

**PLANNING COMMITTEE: 5<sup>th</sup> April 2022**  
**SUPPLEMENTARY INFORMATION**

The "Supplementary Information" report supplements the main Planning Agenda. It is produced on the day of the Committee and is circulated at the Committee meeting. It is used as a means of reporting matters that have arisen after the Agenda has been completed/circulated, which the Committee should be aware of before considering any application reported for determination.

**Correspondence received is available for inspection.**

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Page: 9

Terms of reference, Hursley Park report.
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**4. Revised Terms of Reference**

4.1 The purpose of the review is to establish the extent to which the approved detailed landscape plans (Detailed Landscape Proposals P16-0864\_05C, 06C, 04B, 07B of 16/02083/REM), specifically approved Landscape Plan Ref P16-0864-05C and 06C (The Landscape Plans), have been implemented. The Planning Committee is asked to adopt the following Terms of Reference for this review:

- a. To investigate if the Landscape Plans been implemented effectively with specific regard to the installation of the pathways and other omissions / defects as raised by the residents including but not limited to aspects such as allotment fencing, hedges and hedgerows, areas of planting.
- b. To determine if the change from tarmac paths (as specified in the Landscape Plans) to the gravel surface, (as constructed at Hursley Park and considering the quality suggested defects raised to the council by residents) was appropriate.
- c. To review and determine if the process undertaken by which the surfacing of the pathways was changed from tarmac to gravel was compliant with the requirements set out in the Equality Act 2010, including meeting with residents with accessibility considerations, who are most directly impacted by the omission of tarmac.
- d. To review and determine what planning amendment process, if any, was followed when the paths were constructed from gravel rather than from tarmac, and whether that process was consistent and appropriate given usual planning procedures (considering the conditions of the planning application). Considerations should be given to the specific context of Hursley Park, including that the residents are expected to take a maintenance responsibility for the paths and that construction was part of a park, the ownership if which was known to be transferring to residents who were purchasing properties based on published and approved detailed landscape plans.
- e. To evaluate the approach taken to ensure the delivery of wildflower meadows was appropriate and robust.
- f. To formally assess if the planning compliance approach been appropriate and proportional.
- g. To determine whether the council has the ability to carry out enforcement action (subject to other findings) to ensure the original Landscape plans are complied with.
- h. To accommodate residents' concerns around this matter.

21/01600/OUT	<p>Outline planning application (All Matters Reserved except for means of access and scale) for the construction of a new Category B prison of up to 82,555sqm within a secure perimeter fence, together with access, parking, landscaping and associated engineering works.</p> <p>Land Adj HM Prison, Welland Avenue, Gartree, Lubenham</p>
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### **Additional Representations**

#### **Cllr King, Leader, Harborough District Council**

I was first made aware of the interest by the MoJ in development of additional prison capacity, as part of the Government's New Prisons programme, in summer 2021 as part of their stakeholder consultation. The new prisons programme is one that I am in general policy terms supportive of.

In respect of the Gartree plan, I was involved in a round of pre-submission discussions and many of the issues I raised then are issues that have been highlighted in the report or via the local community responses. I share many of the concerns that residents have raised.

From recollection, the MoJ stated that one of the main reasons for choosing Gartree for this expansion of prison capacity was driven by the hard fact that the MoJ own the land and as a result the financial costs to the scheme now being proposed by them was lower than if they had to buy the land on the open market. This represents best value to us all as taxpayers.

Logically, adding more prison spaces to land that you own next to an existing prison is worth evaluating via the application process.

In my opinion and experience this is a good report by officers and there is sufficient information to make a decision. I think the conclusion in Part 7 of the report 'Planning Balance' outlines the issues that members of the committee will need to evaluate and decide, clearly and concisely.

In an ideal world then yes, it may have been better if these proposals had come via the Local Plan review process, but as the report outlines, the MoJ demand for new prison places is urgent to accommodate the growth in longer custodial sentences. LPA has to consider an application submitted to it.

As the Leics County Councillor for the division that includes the application site, there have been numerous meetings with county officers, the MOJ and myself as the LCC member to look at concerns of residents and other stakeholders, to explore mitigation, and other non-planning related benefits. The latter are outlined on page 216 of the report in para 6.14.2. A late addition to this is the proposal to improve local public bus services to/from the prison.

The benefits involved both financially and otherwise, are not unsubstantial and would deliver a quantum of infrastructure improvements via the s278 process and other unilateral undertakings, which could make a real and positive lasting difference to the communities in Lubenham, Foxton and Gartree itself.

There are also the proposals to improve Welland Avenue and other aspects of the Gartree estate as part of the plan, if it was approved.

Whilst the improvements required via the planning process are not as extensive as many people including myself initially thought would be required. I think on balance the officers report does explore and explain why only limited mitigation can be secured via the planning process.

However, if this scheme was to be approved then I would like to suggest the following, if not already incorporated:-

1. Cycle facilities- that a fully weather proofed and secure storage area and changing facilities are incorporated into the site for cyclists along with electric charging points for electric bikes.
2. Parking and weather proofed storage, changing for motorcyclists and e-charging points.
3. Local Labour agreement- discussions on this to include the Economic Development team at HDC
4. Details sought as to how any construction traffic routing plan will be strictly enforced and a system of sanction for any transgression applied
5. A liaison group of local stakeholders and residents to be created and meet regularly for the duration of the whole process until occupation.
6. The establishment of a community engagement group for the post development process- in perpetuity funded by the MoJ.

So what are the alternative uses for this land?

Firstly, this application could have come to the LPA as a series of extensions to the existing prison, but then there would be very limited scope to obtain any of the many positive improvements that this proposal for the new prison does bring, both through the planning and non-planning gains.

Secondly, if this scheme doesn't proceed then there is a significant and real risk that the MoJ will sell off the surplus land that it doesn't require, to I'd suggest a large scale house builder. That would bring development pressures of an altogether different nature. Ultimately this comes down to a matter of significant national public benefit vs some harm and what weight is attached to each.

The significant public benefits are clearly outlined and articulated in the report as is the harm.

This is a balanced judgement that members will need to make.

HDC professional & experienced planners are recommending approval.

Armstrong Rigg Planning On behalf of Lubenham PC, Foxton PC, East Farndon PC, Great Bowden PC, Gumley PM, Laughton PM and Gartree Action Group

Reference to the new facility within our previous representation (see **Appendix G of the main report**) as a "Category C" facility should read "Category B"

Foxton Parish Council

Foxton Parish Council wish to add this statement as a supplementary to our original objection to the Planning Application 21/01600/OUT.

This has been influenced by the recent refusal of a very similar planning application for a large new prison near Aylesbury. The similarities with the Gartree application are uncanny, with the main difference being that their planning officer recommended refusal.

We believe that this proposal should be refused because of the reasons below.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the local development plan unless material considerations indicate otherwise. This is reiterated within paragraph 47 of the NPPF (2021). The development plan is defined in Section 38(3)(b) of the 2004 Act as "the development plan documents (taken as a whole) that have been adopted or approved in that area".

There are material considerations which relate to this proposal namely the national and regional need for additional prison places. However, the application provides insufficient justification for the development of this sensitive site and does not provide convincing evidence that there are no alternative locations which accommodate this development.

Paragraph 85 of the NPPF does recognise that there may be need for specific development beyond the existing settlements where there is a clearly identifiable local need. Whilst the above commitment from National Government is acknowledged and it has been identified that there is a regional need for two of the proposed four prisons to be located in the south of England and two in the north, this in itself does not justify the specific need for the location proposed, particularly given the sustainability issues which surround the site. It is acknowledged there is some logic to locating a new prison adjacent to an existing prison to allow for shared resources. Nevertheless, as part of the associated pre-application discussions for this proposal, the Parish Council asked for more information regarding the site selection process and criteria, including why other sites within the region were discounted, and the functional/ operational reasoning for selecting this site. This justification is pertinent to the determination of this application in order for the Local Planning Authority to consider whether there are any material considerations which indicate a decision other than in accordance with the development plan.

No substantive reasons for the selecting specific location have been received. The verbatim explanation from the MoJ for site selection is as follows:

*- "the land next to the existing HMP Gartree Prison is ideally located for a new Category B prison because of its suitability for building, geographic location and good transport links. The site is also already owned by the Ministry of Justice."*

That the land is suitable for building upon and that the land is owned by the MoJ do not justify the site selection. The remainder of this objection will focus on the merits of its geographic location and transport links.

## 1. Geographic location

The site is in detached from a strategic development area in an unsustainable location.

Harborough District has no specific policies that relate to the provision of a new prison, nor is there an allocation for such a provision. Paragraph 84 of the NPPF seeks to encourage planning decisions which enable the sustainable growth and expansion of all types of businesses in rural areas; the development and diversification of agricultural and other land-based rural businesses; sustainable rural tourism and leisure developments which respect the character of the countryside; and the retention and development of accessible local services and community facilities. With paragraph 85 advising that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.

The proposal is located on land associated and within the ownership of the Ministry of Justice, adjacent to an existing prison. The proposal seeks the creation of an entirely new prison. Paragraph 84 of the NPPF makes allowances for the expansion of land-based rural businesses, local services and facilities. However, as the proposal is for a new prison rather than the expansion of existing facilities within the open countryside, the proposal would fail to comply with these exceptions in paragraph 84 of the NPPF.

Within the supporting Planning Statement it advises that a commitment was made as part of the Conservative Manifesto (2019) confirming that the Government would 'add 10,000 more prison places, with £2.75 billion already committed to refurbishing and creating modern prisons'. In June 2020, this was followed by an announcement that four new prisons would be

built across England over the next six years as part of the 10,000 Additional Prison Places Programme. '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'.

The supporting Planning Statement made no reference to how the proposed new prison is targeted to meet demand in the East Midlands.

## 2. Transport links

The limited opportunities available for undertaking trips by sustainable transport modes is admitted by the applicant. Consequently, this will result in increases in those visiting and working at the site who will be heavily reliant upon the use of a private motor vehicle for a significant proportion of trips. The site is therefore not sustainably located and therefore the proposal would fail to accord with local plan policies.

Building this facility in an unsustainable location has significant consequences: there is a lack of housing availability and a lack of public transport. Additionally, as the site has no pedestrian access from conurbations and is on top of a hill, there is almost no opportunity to travel to the site by active modes.

Other Category B prisons are located in sustainable locations and the MoJ has provided no evidence to support the notion that new prisons need to be built in unsustainable countryside locations. The table below demonstrates how both existing and new Category B prisons are located in brownfield sites:

Name of site	Number of prisoners	Number of homes currently for sale within a 3 mile radius for less than 10x the starting salary of a prison officer	Is there a frequent commuter bus service to the site?	Location
New Gartree	1715	8	No	Countryside, contrary to Policy GD3
New HMP Fosse Way	1680	121	Yes	Brownfield
HMP Altcourse (near Liverpool)	1164	489	Yes	Brownfield
HMP Birmingham	1028	728	Yes	Brownfield
HMP Nottingham	1060	436	Yes	Brownfield

Roughly speaking, category B prisons have a prisoner: staff ratio of 2:1. Hence, at Gartree, c.750 employees will be vying for homes reasonably close to the site. An analysis of rightmove.co.uk demonstrates that there are currently only eight homes for sale within a three mile radius of the site, for less than £230,000 (ten times the starting salary of a prison officer). Contrast that to HMP Fosse Way, which also has the benefit of being 0.7 miles away from a train station and on multiple commuter bus routes. It can be reasonably deduced that staff and visitors would travel to Gartree from afar, almost exclusively by private motor vehicles. Whilst the MoJ can provide no data on this point, it is likely that at least some employees and visitors travel to brownfield site prisons via active modes.

Leicestershire's recently published Cycling and Walking Strategy commits the county to "*work with district council partners through the development plan process to seek to ensure that new developments are located in places that offer genuine opportunities to make everyday trips using active modes*" (Policy 1). This commitment appears to have been ignored by both the County Council and the District Council.

In summary: with the limited information provided, it is not possible to conclude that this is the most appropriate site to meet needs identified. Without this information, Officers should not attribute weight to the special circumstances of this site to overcome the in-principle objection to the development due to its unsustainable location.

The applicant has failed to provide sufficient justification to properly evidence that the site selection has considered and discounted other alternative sites within the region and that this is the only site for the development of the new prison. The applicant has not provided clear and convincing justification that the harm to the locality could be avoided by finding an alternative site for the development of the new prison. There is no evidence to support site selection on the basis of geographical location or good transport links. In fact, the site is neither in the north nor the south and has very limited opportunities for sustainable travel with most journeys needing to be undertaken by private motor vehicle.

Foxton School Governors

I write for and on behalf of Foxton Primary School as a member of the Full Governing Body to object strongly to the planning application above.

Our concern is mainly about road safety for children, their parents and associated carers.

It is essential and necessary we maintain as safe parking as possible between 8am - 9am and 3pm to 5.20pm along the main road outside the school for a number of reasons. There can be up to thirty cars at any one time parked on the road at these times enabling pick up or drop off of children.

I don't believe it has been noted that our school day is an extended day starting at 8am with children being dropped off for breakfast club by parents and carers on their way to work. The school day finishes at 5.20pm from our after school care enabling parents to pick their children up on the way home from work.

We also must advise you only approx one third of our children come from Foxton. Another third come from Gumley and Gartree and a final third from out of catchment. This means that always and without option at least half our children have no option but to be brought to school by car and hence must be dropped off near the school entrance on the main road.

The increased volume of traffic both during the construction phase of the new prison and later during its operational phase will undoubtedly put children, parents and staff at greater risk of road accident which must be avoided. Safeguarding our children is paramount to our job as educators and we MUST ensure they both feel safe and are safe on their way to and from school. This large increase in traffic threatens this.

I will also advise that many of the Foxton village children currently walk to school using the pedestrian path already. Widening the path will not make any difference to this number as it's a nice walk as it is. The school has on a number of occasions attempted to increase the number walking to school by promoting the footpath and parking in the village. The problem however is twofold. Firstly is that there is very little safe parking for any number of cars anywhere in the village - much of the village has no pavements and canal traffic often takes up any of the few parking spaces available so people struggle to park and hence give in. Where the path joins Swingbridge street itself the road is narrow, in a bottle neck and has limited visibility. Secondly

although we note our promotion has an effect for a day or so as soon as we get inclement weather or people are tight for time (which is most of the time) parents revert to parking on the road next to the school again. It's unavoidable and necessary. A wider path does not address these issues in any way.

We believe a traffic management system is the minimum that needs to be put in place to keep our children safe. It must direct all relevant prison traffic away from the road outside the school during the pickup and drop of times stated above or we do dramatically increase the risk of serious harm.

Please take this objection most seriously. If the understanding of the school opening and closing times and the make up of our school population and their need to use the road outside for pick up/drop off has not been fully identified or understood you do now have the information in time direct from the school to make a difference. Please help us keep our children safe.

Lubenham Parish Council

Please find below a mail I have sent to the Local Lead Flood Authority raising concerns about flooding of our local area, of which the extra discharge water from the prison will make worse.

Can this be added to the planning document?

'Good Morning.

My name is Rick Wilson and I am a councillor with Lubenham Parish Council, I recently attended a consultation event by the MoJ looking at the plans for the new prison at Gartree near Market Harborough.

I noticed that the prison is intending to discharge surplus ground water into an existing water course, I have highlighted the water course on the attached map in red. When I informed the MoJ that this water course was already causing flooding in several places along its length, I was informed that the flooding was caused by unmaintained culverts. This is incorrect; presently I am working with the environment agency, Welland Rivers Trust and Welland Valley Partnership on a project to investigate the flooding at Lubenham Village. This water course has been identified as one of the sources contributing to the existing flooding, the environment agency presently has three river level monitoring stations collecting data.

The present locations that flood, I have highlighted in green on the attached map, these include:

Grazing land: This is due to the old land drains no longer working and the area flooding.

Roads: These include Laughton road, Foxton Road in Lubenham, there are also reports of flooding at Welland Avenue in Gartree

Lubenham Village: East Farndon Road under the old railway line where the road crosses the river Welland.

The council's concerns are that if the new prison discharges more water into this water course, flooding will increase further downstream. In the MoJ response to the LLFA comments made on the planning application, the MoJ quoted a discharge rate in the region of 47 litres per second. This is a considerable amount of extra water into a water course which already floods at peak times.

Can our concerns be taken into account when dealing with the MoJ if planning goes ahead, if you require any more detail please do not hesitate to contact me.'

See plan – **Appendix A of this Supplementary Information List.**

### **Additional Neighbour Representations**

Since the publication of the report, an additional 26 objections have been received, the sources of which are set out in the table at **Figure 1**. Any points raised which are over above those already reported in **Figure 13 of the main report** are summarised in **Figure 2**. 1 further letter from a resident was circulated to Members of the Planning Committee and local Ward Members directly.

<b>Area</b>	<b>Number received</b>
Gartree	
Foxton	9
Lubenham	2
Market Harborough	10
Gumley	
Laughton	
Great Bowden	
Further afield (within District)	Medbourne x1; Kibworth Beauchamp x1; Kibworth Harcourt x1
Outside of District	Ashley x1; Utttoxeter x1

**Figure 1: Source of objections**

<b>Issues of Principle raised through representations</b>	<ul style="list-style-type: none"> <li>• We already have too many people in custody and should be reducing not increasing this number. This could be accommodated by increasing the role of the Probation Service in the community where their outcomes outstrip those of the Prison Service.</li> <li>• I believe that much of the current prison stock is outdated and is not fit for a compassionate society. As such it should be improved but within an overall strategy of less places and no expansion.</li> <li>• Our media showed some months ago families living in temporary social housing with mold and damp covering and dripping down the walls., but criminals must be looked after simply on the basis that sections of the legal profession are ready to sue the tax payer (just like ambulance chasers I think they were called).</li> <li>• It is bad enough to find a ministry based in London having no real sense of what it is like to live in a South Leicestershire village community. It is far worse to find this proposal being supported by my local District Council.</li> <li>• If this proposal is allowed to go ahead against the express wishes of the local community (count the objections please), then those who approve it will be directly responsible for the deleterious effects to our villages, roads, environment, and communities in future years.</li> <li>• If the MOJ owns the land, as I have read, then that is surely their primary reason for choosing the site, but if they didn't own it I don't believe they would even consider the site as being suitable. A brownfield location closer to a city such as Birmingham would be much more suitable, with established transport links and a bigger pool of workers to recruit from.</li> </ul>
<b>Highways issues raised through representations</b>	<ul style="list-style-type: none"> <li>• The MoJ's suggested cycle lane to reduce traffic is laughable. Have they actually considered the catchment area which would attract staff? Imagine cycling from Oadby!</li> <li>• There are serious concerns that the report in relation to traffic and transportation is inadequate. I respectfully ask members of the Planning Committee to carefully scrutinise this document and that they also may also find that it is wholly inadequate for the purpose of deciding an important material consideration for planning.</li> <li>• LCC Highways has made a substantive response based on information provided by the MOJ's consultant Atkins, and subsequently considers the impact on highway safety would not be unacceptable and that the impact on the road network would also not be severe.</li> <li>• There are serious concerns with the Atkins report, and other consultants have questioned the findings, leading to a number of counter reports from Professional Consultants - Systra, Armstrong Rigg, Edwards &amp; Edwards.</li> </ul>

	<ul style="list-style-type: none"> <li>Given that the applicant has suggested staffing (over 700 employees) for the proposed prison will come from a 40 mile radius, and inmates, visitors and service/suppliers from anywhere in the UK, it is important to consider all the potential traffic routes not just a selected few in the immediate vicinity, as is the case in the Atkins report.</li> <li>Examples (not exhaustive) of absence of important information in the Atkins report. Examples based on local knowledge and travel routes by car - I am a resident of Foxton village. <ul style="list-style-type: none"> <li>1.a: Consideration of the traffic flows through an already congested Main Street in Great Bowden village. From the proposed development this is the most direct/quickest route for Corby, A14 East, Kettering, Uppingham and A47 East etc. (Not mentioned?)</li> <li>1.b: Consideration of the traffic flows to the Railway Station in MH. From the proposed development the most direct/quickest route is again either through Great Bowden or via Alvington Way and Ridgeway. (Not mentioned?)</li> <li>1.c: Consideration of traffic flows south towards Northampton and A14 West. From the proposed development the most direct/quickest route to the A509 southbound is through Lubenham village, via East Farndon and Great Oxendon. (Not mentioned?)</li> <li>1.d: Consideration of traffic flows north towards Kibworth, Leicester and M1 North. Most direct/quickest route is via Main Street Foxton out of the village leading onto the Langton Rd to the junction with the A6. Main Street in Foxton has a single vehicle width humpback bridge over the canal, there is no footway over the bridge, pedestrians have to walk in the roadway over a blind humpback bridge! Langton road is a very dangerous narrow winding country lane - there are regular accidents including 2 fatalities within the last 5 years. (Not mentioned?)</li> <li>1.e: Consideration of traffic flows to urban areas and villages south west of Leicester. Most direct/quickest route is via Foxton Locks over the single vehicle width (blind) humpback bridge and through Gumley village towards Laughton and Fleckney or Smeeton and Kibworth. (Not mentioned?)</li> </ul> </li> <li>CONCLUSION: These are only a few examples of considerations that have not been addressed in the Atkins report. May I respectfully ask the Planning Committee to consider requesting a comprehensive independent report that includes all potential traffic routes radiating out from the proposed new prison, including the potential impact on neighbouring villages, and the cumulative effect of this major development proposal alongside other approved developments as a whole. Neighbouring villages in Northamptonshire potentially affected by traffic flows to and from this development should also be considered and where appropriate consulted.</li> <li>There is provision for a S106 financial obligation to improve footpath A22 between Swingbridge Street and Foxton Primary School (section 6.3.19). The intended purpose of this path is to "provide safe routes to school removing the reliance of parking at the junction of Gallow Field Road and Foxton Road".</li> <li>I would like to make the planning committee aware of three significant oversights made by the Planning Officer that materially change the recommendation in the Planning Committee Report.</li> <li>In short, this measure is destined to fail and unless another idea comes to light, please disregard the conclusion in section 7.8 and replace it with the phrase: "significant weight should be afforded against the proposal in the light of traffic issues".</li> <li>No background information on Foxton School is provided in the Report and the Planning Officer has inexplicably chosen not to weigh any of the reasonable concerns from residents in the recommendations. I shall provide some background for you whilst explaining how some of the mistakes in the recommendations may lead you to a dangerous conclusion.</li> <li>Foxton School has a capacity of 119 pupils and currently has c.90 children on the register. The school lies approximately 650 metres from the proposed</li> </ul>
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	<p>development site. The school day runs from 8am to 5.30pm (including breakfast club and after-school care). Hence, the school day coincides with the peak traffic hours of the prison. Failure to recognise that children are being moved during peak traffic hours is the first oversight. In this regard, the assessment of impact on the local highway network (sections 6.3.24 and 6.3.36) is materially incorrect and misleading.</p> <ul style="list-style-type: none"> <li>• Foxton School has a large catchment area, covering Foxton village, Gumley and Gartree. Approximately one third of the school population comes from Foxton Village. A further third of the school population comes from the rest of the catchment area. The remaining third of the intake comes from outside the catchment area, including from Greenacres travellers' site and further afield.</li> <li>• Hence, many children travel a large distance to get to the school and they are necessarily driven by private car rather than walk. The extant path A22 between Swingbridge Street and Foxton School is already used by many Foxton village school children as the primary route to school. All the children who can reasonably walk to school on path A22 already do so. Increasing the width of this path to 2 metres would not and could not persuade any schoolchild to change mode from driving to walking. The current path is wide enough and there have been no reports of accidents/injuries on this footpath. Widening the path in a bid to increase its use by children is irrational and without foundation. The implication that a wider footpath will reduce traffic movements and increase pedestrian movements (section 6.3.19) is untrue and misleading.</li> <li>• It is absolutely unsafe to divert cars from parking outside the school to parking on Swingbridge Street. Swingbridge Street is narrow with no pavement. At the start and the end of the school day, there are many children walking on this street to/from home. Contrary to the misleading statement that there is a safer parking area in Swingbridge Street (section 6.3.19), there is no parking available at the Foxton end of the school footpath. It is not reasonable to expect parents from Gartree, Gumley or outside of the catchment area to park in Swingbridge Street and walk their children up the path. Common sense suggests that parents will do what they have always done: park outside the school.</li> <li>• Two issues are at stake here. Firstly, there is a lack of honesty in the report and its recommendations. Secondly, there is an implication that parents will need to change their modes of transport to allow easier traffic access for the prison. This isn't the right solution. An alternative approach would be to site the prison away from a primary school.</li> <li>• As you consider your choices regarding this planning application, please take into account that the errors embedded in the report will mislead you into thinking that there's no issue with increased traffic around Foxton School. Be aware that there is an issue and children's safety is at stake. Please reject this application on the grounds of Policy LNP16a, citing road safety as the issue.</li> <li>• There have been two recent separate reported fatalities on these roads showing that even the current low volumes of traffic cannot be adequately accommodated.</li> <li>• The A4304 between Lutterworth and Market Harborough is used as an alternative route by Highways England when the A14 is shut (accident, road repairs etc) and the roads in town and villages are greatly impacted on such occasions.</li> <li>• Additional traffic to a super prison will make such situations worse especially at junctions such as Foxton Road and the A 4304. Of particular concern is when prisoners are in transit and safety is crucial. This was not considered in the traffic reports.</li> </ul>
<b>Socio-Economic issues raised through representations</b>	<ul style="list-style-type: none"> <li>• What about the problem of homelessness and ex-offenders. I understand Harborough does not provide a homeless shelter. This service would need to be provided as part of planning consent.</li> </ul>

<p><b>Other issues raised through representations</b></p>	<ul style="list-style-type: none"> <li>• The Town and area has had considerable construction and development in the last fifteen years (some housing projects have been too big for the size of Town). There are some developments that have also benefited the area.</li> <li>• Leicestershire has already had a new super prison opened in Glen Parva.</li> <li>• Security and geographical distance to large back up policing support if needed. This includes having the road infrastructure to enable a community response. This could put our local community at risk in the event of an escalation.</li> <li>• The proposal is also cynically packaged by the MOJ whose representatives told us at their recent consultation in Lubenham that they planned immediately after this application to revive the plan for extending the existing prison. Their argument that this a separate prison is wholly disingenuous as for the local community the impact will be as if it is one super prison.</li> <li>• I would make a counter proposal that the land be used to develop sports and physical activities for the current Gartree prisoners as well as for local people. A secondary activity could also be agriculture, eg growing of fruit and vegetables, where current prisoners can learn new skills and increase their chances of employment on release. Indeed, the re-habilitation of prisoners has barely had a mention, but reducing their numbers should be the focus, rather than constructing more prisons</li> </ul>
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### **Additional Information from Applicants**

#### **Cushman and Wakefield (obo MoJ) response to Armstrong Rigg letter**

Cushman and Wakefield have prepared a response to the letter received from Armstrong Rigg Planning on behalf of Lubenham PC, Foxton PC, East Farndon PC, Great Bowden PC, Gumley PM, Laughton PM and Gartree Action Group. This can be seen in full at **Appendix B of this Supplementary Information List**.

#### **Atkins (obo MoJ) response to Edwards and Edwards letter**

Atkins have prepared a response to the letter received from Edwards and Edwards on behalf of Lubenham PC, Foxton PC, Laughton PM and Mowsley PM. This can be seen in full at **Appendix C of this Supplementary Information List**.

#### **Ministry of Justice Planning Committee Member Briefing Paper**

The MoJ have produced a factual briefing paper summarising the application submissions and proposals and drawing on elements from the Planning Officer Committee Report. This can be seen in full at **Appendix D of this Supplementary Information List**.

#### **Cushman and Wakefield (obo MoJ) in relation to Public Transport provision**

- MoJ met with LCC Highways (Lee Quincey) on 4th April 2022 to discuss a potential public transport contribution (minimum £500K).
- LCC Highways confirmed that they would be willing to discuss further a contribution to public transport.
- LCC Highways confirmed that this could be included in the Section 106 Legal Agreement for the New Prison (subject to receiving advice from their legal team).
- MoJ's team confirmed that they would prepare draft text for the public transport contribution for LCC's review later this week (i.e. w/c 4th April 2022). HDC to be copied in on this correspondence also.
- Once agreed text to be included into the draft Section 106 Legal Agreement (of which LCC would be a signatory).

#### **Cushman and Wakefield (obo MoJ) draft S106 Agreement**

Cushman and Wakefield have submitted a draft S106 Agreement for consideration on behalf of the Applicants. The draft agreement includes all of the provisions set out in **Appendix B of the main report**

### **Officer Comment in relation to Public Transport**

In relation to the late information regarding the potential provision of Public Transport funding through the S106, Officers have asked LCC Highways for their comment in relation to this. Officers consider that this is a positive action and, if LCC Highways confirm that they do require such a contribution to form part of the S016, Officers confirm that they would likely consider it to meet the necessary tests for S106 Obligations, and as such, would likely support such a request from LCC Highways. The Officer Recommendation has been amended to reflect this (see below)

#### **Officer Comment in relation to PRoW A22**

Further to comments raised regarding the S106 obligation for the improvement of the footpath from Foxton School to Swingbridge Street, Officers would comment as follows:

The S106 obligation was a request from LCC Highways, and not one instigated by HDC Planning Officers. Notwithstanding this, Officers do support the request and believe that the required improvements (resurfacing, repairing and widening where necessary) would provide a tangible benefit which could help minimise conflict between road users associated with the development and school drop off. It is accepted that we are unable to change the habits of drivers, however, by providing a safer alternative, it is hoped that people dropping off at the school by car will opt to use this rather than parking in more dangerous locations. In terms of comments received stating that there is no parking available at the Swingbridge Street end of this route, **Figures 3 and 4** clearly demonstrate that there is adequate space for cars to park in this area without impeding the flow of traffic along Swingbridge Street



**Figure 3: View looking east along Swingbridge Street towards PRoW A22**



**Figure 4: View looking south-west along Swingbridge Street towards PRoW A22**

#### **Amendments to Report**

- **Figure 12** of the original report states that 23 objections were received from Kibworth Harcourt, this should read 3.
- **Para 7.9** of the original report cross references to **Para's 6.15 – 6.26**, this should read **6.19 – 6.29**
- **Para 7.17** of the original report cross references to **Para's 6.15 – 6.29**, this should read **6.19 – 6.29**

#### **Amendments to Officer Recommendation**

The Officer recommendation should be amended to include the wording in *italics and underlined* and remove the wording which has been ~~*struck through*~~

Planning Permission is **APPROVED**, for the reasons set out in the report, subject to:-

- (i) The proposed conditions set out in **Appendix A (with delegation to the Development Planning Manager to agree the final wording of these)**; and
- (ii) The Applicant's entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 (and S38/S278 of the Highways Act 1980) to provide for the obligations set out in **Appendix B** and justified in **Section 6d** of this report; *and*
- (iii) *The inclusion of a Leicestershire Highways Public Transport obligation if requested by LCC and if considered by Officers to be Regulation 122 of the Community Infrastructure Levy Regulations compliant except;*  
*(a) if the contribution is found to be compliant but the applicant refuses to accept it the application is referred back to this committee; or*  
*(b) it is found not to be reg. 122 compliant the agreement be entered into without such a contribution*

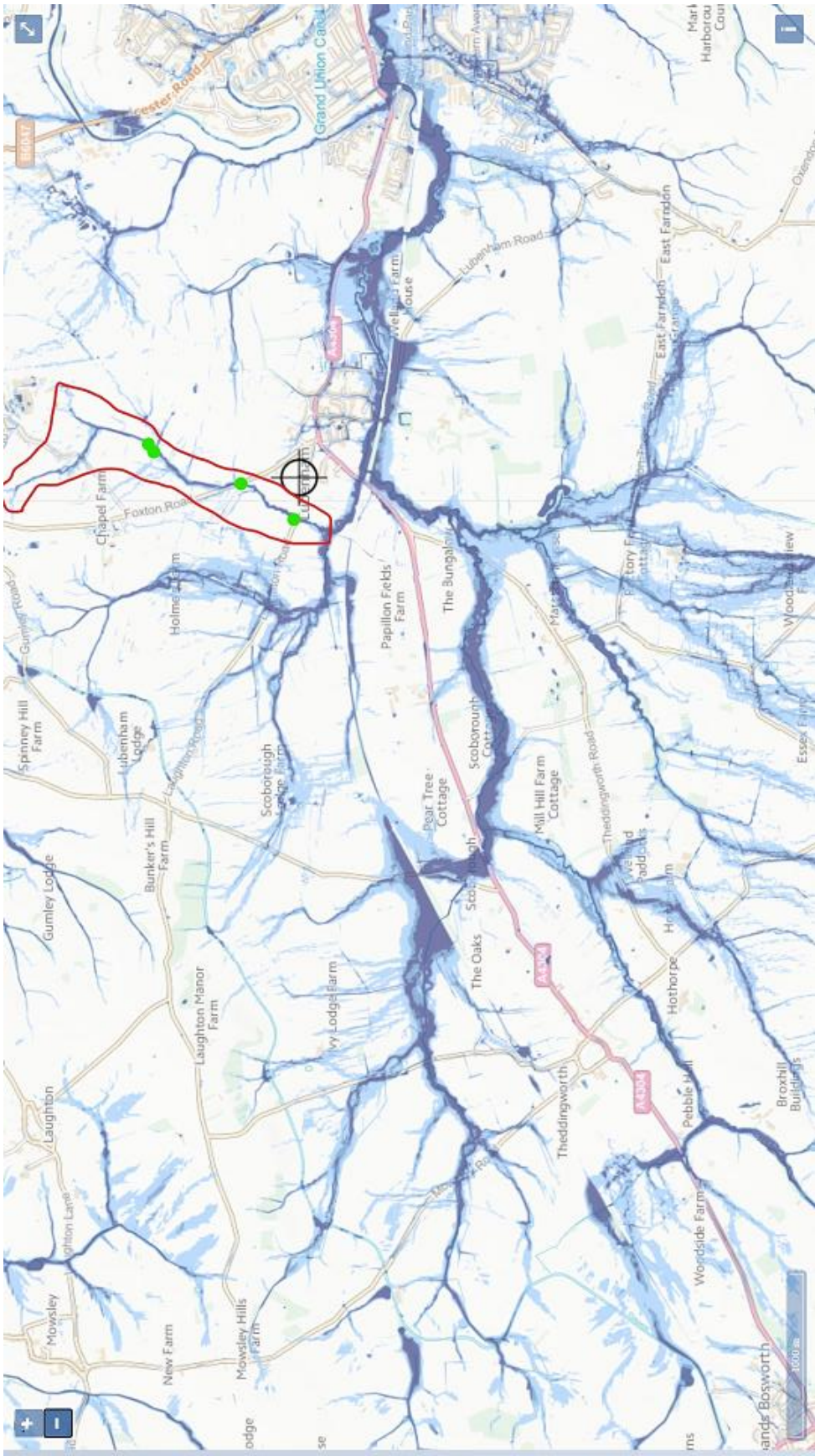
(with delegation to the Development Planning Manager to agree the final wording and trigger points of the obligations); ~~and~~

#### **Addition to speaker list:**

Lubenham Parish Council (LPC) has been added after it raised queries about the speaking registration procedure. It was added because Lubenham Parish Council agreed to allow use of its dedicated speaking spot by Armstrong Rigg to speak on its and other parishes behalf. As this is not an eventuality covered by the speaking advice guidance, and all interested persons

would welcome specific parish council input from the host parish on this proposal, LPC was added.

APPENDIX A: Lubenham Parish Council Plan sent to LLFA



## APPENDIX B: Cushman and Wakefield (obo MoJ) response to Armstrong Rigg letter



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Our Ref

29<sup>th</sup> March 2022

Dear Mark,

**Gartree2 Outline Planning Application ref: 21/01600/OUT**  
**Armstrong Rigg Planning – Letter on behalf of local Parish Councils and the Gartree Action Group**

I write in respect of the above letter from Armstrong Rigg Planning dated 22<sup>nd</sup> March 2022. For ease of reference, this response follows the same structure as the Armstrong Rigg Planning letter.

### **Conflict with the Development Plan**

Section 38 of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with relevant policies set out in the appropriate development plan, unless material considerations indicate otherwise. Material considerations in this context can include national planning policy (i.e. those policies within the National Planning Policy Framework) and site specific material considerations related to the application proposals.

The relevant Development Plan for this site is the Harborough Local Plan 2011-2031(adopted April 2019) and the Lubenham Neighbourhood Development Plan 2016 – 2031(adopted March 2017).

### ***Harborough Local Plan***

The development proposals comply with the majority of the relevant policies in the Harborough Local Plan including policies: GD1 (Sustainable Development), GD5 (Landscape Setting), GD8 (Design), CC1 (Climate Change), GI15 (biodiversity and habitats) and GI12 (Open space).

In respect of Policy GD3 (development in the open countryside), the socio economic benefits of the proposal including the creation of 778 new jobs, of which an estimated 737 could be taken up by people living within 40 mile radius of the site will outweigh the non-compliance with policy GD3 [detailed at Section 6.24 (p20 and 21) of the Planning Statement submitted with the planning application]. This a 'material consideration' to be considered in respect of Section 38 of the Planning and Compulsory Purchase Act 2004. The analysis of the proposals in respect of Policy GD3 is detailed at in sections 8.3 (p30) and sections 8.5-8.13 (p31) of the Planning Statement.

### ***Lubenham Neighbourhood Development Plan***

In respect of Policy LNP01, the proposed development will maintain a significant distance between settlements and will not compromise any existing gaps. The Landscape Visual Impact Assessment submitted with the planning application confirms only limited significant effects to local visual receptors. The landscape strategy will deliver enhancements to the physical landscape and landscape character. It is considered that

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the impacts to local receptors are acceptable and sufficient mitigation is delivered through the proposals set out in the landscape strategy. The proposed development is therefore considered to be in accordance with Lubenham Neighbourhood Plan Policy LNP01.

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

The proposals are in accordance with the NPPF, specifically the following sections:

- Paragraph 8 (3 objectives to Sustainable Development – Economic, Social and Environmental).
- Paragraph 92 (delivering healthy, safe and inclusive places).
- Paragraph 96 (delivering public service infrastructure).
- Paragraph 81 (provide a strong responsive and competitive economy).
- Paragraph 107 (parking).
- Paragraph 119 (make effective use of land).
- Paragraph 111 (Highways).
- Paragraph 127 (good design).
- Paragraph 130 (fear of crime).
- Paragraph 174 (biodiversity).
- Paragraph 194 (heritage).

It is therefore considered that the proposals are in accordance with the adopted policies in the Development Plan and the NPPF and that the material considerations (socio economic benefits of the proposals) outweigh the non-compliance with Policy GD3.

#### **Highways Impact**

It is considered that the applicant has fully demonstrated that the proposal will not have a significant highways impact, which has been confirmed by Leicestershire County Council (LCC) as highways authority in their response of 1<sup>st</sup> November 2021 and their subsequent response (following the Systra Report) on 11<sup>th</sup> March 2022. It is correct that Harborough District Council commissioned a review of LCC's initial Highways Advice (by Systra). Following this review, the MoJ's highways consultants (Atkins) prepared a detailed response. LCC Highways then provided a review of both the Systra response and Atkins response. LCC Highways response of 11<sup>th</sup> March 2022 maintains their position that the proposals will not have a significant highways impact. The highway authority's position on this is therefore clear.

It is noted that a Highways Response has been provided by Edwards & Edwards on behalf of the Parish Councils and Gartree Action Group. A response to Edward & Edwards letter has been prepared by the MoJ's highways consultants (Atkins) and is appended to this letter.

#### **Site Selection Process**

The site selection process is addressed in Sections 7.29 -7:38 of the Planning Statement (pages 28 and 29). In this section it clearly states that whilst MoJ land was considered, an extensive site search of non MoJ owned land was also conducted by Cushman & Wakefield 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. This section of the Planning Statement also clearly delineates the site criteria for the new prisons. The selection of the site adjacent to HMP Gartree was therefore the subject of careful and considered analysis.

The reference to retail sequential tests is not comparable here. This is not a retail development, the criterion for site search are different for a new prison than for a new retail unit.

In respect of employment levels, even if these are low, it seems perverse (and unrealistic) to state that development should not come forward because jobs are not required in the Harborough district. This is not a view reflected in Harborough's Economic Development Strategy 'Harnessing Harborough District 2018/2023' which in turn informed the Local Plan. One of the key aims of the Economic Strategy is to:

*'Ensure the economy is at the forefront of our thinking and how it is impacted and considered when we develop projects and policies' (p18).* The socio economic benefits of the new prison would have a significantly positive impact on the local economy. The proposed development is likely to generate 778 jobs with 737 of these likely to be undertaken by people residing within a 40-mile radius. These positions will be wide ranging as the prison will be a self-contained facility. Therefore, in addition to prison officers, roles will include (inter alia): nurses, doctors, dentists, teachers, therapists, advisors, religious leaders, probation officers and cleaners. The average salary for a prison employee would be approximately £38K.

It is considered that the site selection process is clearly identified within Sections 7.29-7.38 of the Planning Statement and as stated, it is considered that the socio economic benefits of the scheme (as a material consideration) will outweigh the non-compliance with Local Plan policy GD3.

### **Perceptions of Safety**

The proposed new prison will be a Category B secure prison, not Category C (as stated in the Armstrong Rigg Planning letter). This is an important distinction as Category C prisons serve an entirely different function to Category B prisons. A Category C prison is a resettlement prison in which prisoners are prepared for life beyond the end of their sentence. A Category B prison is a secure training prison where prisoners who are typically serving a longer sentence will be held securely. The proposed prison will be a closed facility. Men held at the prison would serve the majority of their sentences at the prison and then would typically be moved to a lower security prison (i.e. Category C or D) to finish their sentences. It is of note that the proposed prison will be the same category as HMP Gartree (Category B). In the last 30 years there have been no security issues with HMP Gartree with all prisoners held securely.

Any vehicles transporting prisoners to the prison would be secure and would go straight to the prison. They would not stop in any of the villages. These traffic movements have been considered as part of the Transport Assessment submitted with the application.

The Armstrong Rigg Planning letter makes reference to the HMP Five Wells (a Category C prison) and Glen Parva (also Category C prison). As stated above, Category C prisons serve a very different role than Category B prisons. The need for the proposed prison adjacent to HMP Gartree is required regardless of other prisons in the surrounding area. There is an acute need for new Category B prisoner places which the proposed four new prisons (of which Gartree2 is one) would address.

### **Enhancement Measures**

The Armstrong Rigg Planning Letter makes reference to a 'modest level of improvements'. This does not reflect the wide ranging community, economic and environmental benefits the scheme would provide including:

- Wildlife enhancement area to the north west of the site – providing informal recreation and biodiversity enhancement.
- Play area in Gartree Estate
- Improvements to the Gartree Estate
- Improvements to broadband for Gartree Estate

- Foxton Primary School - developer contribution (via the Section 106 Legal Agreement) of £102,898.00 towards improvements to the Public Right of Way (A22) linking Gallow Field Road and Swingbridge Street.

In addition to the above – the following financial improvements are to be delivered under Section 278 of the Highways Act:

Lubenham Village: £375K-£500K

- New Vehicle Activated Signs at four locations (including the upgrade of existing signs and two wigwags control signals for level crossings).
- Widen existing pedestrian refuge island between Rushes Lane and Foxton Road; including reducing width of the footpath on the southern side to accommodate widening as necessary.
- Installation of a new pedestrian refuge island between Westgate Lane/Foxton Road (at existing dropped crossing point).
- Gateway features at entrances to the village.
- Road Safety rumble strips at gateways.

Foxton Village: £375K - £500k

- Enabling Foxton to be a 20mph zone (exact details to be agreed).
- Traffic Calming measures/improvements to be installed at the junction with Swingbridge Street to deter vehicles from cutting through for access to Main Street.
- Gateway features at entrances to the village including 20mph signs as replacements to the 20mph signs.

Public Transport Contribution: £500K

- This would be a contribution to enhance bus services in the local area. We are currently in discussions with Leicestershire County Council on the delivery of this.

In addition to the above, as part of the Section 106 Legal Agreement a Community Engagement Plan will be agreed with Harborough District Council which will be renewed every 5 years. This means that the Community will be able to engage effectively with the new prison should they wish to raise any future community requirements or benefits. Indeed, we have already received some excellent suggestions as part of the engagement events at Foxton, Lubenham and Market Harborough.

### Public Opinion

In terms of public opinion it is exactly that – opinion. This letter presents the facts in respect of the issues raised by Armstrong Rigg Planning in their letter of 22<sup>nd</sup> March 2022.

There are a few important points of clarity in this section:

- The proposals represent a high quality design and have been carefully designed (with a substantial tree belt) to minimise visual impact. It is not correct to refer to the proposals as 'a 4 storey edifice'.
- The proposals are for a new prison not an extension to HMP Gartree. If granted planning permission the two prisons would run independently of each other.

### Conclusions

I would reiterate that this letter presents the facts in respect of the issues raised by Armstrong Rigg Planning in their letter of 22<sup>nd</sup> March 2022. The proposals represent a high quality scheme which should be granted planning permission.

I trust the above is in order, however, should you have questions or wish to discuss the above in more detail please don't hesitate to contact me.

Yours sincerely

A handwritten signature in blue ink that reads "K.R. Morgan". The signature is written in a cursive style with a large, looped "M" at the end.

Katharine Morgan MRTPI  
**Associate, Development and Planning**

### Technical Note

Project:	Proposed New Category B Prison, Land adjacent to HMP Gartree, Outline Planning Application 21/01600/OUT		
Subject:	Appendix A - Response to Edwards & Edwards Consultancy Ltd		
Date:	29/03/2022	Project No.:	5211562

#### Introduction

Atkins is a world leading design, engineering and project management consultancy. Atkins is appointed by the MoJ to provide highways advice in respect of the proposed new prison adjacent to HMP Gartree. As part of this work Atkins prepared the Transport Assessment (TA) and Framework Travel Plan which were submitted with the outline planning application for the new prison.

This rebuttal note has been produced by a highly qualified, experienced highway engineer from Atkins to respond to comments from Duncan Clarke at Edwards & Edwards Consultancy Ltd (E&E Consultancy). For ease of reference this rebuttal note follows the same structure as the E&E Consultancy letter.

It is noted that E&E has confirmed that this is a light touch review and does not provide any detailed interpretation of the evidence or considerations in respect of the modelling in the Transport Assessment prepared by Atkins or the review of that report by Systra.

#### Systra Review

E&E Consultancy has stated that there is no issue with the trip generation methodology, trip generation figures and the Tempro Growth Factors adopted in the TA. Further E&E Consultancy have stated that they are of the opinion that it is unlikely that the proposal would result in a highway capacity issue.

It is noted that E&E Consultancy is suggesting that the Gallow Field Road/B6047 junction is monitored at the applicant's expense. Whilst, this is not something that is required by Leicestershire County Council, it is something that the MoJ would consider if it was requested by Leicestershire County Council. It is of note that Leicestershire County Council has confirmed in their response dated 11<sup>th</sup> March 2022 that they are satisfied that the proposals will not have an unacceptable highway impact.

In terms of the pedestrian crossing for Lubenham Leicestershire County Council has unequivocally stated that they would not support such a crossing on highway safety grounds. It is a public highway, so it is not in the applicant's gift to provide this crossing. This is accepted by E&E Consulting in their letter.

### Transport Assessment – Atkins

The Transport Assessment prepared for Atkins is comprehensive, it includes analysis of the proposed access visibility splay and demonstrates that this meets the required standards. As stated, Atkins are a reputable Highways Consultant who approached the preparation of the Transport Assessment in an analytical way which included agreeing the scope of the report prior to its inception.

- A scaled plan has been provided for the proposed site access, showing the required visibility splays can be achieved.
- For off-site junctions, traffic surveys and road safety data have been reviewed and the agreed forecast junction modelling has concluded that the off-site junctions have sufficient capacity to accommodate the development. No further assessments are therefore required.
- It is not a requirement for applicants to assess visibility and design compliance at all local junctions. If it was a requirement Leicestershire County Council would have requested that this information be included in the Transport Assessment at the scoping stage, and they did not.

As stated, Leicestershire County Council has confirmed that the Transport Assessment (and analysis provided therein) is acceptable in their response dated 1<sup>st</sup> November 2021 and reiterated in their response dated 11<sup>th</sup> March 2022.

### Welland Avenue

The Transport Assessment has assumed that no traffic will travel along Welland Avenue. The development site access includes clear signage directing staff and visitors away from the Gartree Village. Further, we have included a series of traffic calming measures to deter access to Gartree, which still maintaining accessibility to Foxton Road for the residents of Gartree. This strategy is based on feedback from public consultation undertaken before submitting the application. We disagree that access to Gallow Field Road via Welland Road is preferable from a highways perspective, as the traffic calming measures and alignment of Welland Avenue will make it unattractive for staff and visitors, reinforced by clear instructions from prison management regarding travel routes. The MoJ is committed that Welland Avenue should not be used by staff and visitor vehicles, and accordingly the Travel Plan (Section 6.2) sets out a requirement to regular monitor use of Welland Avenue and engage with locals residents to get their feedback.

At the outset of their letter E&E Consulting confirmed that they had not taken any analysis of the modelling provided therefore, their comments on traffic routes in the second to last paragraph should be disregarded.

### Summary

The Transport Assessment prepared by Atkins has been confirmed as acceptable by Leicestershire County Council as confirmed in their response of 1<sup>st</sup> November 2021 and reiterated in their response of 11<sup>th</sup> March 2022. It is noted that E&E Consulting agrees with the key findings of that report.

Leicestershire County Council has advised that they will unequivocally not support a pedestrian crossing in Lubenham on highway safety grounds. It is therefore not within the applicant's gift to supply this.

Traffic Calming at Welland Avenue has been the subject of extensive consultation with local residents at the Gartree Estate, Harborough District Council and Leicestershire County Council. It is considered that the proposed scheme is robust and is accepted by both Councils.

It is therefore considered that the proposals are acceptable in highway terms and that the application should be granted planning permission.



## The New Prisons Programme – Our plans for a new prison in Harborough

Briefing for members of the Planning Committee

Outline Planning application reference number: 21/01600/OUT

The Ministry of Justice has submitted plans for a new Category B prison on land next to HMP Gartree, near Market Harborough. The proposed new prison would bring significant benefits to the area including: up to 280 jobs during construction; up to 780 permanent jobs directly within the prison sector once the site is operational; and increased spending in local businesses, equating to an estimated £40 million per year.

This proposal is part of the Government's 'New Prisons Programme' in which over £4 billion has been committed to make significant progress in creating 20,000 additional prison places across the prison estate by the mid-2020s. These additional prison places will support the aims of protecting the public, reducing the chance of prisoners re-offending and cutting crime. This is envisioned to be delivered through a combination of new builds, as well as extending existing prisons.

The Ministry of Justice (MoJ) and HM Prison and Probation Service (HMPPS) has considered where best we can develop new prisons, and where there is likely to be most demand for prison places. We believe that, following detailed feasibility work and a detailed site search, land next to HMP Gartree is an appropriate location for a new prison.

This pre-committee brief provides an overview of the plans and summarises the extensive community engagement undertaken. Planning officers have recognised the substantial need for and benefits of the proposed development, which justifies the scale and very significantly outweighs any potential harms, and have recommended the application for approval. We hope that you will support the application when it is considered by the Committee on 5th April 2022.



# The Application

Our proposals take the form of an outline planning application for a new Category B prison and associated ancillary facilities on land next to HMP Gartree. This outline application seeks to establish the principle of development with all detailed design matters reserved (aside from access).

The prison will have seven separate houseblocks (or living accommodation), with each block holding around 240 prisoners. The prison blocks will have 4 floors, with 60 prisoners on each. The overall maximum capacity of the prison is 1,715.

The prison will include a central space for prisoners which includes educational and medical facilities, a library, gym and prayer space. In addition, there will be a large sports pitch and 3 multi-use games area (MUGA) pitches. There will also be a visits hall with an adjoining outdoor family area that can be used by visitors and prisoners during visiting times. Workshops will be provided to help prisoners gain new skills and qualifications in both heavy and light industry. There will also be some polytunnels for gardening. The plans will also include designated visitor and staff parking spaces.

## What is a Category B prison?

Adult male prisons have four security categories. Category A prisons have the highest security and Category D prisons have the lowest security. In a Category B prison, prisoners are kept within the secure prison boundary at all times. Prisoners would not be released on temporary license from a Category B prison. When a prisoner approaches the end of their sentence and following rigorous monitoring, a prisoner is then able to be transferred to a Category C or resettlement prison to prepare them for release. As such, prisoners would not typically be released when at the new prison.

Prisoners are required to spend their time productively by working hard, improving their education or learning new skills.



# New Prison Design

We have developed a new design for safe and secure prisons which supports rehabilitation and reducing reoffending.

This design will help create a sense of community and promote safety and security, with prisoners living in smaller groups. Most cells will hold one prisoner with a small number of double cells holding two prisoners. All cells will have a shower and a toilet. In-cell technology will be provided to support prisoners to focus on turning their lives around, by getting the education and skills they need to move away from crime and into employment.

The proposed new prison will reflect the ambitious design shown at HMP Fosse Way, Leicestershire, and HMP Five Wells, Wellingborough. Most importantly, the prison will be secure for people living nearby, prison staff and for prisoners.

Careful consideration has also been given to the layout of the development, as the entrance has been strategically positioned off Welland Avenue as the existing trees will effectively screen the development from the public. Additionally, the route from the main road to the prison will be landscaped to provide a pleasant and calming approach for visitors and people passing by.



# Sustainability & Ecology Measures

Our 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 in operations, at least 25% Biodiversity Net Gain, and at least BREEAM 'Excellent' certification (best practice), with endeavours to achieve BREEAM 'Outstanding' (innovator) on site.

Key features of the sustainability strategy are outlined as follows:



Sustainable modes of transport will be encouraged for staff and visitors through the provision of cycle storage facilities and electric vehicle charging points. We are currently in dialogue with LCC to provide funding to enhance local bus services.



Construction waste will be minimised by applying modern methods of construction. 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.



New materials will be selected based on their environmental impact and responsible suppliers will be used. The materials will be sourced locally where possible to reduce transportation pollution and support the local economy.



The new prison in Gartree will be the second Net Zero Carbon ready prisons (Full Sutton will be the first). This is will be achieved through using 70% less energy and producing 90% less carbon through the use of high energy efficient building materials, photovoltaic panels and energy efficient lighting, appliances, and equipment.



Flow control devices and water efficient fixtures and fittings will be installed to reduce water consumption in line with BREEAM Wat 01 requirements. There will also be green drains and water treatment to manage surface water.



Ecological and habitat enhancements will be implemented to achieve at least 25% Biodiversity Net Gain. This will include planting 0.5km of native broadleaved woodland trees and 0.73km of new hedgerow to replace the 0.28km lost.



The local badger population will be protected through the creation of new, relocated badger setts linked to the open countryside.



Creation of five new ponds throughout the site to increase wetland connectivity. Designation of 33,000sqm of land as open space to the West of the development which will also be accessible by public walking.

# Public Engagement

The Ministry of Justice is committed to working in partnership with the council, businesses, third sectors, and the community as we have done at Five Wells, to work out what the opportunities are and deliver on them together – for everyone's benefit. This partnership will be maintained throughout the preparation of the plans and during the construction and operational phases of the development, should this be approved.

Ahead of submitting a planning application for this site, we undertook an initial period of pre-application public consultation between June and August 2021.

The engagement and consultation undertaken included:

- A series of meetings with Council Officers, as well as Ward and Parish Councillors;
- Issuing correspondence on the plans and how to submit feedback to 1,503 residents in the local area;
- Providing a dedicated website in which people could review the plans and submit feedback from the comfort of their own home;
- Hosting webinars, to allow local people to hear directly from the development team and ask live questions about the proposals;
- Holding a separate online meeting with residents of the Gartree estate to directly engage with those situated closest to the site;
- Facilitating a public exhibition at Lubenham Village Hall which was attended by 93 people. This was also promoted by a further letter to 1,503 residents.

Our consultation engagement activity resulted in a total of 387 responses being received from the local community. The feedback provided was then assessed by the project team and incorporated into the plans, where possible, ahead of submitting the outline application.

# Post Submission Activity

An additional round of engagement was held in March 2022 to reconnect with the community and provide clarity on key feedback themes raised upon submission of the application.

Our additional activity included the following:

- Additional meetings with officers and councillors;
- Updating the dedicated website with additional content (displayed in the public exhibitions) and providing an extensive FAQ brochure on the plans;
- Issuing correspondence to 1,503 residents in the local area, providing an update on the plans and inviting them to join a new Community Liaison Group.
- Hosting a virtual webinar to allow local people to hear directly from the development team and ask live questions about the proposals;
- Facilitating three public exhibitions in Foxton, Lubenham and at the Council Offices for the community to attend to receive an update on the plans. Hard copies of the material displayed and an FAQ were provided for those in attendance.

The events provided content on the common feedback themes received and members project team were available to answer questions. Approximately 130 people attended the events, and a good number of individuals also provided suggestions about community projects which could potentially benefit from future funding.

Throughout this engagement exercise, members of the public were invited to join a Community Liaison Group on the plans. We are continuing to engage with those that wished to join, with the intention of holding a kick-off meeting in spring 2022.

This additional activity has been invaluable in engaging directly with the community on the plans, which has helped address key questions on the scheme and provided reassurance to the public that we are here and listening. This is intended to be the start of an ongoing dialogue with the local community, as we look to build a closer, long term and productive relationship outside the planning process.

# Social Value & Community Benefits

The new prison will deliver upto 780 new local jobs. Specifically, 25% of the onsite jobs will be held by people living within 25 miles of the site.

Delivering real social value and community benefits has been embedded into our plans. Subject to planning permission, we will create a Social Value Handbook for the site, which will include our commitments to the community. Our commitments will be monitored to demonstrate the social and economic benefits of the project to the communities and businesses in Harborough and the wider area.

Additionally, following engagement with local residents and the wider public, further community benefits have been identified at this early stage. These would be built upon throughout the remaining planning process and upon construction and operation (subject to planning application approval).



## Local Benefits

- Working with Voluntary, Community and Social Enterprises and undertaking annual community projects;
- Holding local events and site tours;
- Providing 1,750 Work placement days and 50 apprentice opportunities;
- Monthly newsletters to the local community summarising activity undertaken.



## Gartree Improvements - circa £3 - £4.25 million

- A new play space for Gartree Village on MoJ owned land, following extensive engagement with estate residents.
- Demolition and clearance of derelict garages in Gartree.
- Weekly inspections around the prison and the Gartree estate to identify potential local issues and resolve them (i.e. litter).
- Acceleration of fibre connectivity (FTTP) to residents' houses within Gartree estate
- Explore conversion of a MOJ owned building into a usable asset for use by the local community.
- Working with residents on Welland Avenue to understand if resurfacing works can take place on the private road.
- Contributing to improving local bus services (details to be agreed).



## Highways Improvements - circa £750k - £1m

- Traffic calming measures around the site and for neighbouring villages.
- Creation of a new pedestrian refuge island between Westgate Lane / Foxton Road and widening existing pedestrian refuge island between Rushes Lane and Foxton Road in Lubenham.
- Creation of a 20mph zone in Foxton (exact details to be agreed).

21/02032/FUL	Subdivision of dwelling to recreate 3 dwellings 1 - 3 Oswin Cottages, Town Street, Burton Overy
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21/01320/OUT	Outline application for the demolition of existing dwelling and commercial buildings and for the erection of seven dwellings (access to be considered)  33 Dunton Road, Broughton Astley
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Neighbour objection:

*With reference to the above application I draw your attention to the following:-*

*In your agenda for the meeting to be held on the 5th April 2022, item 8, Applicants 5th April, page 316, items 6.14-6.15, (copy attached), you state that the window to the study of number 4 Thorneycroft Close is on the first floor of the house and is not a principal window. Both of these assumptions are incorrect, the study window is on the ground floor, is not small, and is a principal window. It states that the proposed separation distances comply with SPD Chapter 2. This is not the case. (See attached original objection)*

*On page 320 it states that the following drawings are correct:- Proposed illustrative site plan Drawing No. 201453-PL04 – Revision-C Proposed site plan – Drawing No. 201453—PL05 – Revision B In fact only Drawing No. 201453-PL04 – Revision-C is correct Drawing No. 201453—PL05 – Revision B is incorrect and shows no. 4 Thorneycroft Close in the wrong position with the wrong footprint. I am a loss to understand how these important matters have been misconstrued or misunderstood and expect the planning department to inform the members of the planning committee individually.*

21/02155/REM	Erection of 315 dwellings and associated garage and parking (Reserved matters of 13/01483/OUT) (revised scheme of 17/01966/REM, including details of appearance, landscaping and layout for substitution of plot numbers 201-221, 223, 225-233, 235-249)  Land to The West Of Leicester Road, Market Harborough
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Local Highway Authority (29.03.2022)

The initial observations highlighted two issues with the internal layout that needed addressing as part of the planning application before the LHA would consider adopting the roads within the development as publicly maintainable highway. These were as follows:

- Conflict between the driveway of plot 208 and the adjacent ramp; and
- Road 202 requires further speed control as 40m spacing is exceeded.

The applicant subsequently submitted drawings and documents (10.03.2022)

After a review of the submitted plans the LHA is pleased to advise the LPA that the information submitted demonstrates a layout which the LHA would consider acceptable for the purposes of the planning application and future adoption by the LHA. Therefore the LHA would not advise refusal of 21/01222/REM on highway grounds subject to the inclusion of the conditions outlined below.

## Conditions

1. No residential unit shall be occupied until the parking and turning facilities associated with that unit have been implemented in accordance Davidsons drawing number: 2007-100, 'Planning Layout - Phase 7 Land to the West of Leicester Road', Revision C07, dated 10 March 2022. Thereafter the onsite parking provision shall be so maintained in perpetuity. Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).
2. Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG20 of the Leicestershire Highway Design Guide. The private access drives should be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity. Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, and to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).
3. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary and shall be hung to open away from the highway. Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2021).
4. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of all private accesses with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity. Reason: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2021).

## Informative

Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk) in the first instance.

To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).

Page: 350

21/02020/VAC	<p>Erection of 72 dwellings to include means of access from Coventry Road, public open space and all other ancillary works (variation of Conditions 2 (approved plans) and 21 (FRA compliance) of 19/00853/FUL to facilitate the delivery of the scheme as 100% affordable homes)</p> <p>Allotments, De Verdon Road, Lutterworth</p>
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21/02182/REM	Erection of 123 dwellings and associated highways, landscaping, public open space, and pedestrian links (Phase 2 of the development, as shown on the phasing plan approved under 21/02259/PCD) (Reserved Matters of 19/01989/VAC including details of access, appearance, landscaping, layout and scale)  Land South Of, Kettering Road, Market Harborough
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Condition 1 amendments/typos

Phase 2 Soft landscape plans ref: GL1290 910C

Existing site levels plan ref: KRPH2\_105

Noise Assessment Rev A (dated March 2022)

Market homes, Affordable Homes and Garages drawing schedule P04:

22/00566/VAC	Change of use to a ladies only fitness centre (Variation of Condition 1 (Opening hours) of 05/00939/FUL), to amend the opening hours to allow increased use of the premises. 1 Angel Court, High Street, Market Harborough
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APPLICATION WITHDRAWN

21/01832/FUL	Change of use of land for siting of 1 mobile home to provide 1 no. Gypsy and Traveller pitch. Land Opposite Wild Meadow, Bowden Lane, Welham, Leicestershire
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Cllr Michael Rickman

As Nevill ward councillor I fully support the officer's recommendations on these two applications to refuse.

The area is notorious for flooding and the lane is not suitable for regular traffic. It is not a safe or suitable site for residential use.

Additional correspondence on behalf of applicant:

**Our ref:** Mitigation and Recommendations (Letter.)

**Site Address:** Stable View and Cosey Corner, Bowden Lane, Welham, LE16 7UX

**Jamie Smith**






04/04/2022

**Re: Stable View & Cosey Corner**





STM were appointed by **Jamie Smith**, to carry out professional consultancy services in connection with the sites at Stable View and Cosey Corner. STM Environmental Consultants undertook Flood Risk Assessments for each site, the report references are; 'FRA – 2021 – 168' and 'FRA – 2021 – 169' respectively.

This letter has been requested by the local planning authority to outline mitigation and recommendations of the proposed development in regard to flood risk and drainage.

**Mitigation:**

-  In line with EA guidance, FFL of the mobile homes will be set to 600mm above the estimated flood level at 68.1mAOD;
-  The mobile homes will be placed on stilts, which rise above the floodplain, ensuring no loss in flood plain storage. Furthermore, this will reduce the impact of flood flow route through the site;
-  Occupants will sign up for EA Emergency Flood Warning Direct Service;
-  Safe refuge is a 3-minute drive away and occupants will always have access to a vehicle;
-  Development will result in no change to impermeable area and so local flood risk will not be increased;

**Recommendations**

-  A Flood Emergency Plan should be produced and be available within each mobile home;
-  Drainage features should be incorporated into the design which could include: green roofing and rainwater harvesting/attenuation.;
-  All access roads will be designed with permeable surfaces;
-  No ground raising;

If any further information is required, please don't hesitate to contact STM Environmental on the contact details

Yours faithfully,

**Josh Braithwaite (BSc)**  
**Flood Risk and Drainage Consultant**

21/01831/FUL	<p>Change of use of land for siting of 1 mobile home to provide 1 no. Gypsy and Traveller pitch</p> <p>Land Opposite Wild Meadow, Bowden Lane, Welham, Leicestershire</p>
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Cllr Michael Rickman

As Nevill ward councillor I fully support the officer's recommendations on these two applications to refuse.

The area is notorious for flooding and the lane is not suitable for regular traffic. It is not a safe or suitable site for residential use.

## Planning Committee Speakers List – 5<sup>th</sup> April 2022

Speakers please note that the Council's constitution requires evening meetings to end after three hours, unless the Committee votes to continue the meeting. If a meeting does adjourn, remaining business will be considered at a time and date fixed by the Chairman or at the next ordinary meeting of the Committee and the existing speakers list will be carried forward.

Application	Parish	Speaker	Type	Time (mins)
21/01600/OUT	Lubenham	John Martin	O	3
		Francesca Broadfoot (Gartree Action Group)	O	3
		Adrian Carr	O	3
		Tim Coles-Atkins	S	3
		Katherine Morgan	AG	3
		Robin Seaton	A	3
		Alex Munro	PC	3
		Diana Cook	PC	3
		Cllr P Knowles	STC	5
		Cllr P King	STC	5
		Cllr Dr Bremner	WM	5
21/02032/FUL	Burton Overy	Grant Cotton	A	3
		Robert Warwick	PC	3
21/01320/OUT	Broughton Astley	Carl Dryden	O	3
		Malcolm Humphrey	O	3
		Nick Cox	AG	6
21/02155/REM	Market Harborough			
21/02020/VAC	Lutterworth	Jake Stontiford	AG	3
21/02182/REM	Market Harborough	Carl Stott	AG	3
21/01831/FUL	Welham	Reuben Arrowsmith	A	3
21/01832/FUL	Welham			
22/00566/VAC	Market Harborough	APPLICATION WITHDRAWN		

**Key to Speaker Type: O = Objector, S = Supporter, PC = Parish Council, A = Applicant/to speak on behalf of applicant, AG = Agent, STC = subject to confirmation, WM = Ward Member**

### **PLANNING COMMITTEE MEMBERSHIP 2021/22**

***Councillors Mrs Ackerley, Mrs Burrell, Champion (Chairman), Frenchman, Galton, James, Liquorish, Modha (Vice-Chairman) and Nunn.***

*Please note – any Councillor unable to attend a meeting can be substituted with prior notice being given. Any substitutions will be announced at the start of each meeting.*