

APP/D2320/W/22/3295556 – Land adjacent to HMP Garth and HMP Wymott

Shortlisted Sites

May 2022

Introduction

1. This note is provided in response to a request from the Inspector contained within the Start Letter for the Appellant to provide “*specific information on the shortlisted sites referenced in paragraphs 7.31-7.43 of the Planning Statement and the site searches mentioned in paragraph 5.4(2) of the Statement of Case.*”
2. Accordingly, this note provides an assessment of all sites shortlisted as a consequence of the site searches referred to in paragraph 5.4 (2) of the Appellant’s Statement of Case and at 7.31-7.43 of the Planning Statement.
3. It considers firstly the alternative sites to accommodate all of the proposed development, and secondly, appropriate alternative prisons within the North West that could accommodate part of the proposed development (and thus reduce its scale).
4. It is important to note that the shortlisted sites referred to in the Planning Statement comprised the position at the time of preparing the original planning application. The site search was refreshed at the beginning of 2022 in order to provide an up-to-date position on availability in support of the appeal submission; this supersedes the site search referenced in the Planning Statement which no longer provides a current position of availability.

Alternative sites to accommodate all of the proposed development

5. The site search is based upon the site criteria referenced at paragraph 5.4 (2) of the Appellant’s Statement of Case and set out in more detail at paragraph 7.29 of the Planning Statement.
6. The site search explored opportunities from three sources:
 - a. A site search of land in private sector ownership, undertaken by Cushman & Wakefield agents in April 2020 and February 2022;
 - b. A letter sent to 33 relevant Local Authorities¹ and Other Government Departments (OGD)²; and
 - c. A review of land adjacent to existing prison sites in the North West.
7. Available sites which met the mandatory site requirements were shortlisted and afforded further consideration against the secondary and tertiary site requirements – this analysis is set out in Table 1 below.
8. In the interests of completeness, all sites put forward to the Appellant via route b. have been included in Table 1.
9. Appendix A contains Table 3 which sets out the sites longlisted in April 2020. None of these sites were shortlisted as they do not meet the mandatory site requirements.

¹ Via the LPA’s Head of Planning

² Via the Property Lead in each OGD

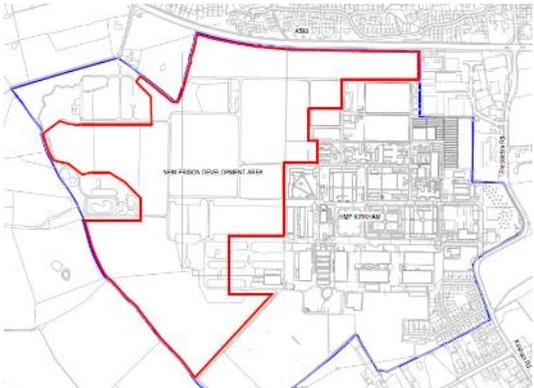
Table 1 – Shortlisted sites to accommodate all of the proposed development

Site ref	Source	Stage shortlisted	Address	Site area	Assessment	Conclusion
A1	Private sector	Application and appeal	Stopgate Lane, Knowsley, L33 4YB 	12.9ha	<p>The remaining available plots (2 and 3) are separated by Stopgate Lane into two roughly equal parcels.</p> <p>The secure elements of the prison must be accommodated on a single plot. Neither plot 2 or 3 is sufficiently large to accommodate this.</p>	<u>Site dismissed</u> – site configuration cannot accommodate proposed development.
A2	Private sector	Appeal	Sandwash Park, St Helens, WA11 8LS 	10.1ha	<p>A minimum 12ha is required and so the site is too small.</p> <p>Approximately 4.2ha of the site is within flood zone 3. It is not considered possible to space plan the site to avoid placing house blocks in the areas of flood zone 3, and thus it is not considered appropriate for the proposed development.</p>	<u>Site dismissed</u> – the site is too small and a large proportion of the site is within flood zone 3.

A3	Private sector	Application and appeal	<p>Hillhouse Technology Enterprise Zone (EZ), Fleetwood</p> 	138ha	<p>The majority of the site (Hillhouse South) is within a HSE consultation area for a major hazard site/ major accident hazard pipeline, and so is not suitable for the proposed use.</p> <p>Available land parcels outside of the consultation area are too small to accommodate the proposed prison development. The largest area that could be created from combining adjacent land parcels outside of the consultation area would be c. 11ha.</p> <p>Furthermore, the Hillhouse EZ Masterplan dictates building height limits of 1-2 storeys in areas of the EZ outside the HSE consultation area, which the proposed development cannot comply with.</p>	<p><u>Site dismissed</u> – majority of site is within a HSE consultation area, remaining site parcels are too small (even when combined), and the adopted masterplan requires building heights to be considerably lower than that required by the proposed development.</p>
A4	Preston City Council	Appeal	<p>Land at Preston East, PR2 5SH</p> 	26.5ha	<p>Homes England (landowner) has confirmed the site is under offer and is therefore not available.</p>	<p><u>Site dismissed</u> – The landowner has confirmed that the site is under offer and therefore not available.</p>

A5	Oldham Council	Appeal	<p>Land south of Stakehill Industrial Estate</p> 	71.8ha	<p>The site is currently within the Green Belt, albeit is proposed to be released from the Green Belt as an employment allocation within the emerging Places for Everyone (PfE) plan.</p> <p>The PfE plan was submitted for examination in February 2022 and the hearings are scheduled for summer-winter 2022. The Greater Manchester Combined Authority are not forecasting adoption until at least 2023.</p> <p>Until such a time as the PfE plan is adopted, the site would comprise Green Belt and development would require a very special circumstances argument to support any planning application.</p> <p>For this reason, and to avoid any prematurity issues, an application would not be able to be submitted until the Plan's adoption in at least 2023. This would result in a significant and unacceptable delay when compared to the programme for the appeal site.</p> <p>As such, the site is not considered to be available within the necessary urgent timescales.</p> <p>In addition, the site is in multiple land ownerships and so site assembly would create a further delay, adding costs and resulting in a worse value for money.</p>	<p><u>Site dismissed</u> – site is within the Green Belt and so at this time is not sequentially preferable to the appeal site.</p> <p>Furthermore, the site will not become available within the necessary urgent timescales.</p>
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A6	Ministry of Justice	Application and appeal	Land adjacent to HMP Kirkham, PR4 2RN 	32ha	<p>The site is within the Green Belt. The Council's Local Plan is up-to-date, with the updated Fylde Local Plan 2023 (incorporating Partial Review) having been adopted in December 2021. There is thus no imminent opportunity to promote the land for release from the Green Belt.</p> <p>Pre-application engagement was undertaken with the LPA in 2020, with the LPA's written response in September 2020 confirming that they would not support a planning application for a new prison at the site.</p> <p>The flat topography and limited screening around the site led the LPA to conclude that any development at the site would have a significant visual impact. The visual impact of the necessary security lighting was also raised.</p> <p>The likelihood of adverse impact on the setting of the Grade II listed Ribby Hall Village was highlighted by the LPA.</p> <p>The LPA also raised concerns regarding highway capacity.</p> <p>The LPA emphasised the site's potential contribution as a foraging site for Pink Footed Geese and potential to adversely impact on this key wintering bird species.</p>	<p><u>Site dismissed</u> – site is within the Green Belt and is therefore not sequentially preferable to the appeal site.</p> <p>The LPA also highlighted the potential for harmful impacts in relation to landscape and visual impact, heritage, highways, design and ecology in their pre-application response.</p>
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A7	Private sector	Application	<p>North Road Business Park, Ellesmere Port, CH65 1BL</p> 	14.2ha	<p>A large area in the north and east of the site is within a HSE consultation area for a major hazard site/ major accident hazard pipeline, and so is not suitable for the proposed use. The remaining land area is c. 6ha which is too small to accommodate the proposed prison development.</p> <p>Furthermore, the site is an elongated shape which reduces its efficiency for the required prison layout. Space planning considerations concluded that it would not be capable of accommodating the necessary prison layout.</p>	<p><u>Site dismissed</u> – a large area of the site is within a HSE consultation area, remaining land area is too small, and the site configuration cannot accommodate proposed development.</p> <p>At the time of the appeal submission in 2022, the site is understood to be under offer and so is no longer available. The site was therefore not shortlisted when refreshing the site search to support the appeal.</p>
A8	Private sector	Application	<p>Fiddlers Ferry, Widnes, WA5 2UT</p> 	331ha	<p>The site largely comprises a former coal power station, which closed in March 2020. Demolition activities to clear the site have been significantly delayed. Documents submitted with an EIA screening opinion application (Warrington Council, ref. 2021/38558) in early 2021 stated site clearance would take 40-50 months with further remediation required following the clearance.</p> <p>As such, the site is not considered to be available within the necessary urgent timescales.</p> <p>The site boundary included some areas of adjoining land, however this land comprises Green Belt and so is not sequentially preferable to the appeal site.</p>	<p><u>Site dismissed</u> – Due to the significant decommissioning and remediation works, the site would not be available for the delivery of a new prison within the required urgent timescales.</p> <p>Land adjoining the power station is within the Green Belt and so is not sequentially preferable to the appeal site.</p> <p>Furthermore, at the time of the appeal submission in 2022, the site is understood to be under offer and so is no longer available. The site was therefore not shortlisted when refreshing the site search to support the appeal.</p>



A9	Private sector	Application	Ark Royal Business Park, Birkenhead, CH41 9HP 	13.9ha	<p>The southern parcel (Parcel C) is entirely within a HSE consultation area for a major hazard site/ major accident hazard pipeline, and so is not suitable for the proposed use. Land in the west of Parcel A is also within a HSE consultation area.</p> <p>Furthermore, the land is divided into two parcels. The secure elements of the prison must be accommodated on a single plot. Neither parcel is individually large enough to accommodate this.</p>	<p><u>Site dismissed</u> – Part of the site is within a HSE consultation area, and the remaining land area is too small to accommodate the proposed prison.</p> <p>The site configuration cannot accommodate proposed development.</p> <p>At the time of the appeal submission in 2022, the site is understood to be under offer and so is no longer available. The site was therefore not shortlisted when refreshing the site search to support the appeal.</p>
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Alternative sites to accommodate part of the proposed development

10. As set out at paragraph 5.4(1) of the Appellant’s Statement of Case and Section 7 of the Planning Statement, there is a specific requirement for Category C resettlement prison places. The proposed development is for a Category C resettlement prison in response to that need.
11. As such, the Appellant’s consideration of the potential for existing prisons in the North West to accommodate an element of the proposed development was restricted to those which have an existing primary or secondary function as a Category C resettlement prison and therefore could be suitable for expansion to provide additional Category C places.
12. There are four prisons in the North West which have a primary function as a Category C resettlement prison and three where it is a secondary function. This was unchanged between the time of the planning application submission and the appeal submission.
13. Expansions were already being proposed at HMP Hindley and HMP Lancaster Farms to increase the supply of Category C prison places in the region. The need for Category C places in the region is such that the new prison and these expansions are required. The proposals at these two sites are maximising the use of the available undeveloped land at both sites to make an efficient use of land in MoJ ownership.
14. Table 2 below assesses the suitability of each of these seven sites to accommodate part of the proposed development.

Table 2 – Shortlisted sites to accommodate part of the proposed development

Site ref	Prison	Category C resettlement function³	Assessment	Conclusion
B1	HMP Lancaster Farms	Primary (100%)	<p>The MoJ’s ownership of land outside the secure perimeter is limited, such that the existing prison cannot be extended to accommodate any new house blocks.</p> <p>The only undeveloped area of the site within the secure fence line is subject to existing proposals for the construction of Rapid Deployment Cells.</p>	<p><u>Site dismissed</u> – there is no available land within the existing secure fence line.</p> <p>The MoJ’s ownership of adjoining land is limited, such that the prison cannot be suitably extended.</p>
B2	HMP Liverpool	Primary (100%)	<p>There is no available land within the existing secure perimeter for new house blocks.</p> <p>The MoJ’s ownership of land outside the secure perimeter is limited, such that the existing prison cannot be extended to</p>	<p><u>Site dismissed</u> – there is no available land within the existing secure fence line.</p> <p>The MoJ’s ownership of adjoining land is limited, such</p>

³ Based on the projected function in 2023.

			accommodate any new house blocks.	that the prison cannot be suitably extended
B3	HMP Hindley	Primary (approximately 75%)	<p>HMP Hindley is within the Green Belt and is therefore not sequentially preferable to the appeal site.</p> <p>The only undeveloped area of the site within the secure fence line is subject to a live planning application⁴ for the development of two houseblocks and a workshop.</p>	<p><u>Site dismissed</u> – site is within the Green Belt and is therefore not sequentially preferable to the appeal site.</p> <p>There is insufficient available land within the existing secure fence line for the development of further new house blocks beyond the live application.</p>
B4	HMP Risley	Primary (approximately 65%)	<p>The site is within the Green Belt and is therefore not sequentially preferable to the appeal site.</p> <p>There is no capacity within the existing secure perimeter for new house blocks.</p> <p>The MoJ's ownership of adjoining land is limited and the prison could not be extended to accommodate any new house blocks.</p>	<p><u>Site dismissed</u> – site is within the Green Belt and is therefore not sequentially preferable to the appeal site.</p> <p>Furthermore, there is insufficient land adjoining the prison in the MoJ's ownership and the prison cannot be suitably extended.</p>
B5	HMP Forest Bank	Secondary (approximately 35%)	<p>There is no available land within the existing secure perimeter for new house blocks.</p> <p>Whilst the MoJ owns the freehold of land adjoining to the north and east, this land is leased to Salford City Council on a long term basis (999 years from 21 January 2003) and forms the Forest Bank Park.</p> <p>The area of the park to the north of HMP Forest Bank is existing Green Belt land, whilst land to the east of HMP Forest Bank is proposed to be allocated as Green Belt through the emerging Places for Everyone Plan (submitted for examination).</p>	<p><u>Site dismissed</u> – there is no available land within the existing secure fence line.</p> <p>Whilst there is adjoining land to which the MoJ owns the freehold, it is leased to Salford City Council on a long term basis and forms the Forest Bank Park.</p> <p>Notwithstanding, the adjoining land in the MoJ's ownership is either existing or proposed Green Belt and is therefore not sequentially preferable to the appeal site.</p>
B6	HMP Preston	Secondary (approximately 35%)	<p>There is no available land within the existing secure perimeter for new house blocks.</p> <p>The MoJ's ownership of land outside the secure perimeter is</p>	<p><u>Site dismissed</u> – there is no available land within the existing secure fence line.</p> <p>The MoJ's ownership of adjoining land is very limited,</p>

⁴ Ref. A/22/93217/MAJPSI. LPA: Wigan Council

			limited, such that the existing prison cannot be extended to accommodate any new house blocks.	such that the prison cannot be suitably extended.
B7	HMP Altcourse	Secondary (approximately 20%)	<p>There is no available land within the existing secure perimeter for new house blocks.</p> <p>The MoJ's ownership of land outside the secure perimeter is limited, such that the existing prison cannot be extended to accommodate any new house blocks.</p>	<p><u>Site dismissed</u> – there is no available land within the existing secure fence line.</p> <p>The MoJ's ownership of adjoining land is very limited, such that the prison cannot be suitably extended.</p>

Conclusion

15. Table 1 reinforces the Appellant's comments at paragraph 5.4 (2) of the Statement of Case and at paragraphs 7.31-7.36 of the Planning Statement that there are no alternative available suitable sites that could accommodate all of the proposed development.
16. Table 2 demonstrates that there are no prisons in the area of search with a Category C function that could accommodate part of the proposed development and thus reduce its scale. Where there is available land at any of these prisons, it is already being proposed for an expansion in order to maximise the use of the available undeveloped land at both sites and make an efficient use of land in MoJ ownership.
17. The Appellant therefore concludes that the appeal site is the only suitable available site.

Appendix A
Table 3 – Longlisted sites from the private sector site search undertaken at application stage

Site ref	Address	Site area	Assessment	Conclusion
C1	Northern Gateway, Flintshire, CH5 2RA	14.16ha	The site is located in Wales, which is outside of the area of search.	Site was not shortlisted as mandatory requirement not met.
C2	Kelsterton Road, Connah Quay, CH5 4BP	12.95ha	The site is located in Wales, which is outside of the area of search.	Site was not shortlisted as mandatory requirement not met.
C3	Workington Park, Siddick, Workington, Cumbria, CA14 1LG	21.95ha	The site is located outside of the area of search.	Site was not shortlisted as mandatory requirement not met.
C4	Kingmoor Park, Carlisle, Cumbria, CA6 4SJ	14.16ha	The site is located outside of the area of search.	Site was not shortlisted as mandatory requirement not met.
C5	Ellesmere Port, Vauxhall, CH65 1AL	12.2ha	The site was identified through a desktop search, but further investigations confirmed that less than 12ha was available for development due to the stand-offs required from adjacent development.	Site was not shortlisted as mandatory requirement not met.
C6	Land off Manchester Road, Carrington, M31 4QN	8.5ha	A minimum 12ha is required and so the site is too small.	Site was not shortlisted as mandatory requirement not met.
C7	MA6NITUDE, Middlewich, CW10 0JB	8ha	A minimum 12ha is required and so the site is too small.	Site was not shortlisted as mandatory requirement not met.
C8	North of Parkey Farm, Wrexham, LL13 0UW	14ha	The site is located in Wales, which is outside of the area of search.	Site was not shortlisted as mandatory requirement not met.
C9	Cuerden, Preston	65ha	The site was identified through a desktop search, but further discussions confirmed the site was not available.	Site was not shortlisted as subsequently confirmed as not available.