

**ULNES WALTON ACTION GROUP  
APP/D2320/W/3295556**

**APPEAL BY THE MINISTRY OF JUSTICE  
LAND ADJACENT TO HMP GARTH AND HMP WYMOTT**

**PROOF OF EVIDENCE OF  
Paul Parker**

**Addressing: ALTERNATIVE SITES AND SOCIO-ECONOMIC STATEMENT**

## **A. INTRODUCTION**

1. I, Paul Parker, retired, of the Ulmes Walton Action Group (“UWAG”) provide this proof of evidence in relation to the ongoing appeal brought by the Ministry of Justice (“the MoJ”) concerning its proposal to develop a new prison on the site to which this appeal relates.
2. Before retiring I worked in Quality Control for 30 years in a number of industries. My last role was Head of Software Testing; responsible for the overarching company test strategy; and management of a team of 50 software testers.
3. My evidence will relate solely to the issue of alternative sites as relied upon by the MoJ in their Planning Statement and subsequent documents; and to the Socio-Economic benefits relied upon by the MoJ.
4. I append to this proof of evidence the following documents:
  - Appendix 1 - Correspondence re Fol requests (Para 12)
  - Appendix 2 - Copy of Email response from C&W.(Para 15 & 20)
  - Appendix 3 - UWAG Alternative Sites Spreadsheet (Para 29)
  - Appendix 4 - Aerial Photos of Ribby Hall and HMP Kirkham (Para 36)
  - Appendix 5 - Letter from Fylde Bird Club. (Para 37)
  - Appendix 6 - Wymott Ponds sightings (Para 38)
  - Appendix 7 - Steve Barclay announcement re New Prisons (Para 58)
  - Appendix 8 - Screenshots from contractors’ websites (Para 59)
  - Appendix 9 - Prison Impact Review pdf (Para 61)
  - Appendix 10 - HMCIP Report on HMP Berwyn (Para 62)
  - Appendix 11 - House of Commons Library Briefing paper " People claiming Unemployment benefits by constituency (Para 65)

## **B. The MoJ’s Alternative Sites Case**

5. The MoJ's case emphasises the need for new prisons to be built at pace, to accommodate a projected increase in the prison population (10,000 Additional Prisoner Places Programme). It is said that the increase in custodial sentences will be a result of increasing the numbers of full-time police officers, amongst other factors. Emma Curtis addresses the background to this in her evidence.
6. The MoJ's case to this inquiry is that there is no other alternative site in the North-West to accommodate this extra need, which (they say) adds weight to the case for planning permission to be granted for this inappropriate development in the Green Belt.
7. In their Planning Statement<sup>1</sup> submitted with the planning application, Cushman & Wakefield (“C&W”) explain (at paragraph 7.27-7.28) that in addition to sites within MoJ ownership, they conducted:

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<sup>1</sup> Document A3

- An extensive market search (circulated to ‘over 600’ agents)
  - A desktop search over multiple online databases; and
  - Contact with commercial property agents.
8. Paragraph 7.29 explains that this search was ‘informed by’ a set of criteria, which are set out. The ‘Mandatory Requirements’ were that the site was at least 12ha in size, and was in the North-West (the preferred area of search). Then there were a set of ‘Secondary’ and ‘Tertiary’ requirements, also set out at 7.29. It is common ground that those search criteria were reasonable, and I have adopted them in my own approach.
  9. The Planning Statement concludes that (of the non-Government owned land), ten market opportunities and four off-market opportunities were identified which met the mandatory requirements, a shortlist of fourteen. Of those, consideration against the secondary requirements reduced the shortlist to five, and against the tertiary requirements, removed all of the remaining sites, on the basis that all failed ‘one or more’ of the tertiary requirements.
  11. At 7.35, the Planning Statement says that the appeal site satisfies ‘*many of the site search criteria*’. The conclusion reached is that there are no alternative options ‘*and it is necessary that this is delivered at the application site*’ (para 7.43). At 9.29 this lack of alternative sites is part of the ‘very special circumstances’ case. In their Statement of Case<sup>2</sup>, this aspect is said to attract ‘substantial weight’ in favour of the proposals – see paragraph 5.4.
  12. UWAG sought to interrogate these conclusions, and asked for the site evaluation so it could see how the fourteen shortlisted sites fared against each of the Secondary and Tertiary requirements, in order to make a sensible comparison with the appeal site. The MoJ refused our request to see that work, including on review after we made a FoI request to see it. The exchange of correspondence is at Appendix 1.
  13. UWAG does not understand why it is said that this information is (or could ever really have been) ‘confidential’, and has appealed to the Commissioner. The outcome of that appeal is awaited but is unlikely to be received prior to the inquiry.
  14. In answer to a request from the Inspector, the MoJ then provided a document – now listed as E1 – entitled ‘Shortlisted Sites’, and dated May 2022. The document says that it is intended to answer the request for ‘*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*’. This was essentially the information UWAG had requested and been refused.
  15. On 30 May 2022 Claire Pegg of C&W sent an e-mail to say that, of the sites included in that document, the fourteen sites said to have been on the shortlist

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<sup>2</sup> Document C2

(see paragraph 7 above) were those carrying references C1 – C9, A1, A3 and A7 – A9, together with A6 (which was said to have been shortlisted by a different route. That suggests fifteen, not fourteen, sites on the initial shortlist, all of which (according to the Planning Statement) would have met the Mandatory Requirements at that time. That e-mail is Appendix 2

16. It is obvious from Document E1 that this is not accurate. Of the sites prefaced with a C, most fail at least one of the Mandatory Requirements: C1, C2, C3, C4, and C8 are outside the preferred area of the North-West. C5, C6 and C7 are all smaller than the minimum 12 ha site size. Only C9, at Cuerden, appears to satisfy both of the Mandatory Requirements. I cannot understand (and the MoJ have refused to tell us) which sites made up the fourteen (plus one) said to have been shortlisted as meeting the Mandatory Requirements at the time of search. As such UWAG are unable to know how any of those fifteen sites performed against the Secondary and Tertiary Requirements as compared to the appeal site.
17. On that basis I cannot see how the MoJ can make good their claim that there were no alternative sites for this proposed new prison. The only way to prove that would be to identify each of those fifteen shortlisted sites and show how they fared against the identified criteria, and compare that to the appeal site. That is impossible without the information. I do not believe they have made that claim good to date.
18. The full evaluation of these sites against the Mandatory, Secondary and Tertiary requirements has not been demonstrated, and so it is impossible to examine how each site fared against the identified requirements, and how these determinations compared to the appeal site.
19. A subsequent request for the full evaluation of all sites considered at planning stage was made by e-mail on the 31st May 2022, directly to C&W.
20. C&W responded on the 9th June 2022 stating '*...The document already provided sets out the sites considered and the (summary) reasons why each site was not considered suitable as an alternative. These reasons relate back to the criteria. Some further detail regarding the site search will be contained in the proofs of evidence which you will be able to review on exchange of proofs next week. You will then have the opportunity (if you wish) to prepare a rebuttal and/or cross-examine the relevant witnesses as part of the inquiry...*' (Appendix 2)
21. That seems to me to be an unhelpful approach, given that the information must already be held by the MoJ, but should the information be forthcoming in proofs of evidence, as suggested UWAG will endeavour to address it before the inquiry (unavoidably, I suspect, by way of Rebuttal).
22. Notwithstanding that, I have set out to assess whether any of the sites contained within the May 2022 document perform as well or better against the various Requirements than does the appeal site. If they do, it cannot be right

that there were no alternative sites for this proposed new prison at the time of application. The question is not whether they are better than the appeal site, but whether they are as good (or less harmful).

### C. UWAG's Response

#### ***Sites disclosed at Planning Inspectors request***

23. Once sites C1 to C9 are discounted for not meeting the Mandatory Requirements, the remaining 5 sites said to have been on the shortlist (i.e. A1, A3, and A7-9), all present difficulties regarding HSE consultation areas, site decommissioning issues, split sites, or were already identified for other developments, so were not suitable; these reasons are difficult for UWAG to test, so UWAG have accepted C&W's reasoning for exclusion.
24. Of the remainder in document E1, site A2 does not meet the Mandatory size requirement, so was dismissed (which rather calls into question why it appears on the list at all).
25. Site A4 was said to be under offer, in the May 2022 E1 document, to accommodate a major warehouse and retail development bringing 2000 jobs to south Preston and Leyland.
26. It is not clear if site A4 was under offer at the time of the planning application. If it was not, then this site would have met the Mandatory requirements to be shortlisted. It is not clear why this site did not appear on the shortlist at that time (or, indeed, whether it did – see above. It is presently impossible to know which fourteen sites *did* appear on that shortlist). If it was not under offer at that time, it appears (at least at face value) to have been a potentially suitable site.
27. In my view, Sites A5 and A6 represent reasonable alternatives to the HMP Wymott and Garth site, even now.
28. Like the appeal site, Sites A5 and A6 are located in the Green Belt, so the 'very special circumstances' test would apply to an application for the proposed development on those sites just as it does at the appeal site. It is said (in document E1) that for this reason the sites are '*not sequentially preferable*' to the appeal site, but (even if that were correct) that is not the point: the exercise is to identify whether there are any suitable *alternative* sites, because the claim that the MoJ makes is that there are none – there is no choice but to deliver these proposals here – and that feeds into the claimed 'very special circumstances'. Whether other sites might be 'sequentially preferable' or not is really nothing to the point. They share the same constraint as the appeal site: they are in the Green Belt.
29. In such circumstances, and in the absence of the full evaluation of all 14 +1 shortlisted sites against the identified criteria, UWAG has created its own such assessment of sites A5 and A6, and included the appeal site in that

assessment. This evaluation compares how each site meets or does not meet the Mandatory, Secondary and Tertiary requirements identified by C&W in turn. (Appendix 3).

### ***Reasonable Alternative Sites Evaluation***

30. I consider (and hope) that the spreadsheet analysis is self-explanatory but I add a little commentary on it here to assist in its interpretation. The headline conclusion I invite is that both A5 and A6 were, and remain, sensible alternative sites for this proposed development, and in each case present a better option than the appeal site, when assessed against the criteria identified and apparently applied by C&W.

#### *Site A6, Fylde*

31. Site A6 is adjacent to the existing HMP Kirkham in Fylde, in the North-West, and is land currently in MoJ ownership extending to 32 ha. It thus meets the Mandatory Requirements. It was dismissed for being in the Green Belt and also on the basis that the LPA had concerns about visual impact, the effect on “*the Grade 2 Listed Ribby Hall Village*”, highway capacity, and also that the site might be a potential foraging site for Pink Footed Geese.
32. I have not seen the LPA’s pre-application observations in that case, but I have seen the summary of their contents contained in document E1.
33. The site appears particularly suitable in terms of size and location and connection to major road transport networks, as well as more sustainable transport solutions. Highway capacity was said to have been cited as a concern for the local LPA (but not, I note, the highway authority); the M55, A583 and A585, which are all nearby, are major trunk roads, and would appear to be more than capable of coping with construction and operational traffic (at least when compared to the A581, B5248, and un-numbered Ulnes Walton Lane, which give access to the appeal site). It also benefits from good public transport accessibility, with Kirkham railway station some ten minutes walk away; and bus service 75 making that a possibility too. In my view, against these ‘secondary’ criteria, site A6 performs well, and better than the appeal site.
34. It also appears to meet the remaining secondary criteria.
35. Turning to the tertiary criteria, it is in part previously-developed, and is a suitable shape for prison development (noting in particular its size, at 32ha). It does not appear to pose particular issues for recruitment (which is a national problem presently) and I can see no suggestion in document E3 that is not manageable in terms of major ground conditions/contamination, or that development would be constrained by significant public rights of way.

36. As for the remaining criterion, Ribby Hall itself is a Grade 2 listed building, but not the entirety of 'Ribby Hall Village', which is in fact an extensive development of static caravans in the grounds of the Grade 2 listed building to the south and east, together with a large modern building immediately adjacent to the Hall which is used as a health club. To the immediate east is a golf course. A dense band of mature trees separates the complex from site A6, which is to the east and south. It seems highly unlikely that any development of site A6 would significantly compromise the setting (or significance) of Ribby Hall itself. The land associated and immediately adjacent has been developed into a busy static caravan holiday park, hotel and leisure complex (known as 'Ribby Hall Village') over the last 40 years, and the close proximity (and wide extent) of this modern development very close to the Hall does not appear to have adversely affected the significance of Ribby Hall to date. As I have said, Ribby Hall itself is well screened from the proposed site by distance, and a 20-25m stand of mature trees and woodland. Appendix 4 shows two aerial photographs, taken from 'Google Earth', of the area, with Ribby Hall marked on it. Site A6 is to the east and south, between the caravan park complex and the existing HMP Kirkham.
37. In terms of ecology, recorded species observations collated by Fylde Bird Club (which I attach an extract of as my Appendix 5) indicate that Pink Footed Geese have never been observed foraging significantly on the site, and it is not a site (unlike the appeal site) with consistent records of legally protected Barn Owls.
38. By contrast, HMP Wymott and Garth has recorded 3000 Pink Footed Geese between 2020 and 2022. These figures are recorded by the Cornell University EBird Digital recording App. (Appendix 6). Barn Owls are currently breeding in Building 10 on the appeal site which is designated for demolition.
39. Finally, albeit not one of the criteria used by C&W, I note that visual impact concerns were raised in respect of that site: first, there are landscape and visual impact concerns at the appeal site too (as detailed in the evidence); and second, the site in Fylde is some 32ha, allowing (I would assume) considerable scope for green infrastructure to soften and mitigate any impact.
40. It is not clear from the May 2022 E1 document if site A6, HMP Kirkham, is in fact the site mentioned in the Planning Statement at paragraph 7.32, that was dismissed because it did not meet the Secondary or Tertiary requirements. If it was, it does not seem to be accurate.
41. In any event, UWAG's own comparison of sites (Appendix 2) illustrates that it is a valid alternative site, and does meet Secondary and Tertiary requirements. It does so better than does the appeal site.

*Site A5, Oldham*

42. Site A5 is on land south of Stakehill Industrial Estate, Oldham, in the North-West, and is 71.8ha in size. It thus meets the mandatory requirements. It is said

that it was rejected because of its location in the Green Belt, and that despite being a draft employment allocation in the emerging Plan for the area (called Places for Everyone, or 'PfE'), that plan was not due to be adopted until '*at least 2023*'. Until that time the site is in the Green Belt, and would '*require a very special circumstances argument to support any planning application*'. I observe at the outset that this in fact puts it in a better position, on its face, than the appeal site, which is not the subject of any draft allocation for employment uses. That did not stop the MoJ making the present planning application, on land which is in the Green Belt, and to which a 'very special circumstances' argument is required. In short it does not appear to be any less 'available' than does the appeal site (and in planning terms, appears better suited, given its status as a draft employment allocation in an advanced emerging plan).

43. Further, as shown on the spreadsheet at Appendix 2, Site A5 appears to be ideally situated just off the M62, and A627M; again better suited connections to the major road transport network than the appeal site. Sustainable transport links are also considerably better than the appeal site, and from the centre of Manchester, only 8 miles away. The site appears to meet all of the 'secondary' requirements comfortably.
44. Like the appeal site, and the site at Kirkham, there appears to be an element of the site which is previously developed, in that it has built form upon it. I do not have details of that built form but from the aerial photograph it does seem to be there. I assume that is in part why it has attracted a draft allocation for employment uses in the emerging plan, despite being in the Green Belt. In short, overall this site appears to fare significantly better than does the appeal site against the identified criteria.

### ***Conclusion to Alternative Sites Case***

45. The MoJ's assertion that no alternative sites exist in the North-West has not been demonstrated.
46. Its own evaluation appears flawed by including sites for consideration which did not meet its own Mandatory requirements. Its explanation of the methodology is opaque.
47. Even taking the criteria identified by C&W, sites A5 at Oldham and A6 at Kirkham are alternatives to the appeal site, which meet not only the Mandatory requirements to be shortlisted; but also, better match the Secondary and Tertiary requirements compared to the appeal site.
48. Cumulatively this undermines the reliability of the process that led to the assertion that the only suitable and available site in the North-West is the appeal site, adjacent to HMP Wymott and Garth.

49. Accordingly, I would invite the Inspector to set to one side the suggestion that this is the only available site for this proposed development: that does not appear to be the case.

#### **D. The MoJ's Socio- Economic Statement**

50. The MoJ correctly assert that there are economic benefits from the opening of a new prison, both during construction and operational phases.
51. The MoJ bases this assertion on modelling and established and accepted assumptions regarding Direct, Indirect and Induced spends at construction and operational phases.
52. The MoJ states that these benefits will be 'local'; but the term 'local' appears to refer to a 40-mile radius – see paragraph 5.60 of the Planning Statement (document A3).
53. The modelling used to derive the socio-economic benefits is itself flawed. The Peter Brett Associates' 2013 model (Economic Impact of a New Prison, paras 3.2 and 4.2) deliberately excluded data from Category C rurally based HMP Whatton on account of its rural location, because “some of the characteristics of its service level would be attributed to its rural location...” The MoJ's stipulation was that new prisons would be built in urban and semi urban environments, to facilitate staff retention, and visitor access. Urban and semi urban environments have better road and sustainable transport links. The prison proposed at the appeal site would be a rurally located Category C prison, data for which is not represented in the model (and was in fact specifically excluded).
54. The MoJ asserts that there will be 'local jobs' for local people both at construction and operational stages.
55. Economic benefits from Direct, Indirect and Induced spends at both construction and operational stages are based on modelling and established assumptions.

#### **E. UWAG's Response**

55. In summary, UWAG consider the weight to be attached to these benefits has been over-stated.
56. The calculation of economic impacts from the construction and operation of the prison are only as realistic as the data upon which they are based. In this case of a proposed Category C development in a rural location, the MoJ has based its calculations on urban-based prisons of categories ranging from A-C. (Peter Brett Associates - Economic Impacts of a New Prison, 2013, Sections 3.2 and 4.2 – core document J1 ). The validity of the MoJ's assertions based

on this modelling in respect of the socio-economic benefits for this community are therefore highly questionable. This would not be an urban-based prison. It is a highly rural location.

57. In June 2020, the Chief Secretary to the Treasury, Stephen Barclay MP, when announcing plans for the prison building programme, stated. “Components, such as concrete walls, and pipework for water and electricity are built by companies around the country using modern, standardised processes and assembled on site. This in turn will ensure the economic benefits of the investment will reach firms across the country.” I have included this as my Appendix 7.
59. The recently opened HMP Five Wells in Wellingborough (Northamptonshire) used offsite manufacture extensively, with the majority of manufacturing facilities being in former industrial heartlands and areas with high levels of deprivation. The main contractor, Kier, ensured that all components were tracked digitally from manufacture to installation. This approach meant that not only was the prison built 22% faster but also that on-site labour could be reduced by a third: pre-fabricated mechanical, electrical and plumbing engineering alone saving 54,000 working hours on site. The company appointed by Kier to be their precast management company for the project was PCE Limited, located in Staffordshire, and the precast suppliers for the 15,183 precast panels plus more than 60,000 sub-components, were Bison Precast based in Nottingham; FP McCann whose quarries and depots are located in Northumberland, Cheshire, Warwickshire, Leicestershire, Lincolnshire, Cambridgeshire, Gloucestershire, Derbyshire, Scotland, and Northern Ireland; and Banagher who are located in Norfolk and the Republic of Ireland. (Sources: websites for Kier, PCE, Bison Precast, FP McCann and Banagher – attached as my Appendix 8).
60. On their website, a screen grab of which is my Appendix 7, Kier Construction describes the solution to achieve the challenge set by the MoJ in respect of HMP Five Wells in these terms - “*The scheme incorporates repeatable, standardised components and assemblies across the thirteen buildings on site. Circa 80% of the design has been standardised, leaving just 20% as site-specific design. This means that the component assemblies designed for Wellingborough can and will be used on subsequent MoJ prison projects, leveraging economies of scale for the programme.*” This is a clear indication that the socio-economic benefit to the rural location of Ulnes Walton, or even to the local area, will be minimal due to a shorter build time, fewer construction jobs on site, and little supply chain benefits to local companies.
61. Studies of rural prisons built in the USA (Appendix 9) European Services Strategy Unit - A Literature Review of the Economic Impact of Prisons in Rural Areas by Dexter Whitfield) demonstrated that “*there was a gap between the perception of the economic benefits and reality*” and “*that a significant percentage of prison staff commute to work and do not reside in the prison town or county thus reducing their impact on the local economy*”. It also cites the adverse effects on families and children as “*rural prisons force families and*

*friends to travel long distances causing major accessibility hardships*". I acknowledge that the USA is very different geographically to the UK, but some of those conclusions must apply here too.

62. As recently as November 2021, the Prison Governors' Association reported that '*Currently recruitment cannot keep up with the level of prison officers leaving*'. Experience at the new mega-prison HMP Berwyn, situated four miles outside Wrexham, clearly demonstrates the fallacy of the job creation arguments put forward by the MoJ as, after two years of operation, HMP Berwyn was still only at 60% capacity due to staff shortages (HMCIP 2019 HMP Berwyn report - Appendix 10). The HMCIP report also indicated that three-quarters of officers had been in service for less than two years and about one-third for less than one year, and this had had an adverse impact on many aspects of prison life.
63. The MoJ has stated that it anticipates staff for the new prison in Ulnes Walton would be recruited from up to 40 miles away and only 10% of the 121 full-time equivalent construction jobs will be ring-fenced to local people. Once again, the socio-economic benefits to this community will be minimal and spread thinly across the region.
64. There are 13 other prisons in north-west England within a 40-mile radius of HMP Wymott and Garth, all of which are currently advertising vacancies for Prison Service staff. If the operational capacity and safety of a new mega-prison is to be maintained, it will require suitably experienced staff, who are likely to be sourced from other prisons in the local area. This would impact the operational capacity, prisoner welfare and the safety of each of the prisons. Public safety could also be compromised due to insufficient experienced staff being available to undertake offender risk assessments (OASys) prior to prisoner release, as evidenced by the HMCIP report on HMP Berwyn in 2019.
65. Figures recorded in a briefing paper lodged in the House of Commons Library entitled '*People claiming unemployment benefits by constituency*' (my Appendix 11) recorded the following unemployment rates in May 2022, demonstrating a far greater need for jobs in other areas where sites are available, and in particular in Oldham West, where unemployment is highest, and in the area where the HMP Kirkham site is situated:

Chorley	2.8%
South Ribble	2.2%
Fylde	2.9%
Blackpool North & Cleveleys	5.6%
Blackpool South	8.2%
Preston	5.8%
Oldham East & Saddleworth	6.8%
Oldham West & Royton	7.3%

## Conclusion

66. The social and economic benefits of a new prison operate on several different levels.
67. The social and economic benefits of a new prison are based on modelling, projections and statistical factoring, and here the benefits to local residents and communities are overstated.
68. Indeed the modelling itself is flawed because data specific to rural Category C based prisons (i.e. HMP Whatton) was excluded as an outlier in the Peter Brett Associates: Economic Benefits of New Prison, 2013 report.
69. Nationally the appointed contractor will benefit from the awarding of the construction contract (approx £300m), likely taking vital spending out of the region, because precast components and aggregate materials will be very likely to be manufactured and supplied from outside of the North-West.
70. The build of a new prison is a highly specialised construction, and the MoJ's own projection is that 10% of FTE construction jobs will be for 'local' people, i.e., of the 122 FTE projected, 12 will be employed from the 'local' workforce. The rest will be 'imported' with the necessary specialised skillsets.
71. Recruitment and retention of prison staff is a nationwide issue as well as locally at HMP Wymott and Garth.
72. The MoJ definition of 'local' employment covers a 40-mile radius of the proposed site. So, socio economic benefits are actually regional rather than truly local. Over such a wide (regional) area they will be thinly spread.
73. The close proximity of 13 other HMP sites, the prospect of warehousing and retail jobs from developments in Leyland and South Preston (Approx 3000 jobs), and the fact that South Ribble is not a low employment area, all indicate that recruitment of prison staff for a new prison will present a challenge.
74. Difficulties in recruitment in such an area will lead to long ramp up times to maximum capacity, reducing cost effectiveness of the economies of scale predicted by such large prisons.
75. Accordingly, I would invite the Inspector to conclude that the socio-economic benefits are overstated.