop skills, assisting them in finding work on release and positively reintegrate into the community. The development will therefore result in significant long-term social benefits.

#### **Mitigation/ Compensation**

8.42 Planning Practice Guidance (PPG)<sup>11</sup> contains advice on the ways in which the adverse impact of developing Green Belt land can be offset by compensatory improvements. Whilst this guidance specifically relates to land released through a local plan process, it is also considered to have some relevance to applications.

8.43 As part of the proposed development, a range of compensatory improvements are proposed which align with the specific examples set out in PPG. This includes:

- Retention and enhancement of boundary vegetation, particularly to the north and north-east of the new prison site;
- Significant improvements to biodiversity, habitat connectivity and natural capital, through the delivery of 20% biodiversity net gain delivered on site;
- Pump House Lane is currently in poor condition. As a consequence of the diversion of Pump House Lane, the route will be upgraded in quality terms enhancing local walking and cycling opportunities.

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<sup>11</sup> Paragraph: 002 Reference ID: 64-002-20190722

## Conclusion

- 8.44 Whilst some elements of the proposed development could be capable of being considered appropriate development, for the purposes Green Belt policy and ensuring a suitably robust assessment, the proposed development has been considered as a whole to comprise inappropriate development. It is accepted that it will cause some harm to openness, but it is considered that through the landscape screening and mitigation proposed, this harm will not be substantial.
- 8.45 Furthermore, the harm to the Green Belt purposes will not be substantial because the proposed development:
- Will not result in the unrestricted sprawl of a large built-up area;
  - Will not result in the merging of neighbouring towns;
  - Will have no impact to the setting and special character of historic towns; and
  - Will not adversely impact urban regeneration as there are no suitable alternative sites within an urban area which could accommodate the proposed development.
- 8.46 It is accepted that there is some conflict with the Green Belt purpose of safeguarding the countryside from encroachment, albeit this impact is reduced due to the existing neighbouring development and proposed planting which results in the site being visually relatively well contained.
- 8.47 Overall, the proposals will result in a degree of harm to the openness of the Green Belt and the purpose of safeguarding the countryside from encroachment. Whilst it is considered that this harm can be mitigated and reduced over time, the NPPF is clear that any identified harm to the Green Belt should be afforded substantial weight in the consideration of a planning application.
- 8.48 The following section brings together this section with section 7 to set out the very special circumstances that are considered to outweigh the aforementioned harm to the Green Belt as well as any other harm, and justify approval of this planning application.

## 9. Planning Assessment

- 9.1 This section evaluates the proposed development against relevant planning policy, material considerations and technical assessments summarised earlier in this report. Pre-application consultation and stakeholder and local community engagement has informed the proposed development. It sets out the very special circumstances that are considered to outweigh the harm to the Green Belt (identified in section 8) as well as any other harm, and justify approval of this planning application.

### Principle of Development

#### Proposed New Prison

- 9.2 There are no policies in the development plan that relate to new prisons, however Policy 1 of the CLCS and Policy BNE5 of the CLP are considered relevant as they relate to the principle of development within the Green Belt.
- 9.3 It is also relevant to consider the national policy contained within the NPPF in relation to the principle of development within the Green Belt, specifically paragraphs 147-148.
- 9.4 The remainder of this section will set out the very special circumstances that exist to outweigh the potential harm to the Green Belt and any other harm resulting from the proposed development.
- 9.5 It will also set out how the proposed development seeks to avoid and/or mitigate any other harm which could arise, and how the proposal accords with the adopted development plan in relation to specific technical matters.
- 9.6 Overall, it will demonstrate that the proposed development will achieve sustainable development in accordance with Policies 1 (CLCS) and BNE5 (CLP), as well as paragraph 148 of the NPPF.

#### Proposed New Bowling Green and Club House

- 9.7 The new bowling green comprises a replacement of an existing facility which must be relocated to facilitate the new prison development. The proposed bowling green will be of an equivalent standard, located close to the existing facility and will be provided before the existing facilities cease to be available.
- 9.8 The associated new club house will be of a significantly better quality than the existing, providing a modern fit-for-purpose building that is crucially fully accessible. The current club house does not have level access, and there is no accessible toilet.
- 9.9 Wymott Bowling Club have been consulted with throughout and are supportive of the proposed location and standard of the replacement facilities, and the programme for their provision. Please see the Statement of Community Involvement for further detail of this engagement.
- 9.10 As such, the principle of the bowling green and club house element of the proposed development is considered to comply with Policies HW2 and HW6 of the CLP, Policy 24 of the CLCS and paragraph 99 of the NPPF.

#### Green Belt

- 9.11 The application site is located outside of settlement boundaries and within the designated Green Belt, albeit the majority of the application site is identified as a Previously Developed

Site within the Green Belt (Policy BNE5, CLP). It is accepted that the scale and nature of the proposed development as a whole is such that it comprises 'inappropriate development' in relation to paragraphs 149 and 150 of the NPPF.

- 9.12 The NPPF thus requires very special circumstances to be demonstrated, which must clearly outweigh the harm to the Green Belt as well as any other harm caused by the proposed development.
- 9.13 As set out in section 8, it is accepted that there is definitional harm caused to the Green Belt by reason of inappropriateness, however the harm to openness and the purpose of safeguarding the countryside from encroachment will be mitigated and reduced over time.
- 9.14 Section 5 sets out a summary of the technical reports to allow an assessment of whether any other harm arises. Each of the relevant technical matters is considered later in this section to demonstrate that there are no significant adverse impacts which are not capable of being mitigated.
- 9.15 The majority of the very special circumstances applicable to the proposed development are set out in section 7, that is:
- a) There is a significant national need for new prison places, specifically Category C resettlement;
  - b) There is a requirement for the new Category C resettlement prison places to be distributed around the country;
  - c) There are no available alternative sites in the North West region, either in private or public ownership, capable of accommodating the proposed new prison; and
  - d) There are no alternative existing Category C resettlement prisons in the North West region that could accommodate part of the required demand and reduce the scale of the proposed development.
- 9.16 In addition, the significant economic benefits associated with the scheme are considered to form a key part of the very special circumstances case. The Socio Economic Statement submitted alongside this application sets these benefits out in detail, and they are also outlined below.
- 9.17 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.
- 9.18 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.
- 9.19 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.
- 9.20 This will provide a boost to the local economy and support the construction industry to invest and innovate following the Coronavirus pandemic. 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. At the new prison under construction in Wellingborough, 51% of the construction cost went to small businesses, and 25% on-site spend went to companies in the Wellingborough area.
- 9.21 Once operational, the MoJ forecasts that 643 permanent jobs will be created at the prison, in a

wide range of roles, including office admin staff, chaplaincy, education and prison officers, providing opportunities for members of the community to build a career within the criminal justice system. It is estimated that approximately 590 of new employees will reside within a 40 mile radius. This equates to a total income of £14.1 million per year, of which £12.98 million would be retained locally.

- 9.22 The Prison Service has a strong track record in recruitment, recruiting around 4,000 prison officers between October 2016 and September 2020, and MoJ are confident in the proposed staffing.
- 9.23 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.
- 9.24 The regional supply chain spend from the new prison will equate to £17.9 million per annum, supporting 299 jobs at a regional level.
- 9.25 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.
- 9.26 Additional socio-economic benefits are provided through the relocated bowling green and clubhouse, with the latter in particular representing a substantial qualitative improvement to the current facilities which are not fit for purpose and are not accessible.
- 9.27 The socio-economic benefits resulting from the construction and operational phases of the development are clearly significant, such that they are considered to comprise part of the very special circumstances case.
- 9.28 Overall, it is therefore considered that a unique set of very special circumstances exist to justify the proposed development, and that these are significant enough to sufficiently outweigh the identified harm to the Green Belt associated with the proposals.

#### **Conclusion on Principle of Development**

- 9.29 As set out in section 7, there is a significant and urgent need to deliver new prison places, particularly Category C resettlement. It is necessary for these to be distributed around the country and it has been demonstrated that there are no alternative sites in the North West region to the application site nor alternative options which could reduce the scale.
- 9.30 The proposed development will generate significant economic benefits, during construction and particularly the operational phase. These benefits are substantial and supported through the NPPF, CLCS and the CLP.
- 9.31 Turning to the Green Belt, whilst there will be some harm to openness and encroachment to the countryside as a result of the proposed development, the overall harm to the Green Belt is considered to be strongly outweighed by the very special circumstances demonstrated above. The identified impact to openness – both spatial and visual – can be significantly mitigated and will reduce over time.
- 9.32 The development is therefore compliant with paragraph 148 of the NPPF, Policy 1 (CLCS) and Policy BNE5 (CLP), and the principle of the proposed development on the site is thus considered acceptable.

## Design of New Development

- 9.33 The design process is provided in detail within the Design and Access Statement submitted with this application. The proposed development will provide a modern prison development which has been designed to be more rehabilitative to residents, more efficient for staff to work in, more welcoming to visitors and considerate to the neighbours and the existing surrounding area.
- 9.34 The MoJ are implementing an additional £100m investment in new measures to stop drugs entering prisons, including designing all new prisons with additional security to deter the smuggling of contraband, such as bar-less windows which further reduces risk of items being passed in or out of cells. A purpose-built facility will support the rehabilitation of prisoners.
- 9.35 Consideration has been given to the potential impact of development, including on the local highway network, ecology, landscape and visual receptors. The illustrative Site Layout Plan submitted in support of this application is informed by the technical assessments, pre-application advice and consultation.
- 9.36 The bowling green and club house are submitted in full detail, and have been carefully designed to integrate with the surrounding environment through its small scale and the use of timber cedar cladding
- 9.37 The proposals have been developed in close collaboration with the MoJ stakeholders and the relevant Prison Service Guidance Documents whilst working work around the site constraints and addressing the areas of concerns identified during the consultation process. These include the following:
- Efficient use of the site – The proposal makes best use of the available site area whilst addressing all other considerations.
  - Landscape and Visual Impact mitigation – The topography of the site has informed the location of the proposed buildings to reduce the visual impact from the surrounding areas. Additional mitigation is proposed by way of new woodland planting to complement the existing vegetation alongside the site perimeter, providing visual screening of the proposed development.
  - Ecological impact mitigation – Existing habitats have been retained so far as possible and all impacts will be fully compensated. Mitigation will be provided to compensate for the potential adverse impact to bats, birds and GCN. A Biodiversity Net Gain of at least 20% will be achieved with no offsetting required.
  - Noise impact mitigation – Proposed vehicle access point has been located away from the neighbouring residential estate to minimise impact from vehicles.
- 9.38 The design of the proposed development (notwithstanding that further details will be provided for the boiler house and the new prison at reserved matters stage) is therefore considered compliant with Policies BNE1 and BNE6 of the CLP and Policy 17 of the CLCS.

## Landscape and Visual Impact

- 9.39 Consideration of the potential landscape and visual impact has been an important consideration in progressing the design of the proposed development. This is explained within the Design and Access Statement.
- 9.40 The submitted LVIA concludes that the likely effects will not be significant. The LVIA identified some major to moderate adverse effects in the longer term for those sensitive visual receptors

close to the site, whilst further from the site visual effects reduce to moderate adverse due to the existing references to the built form of HMP Garth and HMP Wymott. In the wider landscape, visual effects reduce to minor adverse, negligible and nil.

- 9.41 The area is already characterised by prison development and although the scale and form of the proposed development will result in change to the area, the remaining landscape and visual effects are not likely to be significant, e.g. will not result in major loss of landscape or irreversible adverse effects.
- 9.42 Proposals for green infrastructure and landscaping as part of the landscape strategy will deliver enhancements to the physical landscape, reflecting positively on the existing landscape character.
- 9.43 The landscape strategy is key in responding to the existing site and forms an integral part of the site plan design development, which is why this is submitted in full detail. The design approach is to provide an environment that: promotes mental and physical wellbeing, creates an attractive setting, protects and enhances the site's ecology and biodiversity, integrates the site drainage strategy with the layout and landscape and maintains a safe and secure environment.
- 9.44 On balance, the remaining landscape and visual effects are not likely to be significant and therefore the application proposal is compliant with the NPPF and CLCS Policies 17 and 21.

### **Transport and Access**

- 9.45 The Transport Assessment submitted identifies a highway mitigation scheme at the A581/ Ulnes Walton Lane to ensure the proposed development would not have a material detrimental effect on the existing highway network. The TA and Outline Travel Plan (OTP) also identify sustainable transport measures and cycle facilities and storage are to be provided on site.
- 9.46 10% (53) of total parking will be allocated to fast charge electric vehicle charging points, with a further 5% (27) set aside for car sharing users. 24 disabled spaces are proposed, located close to the prison entrance. 51 covered cycle parking spaces will be provided.
- 9.47 Junction capacity modelling has demonstrated that all assessed junctions will operate within acceptable capacity thresholds, with the exception of Ulnes Walton Lane/ A581 where a potential issue has been identified.
- 9.48 The MoJ are working collaboratively with Lancashire County Council to find a solution at this location and to agree input to the County Council's strategy for the wider A581 corridor, as well as the mitigation required in other key locations.
- 9.49 Full details will be provided early in the determination period. The Applicant, Atkins and LCC agree issues are not insurmountable and the highways solution will be secured by way of a s106 and/or s278 agreement.
- 9.50 The site access location into the new prison has been decided through a review of existing gaps in trees along Moss Lane, so as to minimise impact to trees, as well as needing to locate the access point a certain distance from the existing HMP Garth and HMP Wymott access off Moss Lane to meet highway safety standards. A key consideration was also locating the access point away from the Wymott residential estate in order to minimise impact on residential amenity from traffic.
- 9.51 The OTP confirms a range of measures to encourage the uptake of sustainable travel amongst staff and visitors including a car sharing strategy and providing car sharing spaces, a Public

Transport Strategy to provide public transport information and shower and changing facilities to encourage cycling trips.

- 9.52 The proposed development will be supported by a Construction Traffic Management Plan (CTMP) to confirm mitigation measures to manage traffic movements during the Construction Phase. Measures will ensure that construction vehicles can access and egress the site safely and that any temporary impacts caused by the Construction Phase are mitigated to reduce the impact on the local highway network and local amenity.
- 9.53 Two paths cross the proposed prison element of the site that, whilst not adopted Public Rights of Way, will be treated as prescriptive rights of way in recognition of the length of time by which they have been used by the public. This has been agreed with Lancashire County Council.
- 9.54 A short section of Pump House Lane extending north from Willow Road will be diverted further east, extending the route by c. 170m in length. The diverted track will be a significant improvement in quality to the current track and will be available for use by the public, including horse riders, after construction.
- 9.55 The existing path running east-west across the new prison site (to the north of HMP Wymott) will be stopped up. Due to constraints of the size and shape of the new prison site, it is not possible to provide a path between the existing and new prisons
- 9.56 Subject to agreement with LCC of the final traffic mitigation measures, the development is compliant with CLP Policies ST1, ST4 and BNE1; Policy 3 of the CLCS; and the NPPF.

### **Ecology and Trees**

- 9.57 An EclA has been completed and areas of high ecological value will be retained where possible. At least 20% Biodiversity Net Gain will be achieved, with no offsetting required.
- 9.58 The Landscape Strategy submitted with this application will protect and reinforce existing habitats and vegetation where possible. The proposed soft landscape scheme aims to maximise Biodiversity Net Gain and reflect arboricultural, ecological and landscape/visual requirements.
- 9.59 Woodland planting, wildflower and wetland meadows, amenity grass, ornamental shrubs and orchard trees are proposed. The 'campus' approach of grass lawns and open paved places allows space for movement and sport, and natural habitats are proposed along the inside of the perimeter fence to increase biodiversity within areas that will not be disturbed by regular human movements.
- 9.60 So far as possible, impacts to protected species have been avoided, with a range of mitigation measures proposed including relocation of nest boxes, bird and bee-bricks on upper elevations and new ponds. The EclA concludes that the mitigation proposed adheres to the standard mitigation guidance.
- 9.61 A long-term monitoring plan will be developed and secured through a suitably worded condition or a Section 106 agreement.
- 9.62 The Arboricultural Impact Assessment confirms that there are no Category A trees at the site. No trees will be impacted by the bowling green or boiler house elements, whilst the new prison development will result in the loss of low and moderate value trees and hedgerows, as well as an area of early mature woodland.
- 9.63 The development will deliver substantial new soft landscaping, including new woodland areas.

The AIA concludes that the extent of new planting is considered proportionate to compensate for the tree losses and offers benefits in terms of extending and diversifying the current arboricultural resource.

- 9.64 The proposal is therefore compliant with CLP Policies BNE1, BNE9, BNE10 and BNE11 and Policies 18 and 22 of the CLCS.

### **Flood Risk and Drainage**

- 9.65 A site-specific Flood Risk Assessment has been completed which confirms that when based on the Updated Flood Map for Planning, the majority of the site is located in flood zone 1 and at a low risk of flooding.
- 9.66 Only a small strip along the north-west margin of the site will actually fall within flood zone 2 with the remainder of the site comprising flood zone 1.
- 9.67 A site-based sequential approach has been taken to locate all operational elements of the proposed development within flood zone 1.
- 9.68 The finished floor level of buildings will incorporate flood resistance and resilience measures.
- 9.69 SuDS are to be incorporated into the drainage design, with the surface water drainage strategy proposing a range of initiatives ensuring that there is no adverse off-site impact to surface water flood risk.
- 9.70 Water efficient fixtures and appliances will be specified throughout the new prison in accordance with BREEAM Wat 01 requirements. Water meters will be installed on the mains water supply to each building.
- 9.71 The proposed development is therefore in compliance with Policy 29 of the CLCS.

### **Heritage**

- 9.72 The submitted Heritage Statement (summarised in section 5) concludes that the setting of the 3 identified Grade II listed buildings will not be adversely impacted by the proposed development. Whilst the proposal necessitates the removal of one munitions depot, associated with the site's former use as a Ministry of Supply Depot, further depots will remain across the wider landscape and the overall impact is therefore concluded as very limited.
- 9.73 The Heritage Statement concludes that the significant benefits of the proposed development outweigh this limited harm to a non-designated heritage asset. No harm will be caused to designated heritage assets, and the proposed development is therefore compliant with the NPPF, Policy 16 of the CLCS and Policy BNE8 of the CLP.

### **Archaeology**

- 9.74 An Archaeological Desk Based Assessment has been prepared by Orion Heritage. It has reviewed the available archaeological, historic, topographic and land-use information to assess the archaeological potential of the application site.
- 9.75 The assessment concludes that the study site has a low potential to contain finds and features from all periods except the post-medieval period, where it has a moderate potential to contain features relating to use as part of the Royal Ordnance Factory estate. These features, if present, may however have been removed or truncated by later development and agricultural practice.

9.76 Archaeology is therefore considered to unlikely be a constraint to the proposed development.

9.77 The proposed development therefore complies with paragraph 189 of the NPPF.

### **Air Quality**

9.78 The impacts of the proposed development with regards to air quality has been assessed by Ramboll. The assessment considers the impact of the development on air quality to nearby sensitive receptors during both the construction and operational phases.

9.79 The assessment concludes that subject to mitigation measures, effects of construction dust on nearby sensitive receptors would be effectively controlled and the impacts would not be significant. Suitable mitigation would be provided through a series of measures set out in a dust management plan to form part of a CEMP to be agreed with the local authority by a suitably worded condition.

9.80 The intention is that the relocation of the boiler house will involve a 'like for like' replacement of equipment. The flue height has been calculated on the same basis as the existing boiler house flues and will give an equivalent level of dispersion. As the new boiler house will be located to the south of the existing and more towards the centre of the site, off-site impacts are likely to be lower than at current.

9.81 Concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> have been predicted for worst-case locations representing existing properties adjacent to the road network. Predicted concentrations would be well below the relevant objectives at all the existing receptor locations with the proposed development in place. The impact of the proposed development on air quality is negligible at all receptors.

9.82 Mitigation measures to reduce the direct impacts of the development on air quality concentrations are not required, but additional transport related mitigation measures will be employed to reduce emissions from the development in accordance with the adopted development plan.

9.83 The development therefore complies with Policy 30 of the CLCS.

### **Noise**

9.84 The Noise and Vibration Impact Assessment has examined the impact of both the construction and operational phases of development on existing sensitive receptors, including through the generation of road traffic, siting of the car park and plant equipment, as well as looking at the impact of existing noise sources on the proposed development.

9.85 The assessment concludes that no mitigation is required during the operational phase, with mitigation during construction comprising best practice methods to be secured via a Construction Environmental Management Plan.

9.86 The proposed development is thus compliant with Policy BNE1 of the CLP and Policy 17 of CLCS.

### **Ground Conditions**

9.87 A Phase I & II Geo-environmental Site Assessment has been prepared by e3p. The report identifies that the site has historically been used as agricultural land with a small number of ponds until the 1970s when a number of tracks and structures were constructed.

- 9.88 e3p have undertaken an intrusive ground investigation comprising window sample boreholes and advise that made ground deposits were encountered within the majority of locations.
- 9.89 Elevated concentrations of non-volatile PAH and TPH compounds were identified however the report concludes that this can be mitigated through the installation of a suitable cover system in relevant areas to remove any potential for direct exposure. TPH C12-C16 concentrations were confined to one localised hotspot and so it is advised this hotspot is removed during the cut/fill works.
- 9.90 The report identifies that preliminary ground gas monitoring suggests the site should be classified as CS2, requiring specialist protection measures.
- 9.91 The report advises of further works to be undertaken prior to development commencing.
- 9.92 As such, subject to suitably worded planning condition(s), the development is considered to be in compliance with Policy BNE7 of the CLP.

### **Light**

- 9.93 A lighting assessment has been undertaken to consider the impact of the lighting proposed at the new prison and replacement bowling green. The lighting required for the new prison needs to provide certain illumination levels to meet the security standard expected of a prison and ensure staff safety whilst moving between different areas of the site. Lighting has been designed however to minimise light spillage and the assessment concludes that the impact will be significantly under the threshold for the relevant environmental zone.
- 9.94 Similarly, the assessment for the bowling green, where flood lighting will be used in evenings when required, concludes that the impact will be within the environmental zone threshold.
- 9.95 The proposed development is thus compliant with Policy BNE6 of the CLP.

### **Mineral Safeguarding**

- 9.96 The site is within a Mineral Safeguarding Area, however it is considered that the significant need for the proposed development (as set out within section 7) outweighs that of extracting any minerals at the site.
- 9.97 It is not possible in terms of programme, nor feasible given the site's location adjacent to two existing prisons to extract the minerals in advance of the proposed development. It would also not be environmentally acceptable.
- 9.98 The proposed development is therefore considered compliant with Policy M2 of the Minerals and Waste Local Plan for Lancashire.

## 10. Conclusion

10.1 This application seeks hybrid planning permission for:

*Hybrid planning application seeking: Outline planning permission (with all matters reserved except for 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; 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*

10.2 This statement has considered the site and surroundings, the details of the proposed development, and assessed the proposals against the relevant planning policy.

10.3 In accordance with best practice, the submitted proposals have been informed by pre-application discussions with officers at Chorley Council, Lancashire County Council, key stakeholders, ward councillors, and local residents. Please refer to the accompanying Statement of Community Involvement for further details.

10.4 The project team has worked proactively and positively with the LPA to understand and respond to key planning issues before the application has been submitted in order to ensure the faster delivery of key public service infrastructure in accordance with paragraph 96 of the NPPF.

10.5 Consideration has been given to the potential impact of development, including on the Green Belt, local highway network, ecology, landscape and visual receptors, flood risk and drainage and heritage. The illustrative Site Layout Plan submitted in support of this application is informed by technical assessment, pre-application advice and consultation.

10.6 The development proposed will provide a new Category C resettlement prison to meet the need for additional prison capacity across the country. It has been demonstrated that there are no alternative sites in the North West region capable of accommodating the proposed development, nor is there capacity at any existing Category C resettlement prisons to enable a reduction in scale.

10.7 The proposed development will provide a range of social, economic and environmental benefits which can be summarised as follows:

### **Economic:**

- 122 gross / 69 net FTE jobs during the construction period.
- Estimated £117.2 million GVA (gross) during the construction period, with an additional £35.1 million indirect and induced GVA (gross).
- 643 FTE jobs created during the operational stage, with approximately 590 employees likely to reside locally.
- Total income spend of £14.1 million per annum, of which £12.98 million retained locally.
- The operational spend of the prison will amount to £13.7 million, supporting 230 jobs at a regional level.
- The operational regional supply chain spend will equate to £17.9 million per annum, supporting 299 jobs at a regional level.
- Expenditure from prison staff and visitors within the local and regional economy will equate to £10.4 million per annum, supporting 30 jobs.

**Social:**

- Delivering new prison places to meet an identified need, in the right geographical location;
- Provide safe, secure and modern facilities to deliver improved outcomes for prisoners and reduce reoffending rates;
- Replacement bowling green will be of an at least equivalent standard, in an equally accessible location and provided before the existing facility is required to be lost.
- New club house will be of a greater quality and fully accessible, representing a significant enhancement to the existing club house provision.
- Upgrades to the diverted section of Pump House Lane, encouraging and enabling greater use of the public footpath network for walking and cycling. The surface upgrades will also enable improved access, including for maintenance, into the play area adjoining the Wymott residential estate to the north.
- Local apprenticeship, training and supply chain opportunities will be created throughout the construction and operational stages of the development.
- 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.

**Environmental:**

- The majority of the site comprises previously developed land and the proposed development will make efficient use of land.
- The design approach has ensured that the impact of the proposals have minimised landscape visual impact the remaining landscape and visual effects are not considered to be significant.
- Delivery of a high-quality sustainable prison that will achieve BREEAM Excellent, with endeavours to achieve BREEAM 'Outstanding'.
- The site is not subject to, nor closely located to, any sensitive ecological designations. Impact to protected species has been avoided so far as possible, with suitable mitigation proposed where required.
- At least 20% biodiversity net gain will be achieved with no offsetting required.
- High fabric energy efficiency, air source heat pumps, photovoltaic panels and energy efficient lighting, appliances, and equipment will be specified to assist in achieving the MoJ's target to be net zero carbon ready.
- The site is not at risk of flooding and will not lead to an increase in the risk of flooding elsewhere. The proposed drainage strategy is in accordance with the drainage hierarchy.
- 10% (53) of the car parking spaces will be set aside for electric vehicle charging points.
- A further 5% (27) will be set aside for car sharing users.
- 51 covered cycle parking spaces will be provided.
- Construction method will make use of modern methods of construction, with associated quicker construction times, lower energy use and stronger green footprint.

10.8 This statement has provided a full, robust and compelling justification of the unique very special circumstances that are considered to outweigh the identified harm to the Green Belt in

accordance with paragraph 148 of the NPPF.

- 10.9 The principle of the proposed development is considered acceptable and compliant with policies contained in the development plan, NPPF and other key material considerations.
- 10.10 A full range of robust technical reports have been submitted alongside this application. These reports, as summarised in section 5 of this report, demonstrate how the proposed development has considered and responded to the site's constraints, its surroundings and any potential environmental impacts.
- 10.11 We therefore conclude that very special circumstances exist to outweigh the harm to the Green Belt as well as any other harm, the proposed development is acceptable in principle and it will not lead to any significant adverse impacts that would outweigh the benefits of the scheme.
- 10.12 As a result, we therefore conclude that the proposed development:
- Is compliant with planning policy at a national and local level;
  - Will deliver significant social, economic and environmental benefits;
  - Will not result in any significant unacceptable, insurmountable adverse impacts; and
  - Therefore, comprises sustainable development.
- 10.13 It is thus considered that there are no policy grounds or material considerations which should prevent planning permission from being granted for the proposed development. The proposed development comprises sustainable development and positively accords with the development plan and this planning application should be approved without delay.

## Appendix 1 – List of Submitted Drawings

Drawing Title	Drawing No.
<b>Site-wide</b>	
Topographical Survey	608623-0000-CEN-GHX0000-XX-SU-X-1000
Site Location Plan	608623-0000-PEV-GHX0011-ZZ-DR-A-9000
Site Demolition Plan	608623-0000-PEV-GHX0011-ZZ-DR-A-9002
Site Phasing Plan	608623-0000-PEV-GHX0011-ZZ-DR-A-9400
<b>New Prison</b>	
Site Block Plan Existing	608623-0000-PEV-GHX0011-ZZ-DR-A-9001
Site Block Plan Proposed	608623-0000-PEV-GHX0011-ZZ-DR-A-9100
Site Sections Existing	608623-0000-PEV-GHX0011-ZZ-DR-A-9201
Site Sections Proposed	608623-0000-PEV-GHX0011-ZZ-DR-A-9200
Aerial View Indicative CGI	608623-0000-PEV-GHX0011-XX-SK-A-9015
Pedestrian Approach Indicative CGI	608623-0000-PEV-GHX0011-XX-SK-A-9016
External Lighting Layout - Sheet 01	608623-0000-PEV-GHX0011-ZZ-DR-E-6310
External Lighting Layout - Sheet 02	608623-0000-PEV-GHX0011-ZZ-DR-E-6311
External Lighting Layout - Sheet 03	608623-0000-PEV-GHX0011-ZZ-DR-E-6312
Comprehensive Landscape Masterplan	608623-0000-PEV-GHX0011-XX-DR-L-0301
Proposed New Access	Please see Transport Assessment - Appendix D
Proposed New Access Swept Path Analysis	Please see Transport Assessment - Appendix D
<b>Bowling Green</b>	
Site Block Plan Existing (BC)	608623-0000-PEV-GHX0031-ZZ-DR-A-9001
Site Block Plan Proposed (BC)	608623-0000-PEV-GHX0031-ZZ-DR-A-9100
Site Sections Existing (BC)	608623-0000-PEV-GHX0031-ZZ-DR-A-9200
Site Sections Proposed (BC)	608623-0000-PEV-GHX0031-ZZ-DR-A-9201
Elevations Proposed (BC)	608623-0000-PEV-GHX0031-ZZ-DR-A-9400
Ground Floor Plan Proposed (BC)	608623-0000-PEV-GHX0031-00-DR-A-9300
Roof Plan Proposed (BC)	608623-0000-PEV-GHX0031-R0-DR-A-9301
Bowling Green Landscape Proposals (BC)	608623-0000-PEV-GHX0031-XX-DR-L-0405
Bowling Green External Lighting Layout-Sheet 01	608623-0000-PEV-GHX0031-ZZ-DR-E-6310
Bowling Green External Lighting Layout-Sheet 02	608623-0000-PEV-GHX0031-ZZ-DR-E-6311
Proposed 3D Visuals (BC)	608623-0000-PEV-GHX0031-ZZ-DR-A-9500
Proposed Highways General Arrangement Plan (BC)	608623-0000-PEV-GHX0031-ZZ-DR-C-0700
Visibility Splay Plan (BC)	608623-0000-PEV-GHX0031-ZZ-DR-C-2600
Proposed Highways-Long Sections (BC)	608623-0000-PEV-GHX0031-ZZ-DR-C-0701
Proposed Highways-Cross Sections (BC)	608623-0000-PEV-GHX0031-ZZ-DR-C-0702
Swept Path Analysis-Light Goods Vehicle (BC)	608623-0000-PEV-GHX0031-ZZ-DR-C-2601
Swept Path Analysis-Refuse Vehicle (BC)	608623-0000-PEV-GHX0031-ZZ-DR-C-2602
Swept Path Analysis-Standard Design Vehicle (BC)	608623-0000-PEV-GHX0031-ZZ-DR-C-2603
Swept Path Analysis-Fire Tender (BC)	608623-0000-PEV-GHX0031-ZZ-DR-C-2604
Drainage Details (BC)	608623-0000-PEV-GHX0031-ZZ-DR-C-6501
Proposed Highways-Proposed Surface Water Drainage (BC)	608623-0000-PEV-GHX0031-ZZ-DR-C-0502
Proposed Site Utilities Plan (BC)	608623-0000-PEV-GHX0031-ZZ-DR-E-0600

<b>Boiler House</b>	
Site Block Plan Boiler House Existing (BH)	608623-0000-PEV-GHX0021-ZZ-DR-A-9001
Site Block Plan Boiler House Proposed (BH)	608623-0000-PEV-GHX0021-ZZ-DR-A-9100
Site Block Plan Car Park Existing (BH)	608623-0000-PEV-GHX0021-ZZ-DR-A-9002
Site Block Plan Car Park Proposed (BH)	608623-0000-PEV-GHX0021-ZZ-DR-A-9101
Site Sections Proposed (BH)	608623-0000-PEV-GHX0021-ZZ-DR-A-9200
Site Sections Existing (BH)	608623-0000-PEV-GHX0021-ZZ-DR-A-9201
Swept Path Analysis-Light Goods Vehicle (BH)	608623-0000-PEV-GHX0021-ZZ-DR-C-2601
Swept Path Analysis-Refuse Vehicle (BH)	608623-0000-PEV-GHX0021-ZZ-DR-C-2602
Swept Path Analysis-Standard Design Vehicle (BH)	608623-0000-PEV-GHX0021-ZZ-DR-C-2603
Swept Path Analysis-Articulated Heavy Goods Vehicle (BH)	608623-0000-PEV-GHX0021-ZZ-DR-C-2604
Swept Path Analysis-Fire Tender (BH)	608623-0000-PEV-GHX0021-ZZ-DR-C-2605
Proposed Highways General Arrangement Plan (BH)	608623-0000-PEV-GHX0021-ZZ-DR-C-0700
Visibility Splay Plan (BH)	608623-0000-PEV-GHX0021-ZZ-DR-C-2600
Drainage Details (BH)	608623-0000-PEV-GHX0021-ZZ-DR-C-6501
Boiler House & Relocated Car Park External Lighting Layout (BH)	608623-0000-PEV-GHX0021-ZZ-DR-E-6300
Portacabin Details and Photo Sheet (BH)	608623-0000-CUS-GHX0000-XX-RP-T-0004

## Appendix 2 – Planning History Schedule

Application Reference	Address	Description of Development	Date of Decision	Decision
19/00481/CLPUD	HMP Wymott	Replacement plant and machinery within existing building. New biomass solo and oil tanks to existing compound. Ventilation flues and flood lighting to north (rear) elevation.	12/07/2019	CLOPUD Granted
12/00425/FUL	HMP Wymott	Application for single storey wooden building to be used as a shop selling HMP produced items	19/06/2012	Approved subject to conditions
07/00873/FUL	HMP Wymott	Renewal of temporary planning permission 02/00601/CIRC to retain Prison Accommodation Unit	25/09/2007	Permission
05/01113/CIRC	HMP Garth	Erection of new activities building, extension to care and control, additional cameras, sub-station, standby generator and fuel tanks plus temporary/permanent external enabling works	10/01/2006	No objection
04/01017/CIRC	HMP Wymott	Erection of modular building to be used for training	25/10/2004	No Objection
04/00409/CIRC	HMP Wymott	Circular 18/84 application for the formation of a 96-space car park	30/06/2004	No Objection
04/00456/CIRC	HMP Wymott	Circular 18/84 application for a gym extension	22/06/2004	No Objection
04/00457/CIRC	HMP Garth	Circular 18/84 proposal for the erection of a new kitchen	22/06/2004	No objection
03/01028/CIRC	HMP Wymott	Circular 18/84 to seek planning permission for extension to the gymnasium, workshop and education facilities and the additional staff car parking	27/10/2003	Objection
03/00346/CIRC	HMP Wymott	Circular 18/84 application for the installation of four 8m high masts fitted with cameras	29/05/2003	No Objection
97/00918/FUL	HMP Wymott	Erection of detached staff locker room/facilities building on existing staff car park area	27/01/1998	Permission
96/00474/CIRC	HMP Wymott	Circular 18/84 Application for erection of additional accommodation block		No Objection
95/00348/CIRC	HMP Wymott	Extension of roadway to link existing perimeter road with Willow Road	05/07/1995	No Objection
94/00831/CIRC	HMP Garth	Circular 18/84 Submission for erection of portacabin for use as training room	02/12/1994	No objection
94/00878/CIRC	HMP Wymott	Circular 18/84 Application for the erection of single-storey education building		No Objection
93/00878/FUL	HMP Wymott	Re-roofing re-cladding and alterations to boiler house and construction of detached store		No Objection
85/00760/CIRC	HMP Wymott	Alterations to two existing building (mess and staff Club)		No Objection
75/00685/CIRC	HMP Wymott	Revised proposals for 121 Officers Houses and Club		No Objection
5/5/05320	HMP Garth	Prison & housing units in connection with prison staff		

## Appendix 3 – Detailed Planning Policy Assessment

Planning Requirement	Development Response
<b>Chorley Local Plan</b>	
<p><b>Policy V1 - Model Policy</b> states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. The Council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</p>	<p>The development comprises sustainable development and will deliver significant social, economic and environmental benefits that are considered to outweigh any adverse impacts.</p>
<p><b>Policy ST1 - Provision or Improvement of Footpaths, Cycleways, Bridleways and their Associated Facilities in Existing Networks and New Development</b> states that new development and highway and traffic management schemes will not be permitted unless they include appropriate facilities for pedestrians, cycle parking facilities, and/or cycle routes.</p>	<p>Pump House Lane, whilst not a Public Right of Way, is being treated as a prescriptive right of way and will be formally diverted around the perimeter of the new prison. Public access along this path will be maintained.</p> <p>51 cycle parking spaces will be provided, in a covered location close to the main entrance of the new prison. 5% of car parking spaces will be set aside for car sharing users.</p>
<p><b>Policy ST4 - Parking Standards</b> states that proposals for development will need to make parking provision in accordance with the standards set out in the Local Plan. Locations that are considered to be more sustainable and well served by public transport may be considered appropriate for lower levels of provision. Proposals for provision above or below this standard will be supported by evidence detailing the local circumstances that justify deviation from the standard.</p>	<p>The parking level proposed at the new prison has been informed by a detailed assessment of the proposed staffing and visitor numbers, the availability of public transport and shift patterns. The approach is set out within the Transport Assessment.</p> <p>The car parking provision will include 10% for electric vehicle charging points, 5% for car sharing users and 5% will be disabled spaces. 51 covered cycle parking spaces will be provided.</p>
<p><b>Policy BNE1 - Design Criteria for New Development</b> states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development:</p>	<p>The Design and Access Statement explains the design evolution of the proposed development, informed by technical assessment, stakeholder and public consultation. The development will provide a modern prison development designed to be more rehabilitative to residents, more efficient for staff to work in,</p>

<p>a) The proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.</p> <p>b) The development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or overbearing;</p> <p>c) The layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area;</p> <p>d) The residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction;</p> <p>e) The proposal would not adversely affect the character or setting of a listed building and/or the character of a conservation area and/or any heritage asset including locally important areas;</p> <p>f) The proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features then mitigation measures to replace the feature/s will be required either on or off-site;</p> <p>g) The proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses;</p> <p>h) The proposal includes measures to help to prevent crime and promote community safety</p>	<p>more welcoming to visitors and considerate to the neighbours and the existing surrounding area.</p>
<p><b>Policy BNE5 - Redevelopment of Previously Developed Sites in the Green Belt</b> states that the redevelopment of previously developed sites in the Green Belt, will be permitted providing the appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.</p>	<p>The boiler house element of the proposed development comprises infilling of the site and will maintain the appearance of the wider allocation.</p>
<p><b>Policy BNE6 - Light Pollution</b> states that applications for development requiring, or likely to require, external lighting must include details of the lighting scheme as part of the application. Lighting schemes will be permitted provided the applicant demonstrates that:</p> <p>i) The amount of lighting is the minimum required for security and public safety;</p>	<p>A Lighting Assessment is submitted which confirms that the proposed lighting will not exceed the relevant environmental zone thresholds.</p>

<p>j) Light spillage will be minimised; and k) There will be no nuisance to neighbours or adverse effect on the character of an area</p>	
<p><b>Policy BNE7 – Unstable Land</b> states applications for development on unstable or potentially unstable land must be accompanied by a stability report identifying the relevant issues and how they will be overcome.</p>	<p>A Phase I &amp; II Geo-environmental Site Assessment has been submitted with the application. The report identifies the geo-environmental characteristics of the site, and confirms that there are no insurmountable issues that cannot be suitably mitigated.</p>
<p><b>Policy BNE8 – Protection and Enhancement of Heritage Assets</b> states applications affecting a heritage asset will be granted where it is accompanied by a satisfactory heritage statement and where they sustain, conserve and where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment.</p> <p>Development involving the demolition or removal of significant heritage assets or parts thereof will be granted only in exceptional circumstances</p>	<p>The submitted Heritage Statement concludes that the setting of the 3 identified Grade II listed buildings will not be adversely impacted by the proposed development. Whilst the proposal necessitates the removal of one munitions depot, associated with the site’s former use as a Ministry of Supply Depot, further depots will remain across the wider landscape and the overall impact is therefore concluded as very limited.</p> <p>The Heritage Statement concludes that the significant benefits of the proposed development outweigh this limited harm to a non-designated heritage asset. No harm will be caused to designated heritage assets,</p>
<p><b>Policy BNE9 - Biodiversity and Nature Conservation</b> states that in Chorley, Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced.</p> <p>In addition, development must adhere to the provisions set out below:</p> <p>a) The production of a net gain in biodiversity where possible by designing in wildlife and by ensuring that any adverse impacts are avoided or if unavoidable are reduced or appropriately mitigated and/or compensated; b) The provision of opportunities for habitats and species to adapt to climate change; c) The support and encouragement of enhancements which contribute to habitat restoration; d) Where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be</p>	<p>An EclA has been undertaken and has informed the design development. So far as possible, impacts to protected species have been avoided, with a range of mitigation measures proposed including relocation of nest boxes, bird and bee-bricks on upper elevations and new ponds. The EclA concludes that the mitigation proposed adheres to the standard mitigation guidance.</p> <p>Some species surveys are ongoing and the results, along with any additional mitigation required, will be reported during determination.</p> <p>20% Biodiversity Net Gain is being targeted, with no offsetting, to ensure appropriate compensation for any unavoidable loss of existing habitats.</p>

<p>accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs;</p> <p>e) In exceptional cases where the need for development in that location is considered to significantly outweigh the impact on the natural environment, appropriate and proportionate mitigation measures or as a last resort compensatory habitat creation and/or restoration will be required through planning conditions and/or planning obligations.</p>	
<p><b>Policy BNE10 – Trees</b> states that proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows. Tree planting will be required as part of new development proposals and an associated maintenance scheme.</p>	<p>A Tree Survey has been completed which confirms tree loss will be restricted to low and moderate value trees and hedgerows. A Landscaping Plan is submitted to illustrate new planting, proportionate to compensate for loss.</p>
<p><b>Policy BNE11 - Species Protection</b> states that planning permission will not be granted for development which would have an adverse effect on a priority species unless the benefits of the development outweigh the need to maintain the population of the species in situ. Should development be permitted that might have an effect on a priority species planning conditions or agreements will be used to:</p> <p>a) Facilitate the survival of the individual species affected;</p> <p>b) Reduce the disturbance to a minimum; and</p> <p>c) Provide adequate alternative habitats to sustain the viability of the local population of that species.</p>	<p>An EclA has been undertaken and has informed the design development. So far as possible, impacts to protected species have been avoided, with a range of mitigation measures proposed including relocation of nest boxes, bird and bee-bricks on upper elevations and new ponds. The EclA concludes that the mitigation proposed adheres to the standard mitigation guidance.</p> <p>Some specie surveys are ongoing and the results, along with any additional mitigation required, will be reported during determination.</p>
<p><b>Policy HW2 - Protection of Existing Open Space, Sport and Recreational Facilities</b> states that land and buildings currently or last used as, or ancillary to, open space or sports and recreational facilities will be protected unless:</p> <p>a) Alternative facilities of an equivalent or enhanced standard are provided nearby before the existing facilities cease to be available; or</p> <p>b) It can be demonstrated that the loss of the site would not lead to a deficit of provision in the local area in terms of quantity and accessibility; and</p> <p>c) The site is not identified as being of high quality and/or high value in the Open Space Study; and</p> <p>d) It can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area; and</p>	<p>The existing bowling green and club house will be reprovided for in an equally convenient location on land in MoJ's ownership. The new club house will be of an improved quality and accessibility, and the new facility will be provided before the existing is lost.</p>

<p>e) The site does not make a significant contribution to the character of an area in terms of visual amenity.</p>	
<p><b>Policy HW6 - Community Facilities</b> states that development proposing the change of use or loss of any premises or land currently or last used as a community facility (including community centres, village and church halls, places of worship, public houses, children’s centres, libraries, cultural facilities and health facilities) will be permitted where it can be demonstrated that:</p> <p>a) The facility no longer serves the local needs of the community in which it is located; and</p> <p>b) Adequate alternative provision has been made, or is already available, in the settlement or local area; and</p> <p>c) The use is no longer financially viable; and</p> <p>d) The facility is in an isolated location remote from public transport routes; or</p> <p>e) There is an amenity or environmental reason why the facility is no longer acceptable</p>	
<p><b>Central Lancashire Core Strategy (2012)</b></p>	
<p><b>Strategic Objective 1</b> is to foster growth and investment in Central Lancashire in a manner that:</p> <ul style="list-style-type: none"> <li>• Makes the best use of infrastructure and land by focussing on the Preston/ South Ribble Urban Area, and the Key Service Centres of Leyland and Chorley.</li> <li>• Marries opportunity and need by focussing investment in Preston City Centre and other Strategic Sites and Locations, and Leyland and Chorley town centres.</li> <li>• Supports service provision in rural areas, particularly in the Rural Local Service Centres.</li> </ul>	<p>The proposed development will provide an estimated 643 direct jobs once operational, with a further 299 jobs supported in the regional supply chain. Jobs at the new prison will be available at a range of skill levels.</p>
<p><b>Strategic Objective 10</b> is to ensure there is a sufficient range of locations available for employment purposes.</p>	
<p><b>Policy MP</b> states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever</p>	<p>The development comprises sustainable development and will deliver significant social, economic and environmental benefits that are considered to outweigh any adverse impacts.</p>

<p>possible, and to secure development that improves the economic, social and environmental conditions in the area.</p>	
<p><b>Policy 1 - Locating Growth</b> looks to focus growth and investment on well located brownfield sites and the Strategic Location of Central Preston, the Key Service Centres of Chorley and Leyland and the other main urban areas in South Ribble, whilst protecting the character of suburban and rural areas. Some Greenfield development will be required on the fringes of the main urban areas. To promote vibrant local communities and support services, an appropriate scale of growth and investment will be encouraged in identified Local Service Centres, providing it is in keeping with their local character and setting, and at certain other key locations outside the main urban areas.</p>	<p>The proposed development is located adjacent to two existing prisons, and set against this backdrop, is considered to be in keeping with the existing scale and form. The development represents a significant economic investment (£117.2 million GVA during construction), with 643 jobs created at the new prison once operational. Annual income spend will equate to £14.1million on income, with £13.7 million in the operational spend.</p>
<p><b>Policy 3 – Travel</b> states that the best approach to planning for travel will involve a series of measures which will:</p> <ul style="list-style-type: none"> <li>• Improve pedestrian facilities;</li> <li>• Improve opportunities to cycle;</li> <li>• Improve public transport;</li> <li>• Enable travellers to change their mode of travel on trips;</li> <li>• Encourage car sharing; and</li> <li>• Improve the road network.</li> </ul>	<p>The application is supported by a Transport Assessment and Outline Travel Plan. Junction capacity modelling has demonstrated that all assessed junctions will operate within acceptable capacity thresholds, with the exception of Ulmes Walton Lane/ A581.</p> <p>Junction capacity modelling has demonstrated that all assessed junctions will operate within acceptable capacity thresholds, with the exception of Ulmes Walton Lane/ A581 where a potential issue has been identified.</p> <p>The MoJ are working collaboratively with Lancashire County Council to find a solution at this location and to agree input to the County Council's strategy for the wider A581 corridor, as well as the mitigation required in other key locations.</p> <p>Full details will be provided early in the determination period. The Applicant, Atkins and LCC agree issues are not insurmountable and the highways solution will be secured by way of a s106 and/or s278 agreement.</p> <p>The OTP confirms a range of measures to encourage the uptake of sustainable travel amongst staff and visitors including a car sharing strategy and providing car sharing spaces, a Public Transport Strategy to provide public transport information and shower and changing facilities to encourage cycling trips.</p>

<p><b>Policy 15 - Skills and Economic Inclusion</b> looks to improve Skills and Economic Inclusion by working with existing and incoming employers to identify skills shortages and by liaising with colleges, training agencies and major local employers to develop courses and life-long learning and increase access to training, particularly in local communities that are the most deprived in this respect</p>	<p>The new prison will support a significant number of jobs during construction and once operational, at a range of skill levels and sectors. Local colleges and agencies will be liaised with apprenticeships and work placement days on offer.</p>
<p><b>Policy 17 - Design of New Buildings</b> states that the design of new buildings will be expected to take account of the character and appearance of the local area, including the following:</p> <ul style="list-style-type: none"> <li>• Siting, layout, massing, scale, design, materials, building to plot ratio and landscaping</li> <li>• Being sympathetic to surrounding land uses and occupiers and avoiding demonstrable harm to the amenities of the local area.</li> <li>• Ensuring that the amenities of occupiers of the new development will not be adversely affected by neighbouring uses and vice versa.</li> </ul>	<p>The Design and Access Statement explains the design evolution of the proposed development, informed by technical assessment, stakeholder and public consultation. The development will provide a modern prison development designed to be more rehabilitative to residents, more efficient for staff to work in, more welcoming to visitors and considerate to the neighbours and the existing surrounding area.</p> <p>A landscaping strategy is submitted with the application, with the LVIA concluding that the resultant landscape and visual impacts will not be significant.</p>
<p><b>Policy 18 - Green Infrastructure</b> looks to manage and improve environmental resources through a Green Infrastructure approach to:</p> <ol style="list-style-type: none"> <li>a. Protect and enhance the natural environment where it already provides economic, social and environmental benefits</li> <li>b. Invest in and improve the natural environment</li> <li>c. Secure mitigation and/or compensatory measures where development would lead to the loss of, or damage to, part of the green infrastructure network.</li> </ol>	<p>20% Biodiversity Net Gain is being targeted, with no offsetting, to ensure appropriate compensation for any unavoidable loss of existing habitats.</p>
<p><b>Policy 21 – Landscape Character Areas</b> states that new development will be required to be integrated into existing settlement patterns, appropriate to the landscape character type and designation within which it is stated. It should contribute positively to its conservation, enhancement or restoration or the creation of appropriate new features.</p>	<p>A LVIA has been undertaken which concludes that the proposals for green infrastructure and landscaping as part of the landscape strategy will deliver enhancements to the physical landscape, reflecting positively on the existing landscape character. The LVIA concludes that the landscape and visual impacts will not be significant.</p>
<p><b>Policy 22 - Biodiversity and Geodiversity</b> looks to conserve, protect and seek opportunities to enhance and manage the biological and geological assets of the area, through the following measures:</p>	<p>An EcIA has been undertaken and has informed the design development. So far as possible, impacts to protected species have been avoided, with a range of mitigation measures proposed including relocation of nest boxes, bird and bee-</p>

<ul style="list-style-type: none"> <li>a. Promoting the conservation and enhancement of biological diversity, having particular regard to the favourable condition, restoration and re-establishment of priority habitats and species populations;</li> <li>b. Seeking opportunities to conserve, enhance and expand ecological networks;</li> <li>c. Safeguarding geological assets that are of strategic and local importance.</li> </ul>	<p>bricks on upper elevations and new ponds. The EclA concludes that the mitigation proposed adheres to the standard mitigation guidance.</p> <p>Some specie surveys are ongoing and the results, along with any additional mitigation required, will be reported during determination.</p> <p>20% Biodiversity Net Gain is being targeted, with no offsetting, to ensure appropriate compensation for any unavoidable loss of existing habitats.</p>
<p><b>Policy 24 – Sport and Recreation</b> protects existing sport and recreation facilities, unless improved alternative provision is to be made.</p>	<p>The existing bowling green and club house will be reprovided for in an equally convenient location on land in MoJ’s ownership. The new club house will be of an improved quality and accessibility, and the new facility will be provided before the existing is lost.</p>
<p><b>Policy 26 - Crime and Community Safety</b> looks to plan for reduced levels of crime and improved community safety by working with the police, community safety partnerships and other agencies to co-ordinate analysis and action.</p>	<p>The Four New Prisons have been designed to hold prisoners in an environment specifically suited to meet their rehabilitative needs, that enables a regime specifically designed to address their offending behaviour. This design will also significantly improve levels of safety for both prisoners and staff. The physical design has been created to enable the optimum delivery of a regime that will give prisoners the best chance to turn their lives around.</p>
<p><b>Policy 27 - Sustainable Resources and New Developments</b> states that planning permission for new built development will only be granted on proposals for non-residential units of 500+ sqm floorspace where all of the following criteria are satisfied:</p> <ul style="list-style-type: none"> <li>a. Evidence is set out to demonstrate that the design, orientation and layout of the building minimises energy use, maximises energy efficiency and is flexible enough to withstand climate change;</li> <li>b. Prior to the implementation of zero carbon building through the Code for Sustainable Homes for dwellings or BREEAM for other buildings, either additional building fabric insulation measures, or appropriate decentralised, renewable or low carbon energy sources are installed and implemented to reduce the carbon dioxide emissions of predicted energy use by at least 15%;</li> <li>c. Appropriate storage space is to be provided for recyclable waste materials and composting.</li> </ul>	<p>The application is supported by an Energy and Sustainability Statement which sets out the sustainable design and construction measures included in the new prison and demonstrates that the proposed development is considered highly sustainable.</p> <p>A BREEAM Pre-Assessment report has been prepared and outlines a possible route to achieving a BREEAM ‘Outstanding’ score of 85% and the minimum credit requirements.</p> <p>High fabric energy efficiency, air source heat pumps, photovoltaic panels and energy efficient lighting, appliances, and equipment will be specified to assist in achieving the MoJ’s target to be net zero carbon ready.</p>

<p><b>Policy 29 - Water Management</b> looks to improve water quality, water management and reduce the risk of flooding by appraising, managing and reducing flood risk in all new developments and encouraging the adoption of Sustainable Drainage Systems.</p>	<p>An FRA and drainage statements are submitted with the application. These consider the risk from flooding, and how surface water, SuDS and foul water will each be appropriately managed to ensure there is no off-site adverse impact as a consequence of the development.</p>
<p><b>Policy 30 - Air Quality</b> looks to improve air quality through delivery of Green Infrastructure initiatives and through taking account of air quality when prioritising measures to reduce road traffic congestion.</p>	<p>An Air Quality Assessment is submitted. This concludes that mitigation measures to reduce the direct impacts of the development on air quality concentrations are not required, but additional transport related mitigation measures will be employed to reduce emissions from the development.</p>
<p><b>Policy 31 - Agricultural Land</b> looks to protect the best and most versatile agricultural land, (Grades 1, 2 and 3a) that occurs in the west of Central Lancashire when considering both agricultural and other forms of development to avoid irreversible damage to, and instead achieve the full potential, of the soil.</p>	<p>An Agricultural Land Quality Assessment is currently being undertaken and will be submitted during determination alongside an assessment against Policy 31.</p>
<p><b>Joint Lancashire Minerals and Waste Core Strategy</b></p>	
<p><b>Policy CS2 - Minimising the need for Mineral Extraction</b> states that all new developments will be expected to maximise the use of recycled and secondary materials by including measures to:</p> <ul style="list-style-type: none"> <li>(i) Reduce, reuse, recycle and recover the waste they produce during construction and demolition, where possible on-site;</li> <li>(ii) Maximise the use of recycled and secondary materials, and the reuse of other building materials, within the development; and</li> <li>(iii) Maximise the potential for recovering and recycling construction materials at the end of the development's life, through the design of, and specification of materials used in, the development.</li> </ul>	<p>A Waste Management Plan is submitted with the application which sets out how the waste hierarchy will be adhered to, minimising waste in the first instance, then reusing materials and recycling as much waste generated as possible.</p>
<p><b>Policy CS7 - Managing our Waste as a Resource</b> states that proposals for all new development, including commercial and industrial development, will be required to provide suitable facilities for the handling, storage and collection of segregated wastes arising from the permanent use of the development.</p>	

<b>Joint Lancashire Minerals and Waste Site Allocation and Development Management Policies Parts 1 and 2</b>	
<p><b>Policy M2 - Safeguarding Minerals</b> states that within the mineral safeguarding areas identified, planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals, unless the applicant can demonstrate to the satisfaction of the local planning authority that:</p> <ul style="list-style-type: none"> <li>• The mineral concerned is no longer of any value or has been fully extracted.</li> <li>• The full extent of the mineral can be extracted satisfactorily prior to the incompatible development taking place.</li> <li>• The incompatible development is of a temporary nature and can be completed and the site returned to its original condition prior to the minerals being worked.</li> <li>• There is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource</li> <li>• That prior extraction of minerals is not feasible due to the depth of the deposit.</li> <li>• Extraction would lead to land stability problems.</li> </ul>	<p>It is not possible in terms of programme, nor feasible given the site’s location adjacent to two existing prisons to extract the minerals in advance of the proposed development. It would also not be environmentally acceptable.</p>
<b>National Planning Policy Framework</b>	
<p><u>Achieving Sustainable Development</u></p> <p>Paragraph 8 sets three overarching objectives to achieving sustainable development:</p> <ul style="list-style-type: none"> <li>• an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;</li> <li>• a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and</li> <li>• an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to</li> </ul>	<p>The proposed development will deliver a wide range of significant economic, social and environmental benefits. These are summarised at paragraph 10.6.</p>

<p>improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</p>	
<p><u>Building a strong, competitive economy</u></p> <p>Paragraph 81 recognises that “<i>significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development</i>”.</p> <p>Paragraph 82 sets out objectives for planning policy to support economic development:</p> <ul style="list-style-type: none"> <li>• Set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;</li> <li>• Set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;</li> <li>• Seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and</li> <li>• Be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.</li> </ul>	<p>The proposed development will deliver significant economic benefits, including a gross GVA of £117.2 million during construction and 643 FTE jobs at the operational stage.</p> <p>The socio-economic assessment has considered the wider socio-economic benefits.</p>
<p><u>Promoting healthy and safe communities</u></p> <p>Paragraph 99 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:</p> <ol style="list-style-type: none"> <li>a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or</li> <li>b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or</li> <li>c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.</li> </ol>	<p>The existing bowling green and club house will be reprovided for in an equally convenient location on land in MoJ’s ownership. The new club house will be of an improved quality and accessibility, and the new facility will be provided before the existing is lost.</p>

<p>Paragraph 96 also states that local planning authorities should work proactively and positively to plan for public service infrastructure, such as criminal justice accommodation, and resolve key planning issues before submission. This is to ensure the faster delivery of public service infrastructure.</p>	
<p><u>Promoting sustainable transport</u></p> <p>The NPPF supports development that reduces congestion and encourages the use of sustainable modes of transport. Decisions will be made on the basis that the opportunity for sustainable transport modes have taken up, that safe and suitable access to the site can be achieved for all people, and if necessary that improvements are made within the transport network to cost effectively limit any significant impacts identified.</p> <p>Paragraph 107 outlines that parking standards for non-residential development should consider “<i>the accessibility of the development, the type, mix and use of development, the availability of and opportunities for public transport, local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra- low emission vehicles.</i>”</p> <p>In decision making, as per paragraph 110, “<i>local authorities should consider opportunities to promote sustainable transport given the type of development and location. Decisions should consider if safe and suitable access to the site can be achieved for all users, as well as if an impact from the development on the transport network or highway safety can be cost effectively mitigated.</i>”</p> <p>Paragraph 111 states that “<i>development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road would be severe.</i>”</p> <p>Paragraph 112 states developments should give priority to pedestrian and cycle movements and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and consider the needs of people with disabilities by all modes of transport</p>	<p>The application is supported by a Transport Assessment and Outline Travel Plan. Junction capacity modelling has demonstrated that all assessed junctions will operate within acceptable capacity thresholds, with the exception of Ulnes Walton Lane/ A581 where a potential issue has been identified.</p> <p>The MoJ are working collaboratively with Lancashire County Council to find a solution at this location and to agree input to the County Council’s strategy for the wider A581 corridor, as well as the mitigation required in other key locations.</p> <p>Full details will be provided early in the determination period. The Applicant, Atkins and LCC agree issues are not insurmountable and the highways solution will be secured by way of a s106 and/or s278 agreement.</p> <p>The OTP confirms a range of measures to encourage the uptake of sustainable travel amongst staff and visitors including a car sharing strategy and providing car sharing spaces, a Public Transport Strategy to provide public transport information and shower and changing facilities to encourage cycling trips.</p>

<p><u>Making effective use of land</u></p> <p>Paragraph 119 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.</p> <p>Paragraph 124 states that planning policies and decisions should support development that makes efficient use of land, taking into account:</p> <ol style="list-style-type: none"> <li>a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;</li> <li>b) local market conditions and viability;</li> <li>c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;</li> <li>d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and</li> <li>e) the importance of securing well-designed, attractive and healthy places.</li> </ol>	<p>The Design and Access Statement sets out the design evolution and how this has sought to make the best and most efficient use of the land.</p> <p>The Planning Statement sets out the site search undertaken and that there were no suitable or available alternative sites.</p>
<p><u>Achieving well designed places</u></p> <p>The NPPF states that good design is a key aspect of sustainable development and contributing positively to making places better for people (paragraph 126).</p> <p>Paragraph 130 sets out that planning policies and decisions should aim to ensure that developments:</p> <ul style="list-style-type: none"> <li>• Function well and add to the overall quality of the area;</li> <li>• Are visually attractive;</li> <li>• Are sympathetic to local character and history;</li> <li>• Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;</li> <li>• Optimise the potential of the site to accommodate development;</li> <li>• Respond to local character and history, and reflect the identity of local surroundings and materials; and</li> <li>• Create safe and accessible environments.</li> </ul>	<p>The Design and Access Statement explains the design evolution of the proposed development, informed by technical assessment, stakeholder and public consultation. The development will provide a modern prison development designed to be more rehabilitative to residents, more efficient for staff to work in, more welcoming to visitors and considerate to the neighbours and the existing surrounding area.</p>

<p><u>Protecting Green Belt land</u></p> <p>Section 13 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.</p> <p>When considering any planning application, local planning authorities 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.</p> <p>A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:</p> <ul style="list-style-type: none"> <li>• The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;</li> <li>• Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:             <ul style="list-style-type: none"> <li>○ not have a greater impact on the openness of the Green Belt than the existing development; or</li> <li>○ not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority</li> </ul> </li> </ul>	<p>The impact on the Green Belt has been assessed and very special circumstances have been demonstrated that outweigh the identified harm to the Green Belt, and any other harm.</p>
<p><u>Meeting the challenges of climate change, flooding and coastal change</u></p> <p>Planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided it is not of high environmental value. Within local planning documents, authorities should consider a locally appropriate target for the re-use of brownfield land.</p>	<p>An FRA and drainage statements are submitted with the application. These consider the risk from flooding, and how surface water, SuDS and foul water will each be appropriately managed to ensure there is no off-site adverse impact as a consequence of the development.</p>

<p>The NPPF sets a presumption in favour of sustainable development and a positive approach to planning as development should be <i>“meeting the needs of the present without compromising the ability of future generation to meet their own needs”</i>.</p> <p>Paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.</p> <p>Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:</p> <ul style="list-style-type: none"> <li>a) take account of advice from the lead local flood authority;</li> <li>b) have appropriate proposed minimum operational standards;</li> <li>c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and</li> <li>d) where possible, provide multifunctional benefits.</li> </ul>	
<p><u>Conserving and enhancing the natural environment</u></p> <p>Planning policies and decisions should contribute to and enhance the natural and local environment.</p> <p>Paragraph 180 states that <i>‘development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensatory strategy exists’</i>.</p> <p>At a national level, the consideration of trees is recognised in the context of their contribution to green infrastructure and biodiversity networks, and in terms of their contribution in landscape terms to the local setting and character of a place. Great weight is also applied to the importance of conserving existing aged trees, including ancient woodland and trees and trees considered to be ‘veterans’. No veteran, ancient trees or ancient woodlands are present to be affected by the proposed development and therefore paragraph 175 as it relates to these features is not considered applicable to the application.</p>	<p>An EclA has been undertaken and has informed the design development. So far as possible, impacts to protected species have been avoided, with a range of mitigation measures proposed including relocation of nest boxes, bird and bee-bricks on upper elevations and new ponds. The EclA concludes that the mitigation proposed adheres to the standard mitigation guidance.</p> <p>Some specie surveys are ongoing and the results, along with any additional mitigation required, will be reported during determination.</p> <p>20% Biodiversity Net Gain is being targeted, with no offsetting, to ensure appropriate compensation for any unavoidable loss of existing habitats.</p>

<p>Paragraph 180 d) encourages the incorporation of biodiversity improvements in and around developments</p>	
<p><u>Conserving and enhancing the historic environment</u></p> <p>Paragraph 194 states that planning decisions should be based on the significance of the heritage asset, and that the level of detail supplied by an applicant should be proportionate to the importance of the asset and should be no more than sufficient to understand the potential impact of the proposal upon the significance of that asset.</p> <p>Paragraph 203 requires the decision-maker to take into account the effect on the significance of non-designated heritage assets and to take a balanced judgement having regard to the scale of harm or loss and the significance of the asset(s) potentially affected.</p> <p>Heritage Assets are defined in Annex 2 as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).</p> <p>Archaeological Interest is defined as a heritage asset which holds, or potentially could hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.</p> <p>Designated Heritage Assets comprise: A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Parks and Garden, Registered Battlefield or Conservation Areas designated under the relevant legislation.</p> <p>Significance is defined as the value of a heritage asset to this and future generations because of its heritage interest. This interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.</p> <p>Setting is defined as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a</p>	<p>The submitted Heritage Statement concludes that the setting of the 3 identified Grade II listed buildings will not be adversely impacted by the proposed development. Whilst the proposal necessitates the removal of one munitions depot, associated with the site's former use as a Ministry of Supply Depot, further depots will remain across the wider landscape and the overall impact is therefore concluded as very limited.</p> <p>The Heritage Statement concludes that the significant benefits of the proposed development outweigh this limited harm to a non-designated heritage asset. No harm will be caused to designated heritage assets.</p> <p>The Archaeological Desk Based Assessment concludes that archaeology is unlikely to be a constraint.</p>

<p>setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.</p>	
<p><u>Facilitating the Sustainable Use of Minerals</u></p> <p>Paragraph 212 states that Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.</p>	<p>It is not possible in terms of programme, nor feasible given the site's location adjacent to two existing prisons to extract the minerals in advance of the proposed development. It would also not be environmentally acceptable.</p>



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