

Index of Applications for Determination

Meeting of the Planning Committee, 5th April 2022

Application Ref	Parish / Ward	Applicant	Page Number
21/01600/OUT	Lubenham / Lubenham	Ministry of Justice	14
21/02032/FUL	Burton Overy / Glen	Mr G Cotton	296
21/01320/OUT	Broughton Astley / Broughton Astley South and Leire	Jo Bailey	319
21/02155/REM	Lubenham / Lubenham	Davidsons Developments Ltd – South Midlands	339
21/02020/VAC	Lutterworth / Lutterworth West	Minster Property Group	350
21/02182/REM	Market Harborough / Market Harborough Little Bowden	Davidsons Developments	372
22/00566/VAC	Market Harborough / Market Harborough Logan	Mrs J Vaughan	394
21/01831/FUL	Welham / Nevill	Mr Reuben Arrowsmith	409
21/01832/FUL	Welham / Nevill	Mr Jamie Smith	418

Planning Committee Report

Applicants: Ministry of Justice

Application Ref: 21/01600/OUT

Location: Land Adj HM Prison, Welland Avenue, Gartree, Lubenham

Proposal: Outline Planning Application with 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

Application Validated: 20th September 2021

Application Target Date: 20th December 2021 (Extension of Time agreed through PPA)

Site Visit Dates: 23rd September 2021, 7th October 2021, 14th October 2021, 9th November 2021, and 8th March 2022

Reason for Committee Decision: The application is to be determined by Planning Committee due to the scale and nature of the proposed development and due to the fact that it is contrary to the Development Plan

Parish / Ward: Lubenham / Lubenham

Recommendation

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

1. Introduction

- 1.1 Throughout the report, a number of reports, studies and organisations are referred to. To aid the reader, these are shortened to their relevant acronym, a list of which is available at **Figure 1**.

Acronym	Meaning / Report Name
ALC	Agricultural Land Classification
AOD	Above Ordnance Datum
AONB	Area of Outstanding Natural Beauty
AoS	Area of Separation
AQMA	Air Quality Management Area
BNG	Biodiversity Net Gain
BMV	Best and Most Versatile Land
BREEAM	Building Research Establishment Environmental Assessment Method
CEMP	Construction (Traffic) Environment Management Plan
CJS	Criminal Justice System
CPRE	Council for the Protection of Rural England
DAS	Design and Access Statement
DMPO	The Town and Country Planning (Development Management Procedure) (England) Order 2015
DP(D)	Development Plan Document
EA	Environment Agency

EHO	Environmental Health Officer
EIA	Environmental Impact Assessment
ES	Environmental Assessment
FNP	Foxton Neighbourhood Plan
(S)FRA	(Strategic) Flood Risk Assessment
Fte	Full time equivalent job
FTTP	Fibre to the Premises broadband
GCN's	Great Crested Newts
GVA	Gross Value Added
Ha	Hectares
HE	Historic England
HLP	Harborough Local Plan 2011-2031
HMPPS	Her Majesty's Prison and Probation Service
INNS	Invasive Non Native Species
LCC	Leicestershire County Council
LHA	Local Highways Authority (Leicestershire County Council)
LLFA	Leicester and Leicestershire Lead Local Flood Authority
(L)LCA	(Local) Landscape Character Assessment
LNP	Lubenham Neighbourhood Plan
LPA	Local Planning Authority
LTP	Leicestershire Local Transport Plan
LVIA	Landscape and Visual Impact Assessment
LWS	Local Wildlife Site
MoJ	Ministry of Justice
MUGA	Multi Use Games Area
NIA	Noise Impact Assessment
NH	National Highways
NPPF	National Planning Policy Framework / The Framework
(N)PPG	(National) Planning Practice Guidance
PPA	Planning Performance Agreement
PRoW	Public Right of Way
SAM	Scheduled Ancient Monument
SPG	Supplementary Planning Guidance
SRN	Strategic Road Network
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Drainage Systems
TA	Transport Assessment
TCPA	Town and Country Planning Act
TP	(Outline) Travel Plan
WHO	World Health Organisation

Figure 1: Glossary of terms

2. Site & Surroundings (including site history)

- 2.1 The application site comprises 28.9ha of land in MoJ ownership. The development site is situated to the South of the existing HMP Gartree (a Category B Prison) (see **Figures 2 & 3**) and comprises three land parcels (see **Figure 2**). Parcel 1 comprises farmland to the south east of Welland Avenue, Parcel 2 is open space to the north west of Welland Avenue and Parcel 3 is an area of open space within Gartree and to the north of Welland Avenue which has been identified as having potential for amenity/play space for Gartree. The site is accessed via Welland Avenue.



Figure 2: Land Parcels

2.2 The site is predominantly flat with a gentle slope on the west side. The site comprises part of the former RAF Market Harborough base (the current HMP Gartree is also built on the former RAF base). The land to the south of HMP Gartree and south east of Welland Avenue (Parcel 1) is currently in use as farmland with isolated trees and hedgerows. There is a brook running through the site (which it is proposed will be diverted). To the north is HMP Gartree, to the east is an access road leading to the existing prison with farmland beyond this. To the south is farmland and to the north west is Welland Avenue (with land parcel 2 beyond this) and the Gartree estate – a collection of houses formerly in MoJ’s ownership and connected to HMP Gartree but now in private ownership.

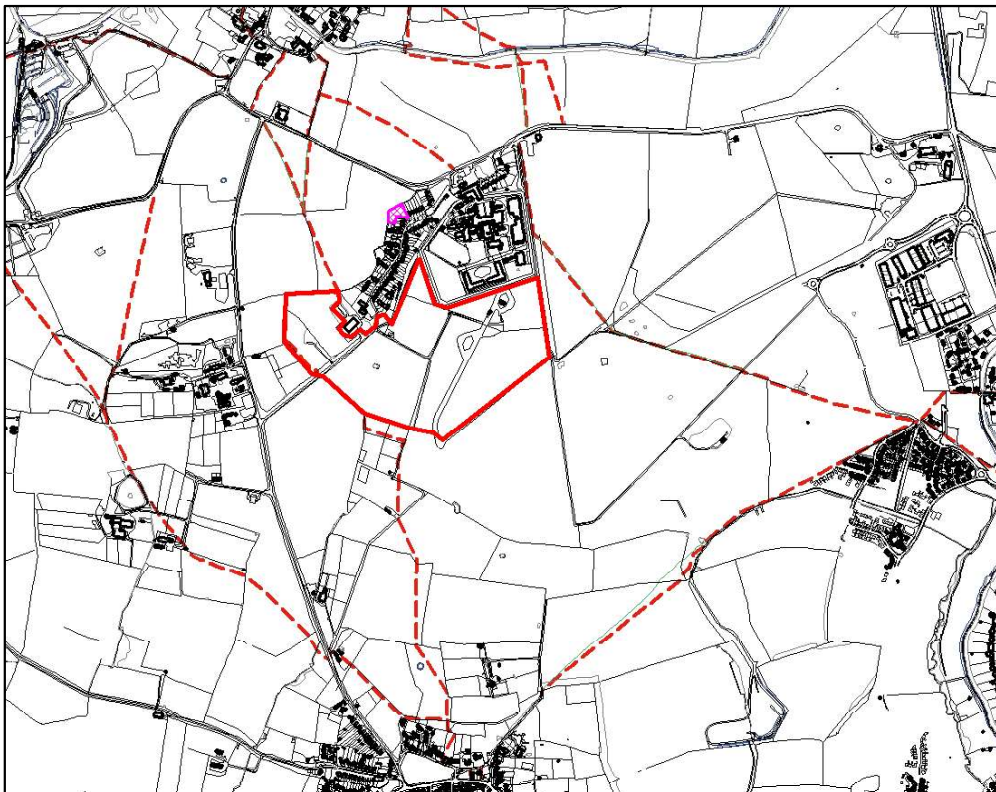


Figure 3: Site Location Plan

- 2.3 The land parcel to the north west of Welland Avenue (Parcel 2) is currently open space used informally for recreation by residents of neighbouring Gartree. To the east of this land is a large storage depot (related to HMP Gartree) with the former Prison Officer's Club and training facility beyond this. To the north is a public footpath which is to be retained, and to the west is farmland.
- 2.4 Parcel 3 comprises a small parcel of land within Gartree, and was identified for its proposed use following the public consultation carried out by the Applicants. This land has been identified as having potential for an informal play space/recreational space for the estate and is included in the red line boundary for the site.
- 2.5 Parcel 1 will encompass the main prison site. The site is identified as being within the open countryside on the Harborough Local Plan proposals map and is not allocated for any form of development. Parcel 2 is allocated as open space within the Harborough Local Plan under Policy GI2, and it is proposed that this land will remain in open space. Likewise, Parcel 3 is also allocated as open space within the Harborough Local Plan under Policy GI2.
- 2.6 The application site does not lie in a 'sensitive area' (i.e. SSSI, National Park, AONB, World Heritage Sites, Scheduled Monuments and European Sites) for the purposes of Environmental Impact Assessment. The site is not a designated Nature Conservation site (i.e. SSSI, local nature reserve etc.).
- 2.7 There are no listed buildings on the site or within close proximity to it. The site is not in a conservation area nor does it include or form part of a Scheduled Monument. The site is a former WWII Airfield and as such has a historical significance and potential for archaeological importance.
- 2.8 The application site is within an area at low risk of flooding from rivers or reservoirs (Flood Zone 1). Land in Flood Zone 1 is considered suitable for the development of all forms of land use.
- 2.9 The existing HMP Gartree is a Category B mens prison in Leicestershire approximately 2miles north-west of Market Harborough town centre. Junction 20 of the M1 is approximately 10miles to the south-west of the site. The centre of Lubenham is situated approximately 0.9mile to the south of the application site, whilst the centre of Foxton is situated to the north east of the site, also approximately 0.9mile from the site (see **Figure 3**). The closest railway station to the site is Market Harborough (3.75miles by road). This provides mainline services to London and the south-east as well as the midlands and north. There is a regular bus service (hourly) from Market Harborough Railway Station to HMP Gartree.
- 2.10 The site has limited planning history of significance that is relevant to the proposed development, however, there is a significant Planning History to the adjoining northern site which relates to the operational use of HMP Gartree, including the recently approved 21/01469/FUL which related to operational works. Furthermore, the MoJ did submit an application for the erection of an additional Houseblock and other ancillary development (21/02128/FUL), however, this has subsequently been withdrawn.

3. The Application Submission

a) Summary of Proposals

- 3.1 The application relates to an Outline planning proposal for a Category B Prison. The outline application will consider the means of access and the scale of the development with other matters including appearance, landscaping and layout to be considered as

part of a subsequent reserved matters planning application. In summary, the proposed development is set out at **Figure 4**.

Building	Number of buildings proposed	Indicative Building Parameters	
		GEA (sqm)	Storeys
Entrance Resource Hub (ERH)	1	4729	3
Support Building	1	797	2
Central Services Hub	1	5668	2
Kitchen	1	2393	2 (with mezzanine)
Workshops	2	13,308	2
Care and Separation Unit (CASU)	1	1125	1
Houseblocks	7	53,122	4
Total	14	81,143	

Figure 4: Development Summary

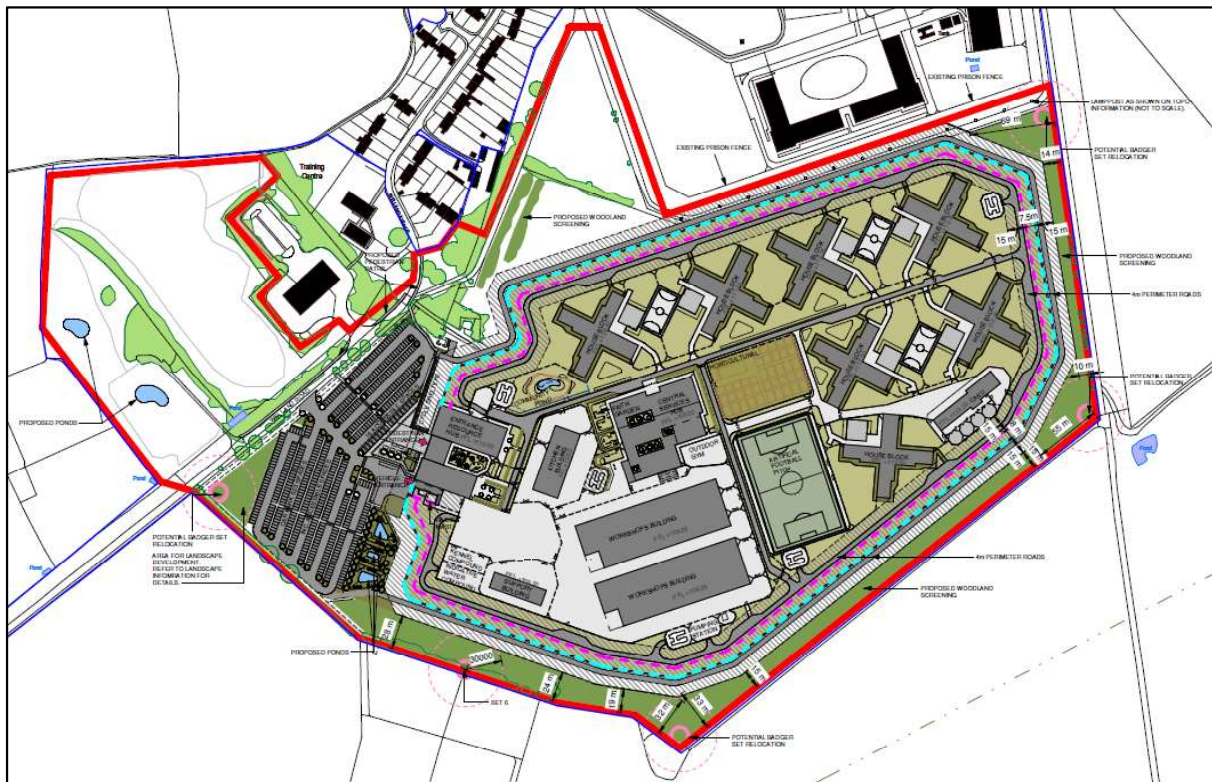


Figure 5: Proposed Indicative Layout

- 3.2 The seven proposed houseblocks will each accommodate up to 245 prisoners (1,715 prisoners in total). Other development proposed includes kennels, polytunnels, car parking (c. 523 spaces), internal road layout and perimeter fencing. A bicycle shelter is also proposed.
- 3.3 The application proposes a maximum floorspace amount of 82,555sqm (GEA). This is expected to be provided across 14 buildings, laid out as suggested on the Indicative Site Layout Plan (see **Figures 5 and 6**).



Figure 6: Indicative Aerial view of proposals

- 3.4 The secure compound area of the site will be enclosed by a perimeter fence extending to 5.2m high. The fence will comprise a steel post and weldmesh panel fence with 2.4m high steel sheet in an inner concrete apron. The fence will not be externally lit, instead lit internally, whilst CCTV cameras will be mounted on columns inside the secure perimeter.
- 3.5 The Entrance Resource Hub (ERH) is proposed to form part of the external secure line (see **Figure 7**) and will include the gatehouse that monitors vehicles entering the secure compound including prisoner transfers and deliveries to the facilities on site such as the kitchen or workshop. There will also be various internal fences and gates separating buildings and creating zones within the secure compound. The illustrative site layout plans at **Figures 5 and 6** indicates how this may be laid out however this will be confirmed as part of a reserved matters application.



Figure 7: Indicative view of ERH

- 3.6 The site access point will be located off Welland Avenue. The applicants have designed the entrance to ensure suitable visibility splays are achieved for all vehicles likely to visit the site. The position of the access on Welland Avenue has sited as far away as possible from the Gartree estate to minimise impacts from vehicular traffic.
- 3.7 The car park for both staff and visitors will be located in front of the ERH. It will provide 523 parking spaces, which the Applicants have calculated on the basis of assumptions over staff and visitor numbers based on evidence from other facilities as well as consideration of shift patterns, the availability of public transport and anticipated modal

split amongst staff. The car park is proposed to include 16 accessible car parking spaces located close to the entrance building, 53 electric vehicle charging spaces and 27 spaces set aside for car sharing users. A 51 space covered cycle parking area will be positioned on the plaza outside the entrance building.

- 3.8 The site is broadly split into the public zone and the secure area. The public zone comprises the car parking area and pedestrian access points up to the entrance plaza outside the ERH (see **Figure 8**).



Figure 8: Public / Private realm

- 3.9 The Applicants have stated that the new prison will be designed and built to be highly sustainable and to exceed local and national planning policy requirements in terms of sustainability. MoJ's aspirations include targeting near zero carbon operations, 10% biodiversity net gain, and at least BREEAM 'Excellent' certification, with endeavours to achieving BREEAM 'Outstanding'.
- 3.10 The wider red line boundary includes land to the north of Welland Avenue which will be used for an area of biodiversity net gain enhancement (see **Figure 5**). This is so that it includes all of the land required for compensatory landscape planting and ecological enhancement, delivering a minimum 10% biodiversity net gain on site.

b) Documents submitted in September 2021

- i) Plans
- 3.11 Plans have been submitted showing the extent of the site, the proposed indicative layout and details of the proposed point of access to the site. A Landscape Masterplan has also been submitted indicating how the development could appear.
- ii) The Design & Access Statement
- 3.12 The Design and Access Statement (hereafter referred to as DAS) provides information to explain and understand the proposals, to demonstrate the decision making process used to help develop them and the reasoning behind key decisions that have shaped the proposed development.
- iii. Supporting Statements
- o *Planning Statement (prepared by Cushman and Wakefield, August 2021)*
- 3.13 This Statement sets out the planning policies and guidance of particular relevance to the development proposals. It identifies the extent to which the proposed development complies or conflicts with each of the policies and, where relevant, refers to other

documents in the application submission that further explore the consistency of the proposal with the intent of policy.

- *Heritage Report (prepared by The Heritage Advisory, August 2021)*
- 3.14 The document outlines the historic evolution of both the application site and wider locale, before setting out relevant heritage assets, and discussing the potential for their significance to be affected by proposals.
- *Transport Assessment (TA) (prepared by Atkins, August 2021)*
- 3.15 The purpose of this TA is to evaluate the transportation aspects of the development proposals and consider the existing highway network and sustainable transport provision within the vicinity of the proposed development. This TA has been prepared in accordance with Government Guidance¹. This TA should be read in conjunction with the OTP and Framework CTMP for the proposed development. It is well known that COVID-19 has impacted the way that people travel. The Transport Assessment required information on how many vehicles are using nearby roads. Traffic surveys were undertaken in June 2021. To ensure that the data collected in 2021 is representative of traffic flows prior to COVID-19, the traffic surveys have been validated against historic traffic data from 2017 and 2018 (provided by Leicestershire County Council).
- *Outline Travel Plan (OTP) (prepared by Atkins, April 2021)*
- 3.16 This OTP has been prepared in accordance with Government guidance², and in compliance with BREEAM 2018 New Construction Tra01 and Tra02. This OTP provides a strategy for the proposed development, including a range of outline measures to encourage travel by sustainable modes (walking, cycling, public transport and car sharing) amongst staff and visitors to the prison. Within this document is an Action Plan which details a range of tailored measures for the prison. The OTP can be used as a basis for the development of a full Travel Plan (TP), once the prison is fully operational and the staff are in place to coordinate delivery and monitoring. The TP will need to be revised and reviewed throughout the lifecycle of the proposed development and occupation of the site.
- *Construction Traffic Management Plan (CTMP) (prepared by Atkins, August 2021)*
- 3.17 This Framework CTMP outlines the systems and procedures that will be followed to warn, inform and guide road users and members of the public, through or around all works related to the construction phase of the proposed development. All employees, contractors, management staff and third parties with any involvement in the construction of the proposed development, regardless of employer (from this point forward referred to as construction personnel) must adhere to this Framework CTMP. The Contractor responsible for the construction of the development is yet to be appointed, however they will implement all elements of this Framework CTMP, risk assess all work activities and, where necessary, apply measures to eliminate/ control risks to staff or visitors. This Framework CTMP provides practical guidance on control measures that will be implemented and highlights the points for consideration and necessary actions. This Framework CTMP should be read in conjunction with the associated TA and OTP for the proposed development.

¹ [Travel Plans, Transport Assessments and Statements - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements)
(<https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements>)

² [Travel Plans, Transport Assessments and Statements - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements)
(<https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements>)

- 3.18 ○ *Landscape and Visual Impact Assessment (prepared by Pegasus, August 2021)*
This landscape and visual impact assessment (LVIA) has been prepared to determine the likely landscape and visual effects of the proposed development at HMP Gartree, Market Harborough. The methodology used for this LVIA is based upon National guidance. The scope of the LVIA in relation to representative viewpoint photograph locations and the production of verified view montages were discussed and agreed with the Local Authority during the pre-application period.
- 3.19 ○ *Ecological Impact Assessments and Reports (prepared by CGO Ecology Ltd, August 2021)*
CGO Ecology Ltd (CGO) was instructed by Mace Ltd, on behalf of the Ministry of Justice (MoJ), to conduct an Ecological Impact Assessment (EclA) to accompany the application. The EclA aims to evaluate the ecological evidence gathered, identify important ecological features, potential impacts, mitigation, compensation, residual impacts, and enhancements. The MoJ aspires to achieving at least 10% Biodiversity Net Gain (BNG) on its new prisons, and 'Excellent' or 'Outstanding' BREEAM rating.
- 3.20 ○ *Arboricultural Impact Assessment (prepared by Tyler Grange, August 2021)*
This Arboricultural Impact Assessment and Method Statement has been prepared by Tyler Grange Group Limited on behalf of Mace Group to accompany the submitted Planning Application. This report provides details of a tree survey and assesses the impact of the proposed development towards existing trees. This report has been guided by the recommendations set out within the relevant British Standard³.
- 3.21 ○ *Flood Risk Assessment (prepared by Hydrock, August 2021)*
This Flood Risk Assessment report has been prepared to address the requirements of the National Planning Policy Framework (NPPF), through:
 - Assessing whether the site is likely to be affected by flooding.
 - Assessing whether the proposed development is appropriate in the suggested location.
 - Presenting any flood risk mitigation measures necessary to ensure that the proposed development and occupants will be safe, whilst ensuring flood risk is not increased elsewhere.
The report considers the requirements for undertaking a Flood Risk Assessment as detailed in the NPPF.
- 3.22 ○ *Noise Impact Assessment (prepared by Hydrock, August 2021)*
Hydrock have been appointed by Mace Group to provide acoustic engineering services to support the outline planning application for a purpose-built prison. The noise assessment has been undertaken to reflect both pre operational and post-construction phase, with consideration given the following potential impacts:
 - The impact of noise and vibration on existing sensitive receptors during the construction phase of the development;
 - The impact of development generated road traffic at existing sensitive receptors;
 - The impact of existing noise sources on the Proposed Development;
 - The impact associated with any proposed fixed plant and/or ancillary equipment at existing receptors; and,
 - The impact of noise associated with the proposed car park at existing receptors.

³ [BS 5837:2012 Trees in relation to design, demolition and construction - recommendations, British Standards Institution - Publication Index | NBS \(thenbs.com\)](https://www.thenbs.com/PublicationIndex/Documents/Details?DocId=300496)
(<https://www.thenbs.com/PublicationIndex/Documents/Details?DocId=300496>)

A noise survey has been carried out in order to establish the existing noise environment at the proposed development site, during the daytime and night time periods, in accordance with current guidance.

- *Geo-Environmental Appraisal (prepared by Dunelm Geotechnical and Environmental, August 2021)*
- 3.23 This report may be regarded as providing a Preliminary Risk Assessment and Generic Quantitative Risk Assessment in accordance with the Environment Agency's guidance document Land Contamination: Risk Management.
- *Air Quality Assessment (prepared by Ramboll, August 2021)*
- 3.24 This report assesses the potential impact of the development on the Air quality of the surrounding area
- *Energy and Sustainability Statement (prepared by Mace, August 2021)*
- 3.25 The purpose of this Energy and Sustainability Statement is to demonstrate that the proposed new prison development is considered sustainable, as measured against relevant local and national planning policy.
- *Lighting report (prepared by Pick Everard, August 2021)*
- 3.26 This report has been prepared to provide support and additional information to the submitted external lighting drawings. Information provided within this report has been done in conjunction with Kingfisher Lighting for the purpose of the Outline Planning stage. Drawings at this stage are intended to show expected levels of lighting for Outline Planning and not intended for scale measurements at this time.
- *Statement of Community Engagement (prepared by Cushman and Wakefield, August 2021)*
- 3.27 This Statement provides a detailed record of the engagement activities that have taken place in order to inform interested parties of the application proposals.
- *Socio-Economic Statement (prepared by Mace, August 2021)*
- 3.28 Mace has conducted a socio-economic assessment of the Proposed Development. The assessment has utilised an established methodology, with amendments and revisions that create variance to previous studies resulting from the availability of more current data, contextual differences, inflation and additionality. Other secondary data sources and established data proxies have been utilised to calculate the expected impacts. Central to these, is the Ministry of Justice's (MoJ) report⁴, with updated MoJ data used to provide current comparison and publicly available national statistics.
- *Utilities Report (prepared by Perfect Circle, August 2021)*
- 3.29 This Statement assesses the potential impacts of the proposed development on the existing Utility Services, Technologies and Infrastructure and the potential reinforcement/diversion of the existing services infrastructure to serve the proposed development. The report also identifies a strategy for delivering the necessary utility infrastructure to the site along with an estimate of the required loads.
- *Waste Management Strategy (prepared by Mace, August 2021)*
- 3.30 This Waste Management Strategy provides recommendations and considerations for the waste generated during the construction and operation of the prison. The Constructor will be responsible for the production of the Construction Environmental

⁴ [20052013 Economic Impact of Prison DRAFT for client v3 \(crimeandjustice.org.uk\)](https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Economic%20Impact%20of%20a%20New%20Prison.pdf)
(<https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Economic%20Impact%20of%20a%20New%20Prison.pdf>)

Management Plan (CEMP) to cover the construction period to ensure that all wastes are handled appropriately, material use is minimised, and recycling of construction materials maximised. Her Majesty's Prison and Probation Service (HMPPS) or their appointed operator will be responsible for operational waste management. Therefore, the waste strategy has the following aims:

- To contribute towards achieving current and long-term government and MoJ targets for waste minimisation, recycling and reuse;
- To provide convenient, clean, and efficient waste management systems that enhance the operation of the buildings and promote high levels of recycling; and
- To provide operators with reliable waste management solutions that allows them to maximise recycling and reuse.

○ *BREEAM Pre-Assessment Report (prepared by Mace, August 2021)*

- 3.31 Mace Group Ltd has been appointed to carry out BREEAM Pre-Assessment for the MoJ's New Prisons Programme. A site-wide assessment approach has been taken for the new prison. This Pre-Assessment has been developed by a licenced BREEAM assessor and BREEAM AP, as a result of reviewing the latest designs, discussions with specialist consultants and commitments from the client and expected contractor performance. Further updates of the BREEAM score will be carried out as the design develops.

c) Amended / Additional Plans / Drawings and Supporting Documents

○ *October 2021 – Unexploded Ordinance Report*

- 3.32 In response to comments received from HDC Contaminated Land Officer, the applicants have produced an Unexploded Ordinance Report to investigate the potential for such issues in light of the former use of the site. This work has been submitted to the Contaminated Land Officer for consideration.

○ *October 2021 – Response to Anglian Water comments*

- 3.33 In response to comments made by Anglian Water's Pre-Development team, the applicants submitted a summary of discussions that they have had with AW as follows:
"All the issues over downstream capacity etc are being dealt with by the ongoing discussions we are having with Anglian Water. Access to the existing assets is covered, and the location of the new pumping station is in Anglian Water's control. In terms of the possible diversions, we may need a minor diversion, but this will probably be dealt with as part of the new pumping station works. We are also discussing this with AW as part of ongoing discussions."

○ *November 2021 – Biodiversity Net Gain report*

- 3.34 In response to Environment Act receiving Royal Assent, the applicants submitted a Biodiversity Net Gain report setting out how the proposal will provide Net Gain. This work has been submitted to the LCC Ecologist for consideration.

○ *November 2021 – Great Crested Newt report*

- 3.35 This outstanding piece of work which was not complete at the time of submission has been submitted to the LCC Ecologist for consideration.

○ *November 2021 – Bat Activity report*

- 3.36 This outstanding piece of work which was not complete at the time of submission has been submitted to the LCC Ecologist for consideration.

○ *January 2022 – Agricultural Land Classification Report*

- 3.37 In response to comments received from Natural England, this report has been prepared on behalf of the Applicants and is submitted as a formal response to the comments

received in relation to Best and Most Versatile Land. This report has been submitted to Natural England for consideration.

- *February 2022 – Response to LLFA comments*
- 3.38 In response to comments received from the LLFA, this note has been prepared on behalf of the Applicants and is submitted as a formal response to the comments received in relation to site drainage issues. This Note has been submitted to the LLFA for consideration.
- *February 2022 – Archaeological Evaluation*
- 3.39 In response to comments received from LCC Archaeology, this report has been prepared on behalf of the Applicants and is submitted as a formal response to the comments received in relation to the potential for archaeological remains being present on the site. This Note has been submitted to LCC Archaeology for consideration.
- *February 2022 – Technical Response to LCC Application Review by SYSTRA⁵*
- 3.40 Mace (on behalf of the Ministry of Justice) has commissioned Atkins to consider the points raised within the LCC Application Review produced by SYSTRA and respond accordingly. The LCC Application Review produced by SYSTRA outlines a series of conclusions regarding the forecast impact of Gartree 2 on the B6047 Harborough Road / Leicester Lane / Gallow Field Road Junction. Atkins has summarised each of the comments and provided a response. This response (without its Appendices) can be seen at **Appendix E** of this report.
- *March 2022 – Additional Cross Sections*
- 3.41 Following a request by Officers, the Applicants have submitted additional indicative cross sections through the proposed development and the existing HMP Gartree providing an indication of the proposed heights of the buildings in relation to the existing buildings.

d) Pre-application Engagement

- *LPA Engagement*
- 3.42 Prior to submitting the planning application, the Applicants held extensive formal pre-application discussions with Officers, Senior Management and Lead Members of both Harborough District and Leicestershire County Councils which culminated in the signing of a Planning Performance Agreement (hereafter referred to as a 'PPA'). As part of this process, the LPA carried out an EIA Screening Assessment⁶, and subsequently issued a Screening Opinion confirming that proposal did not trigger the requirement of an EIA to be submitted in support of the application.
- *PPA*
- 3.43 A PPA was finalised in September 2021 to provide the LPA, the County Council and the Applicants with an agreed framework for the management of the development proposal through the application process.
- 3.44 The agreed timetable within the PPA indicated the application would be determined within 22-28 weeks of the submission of the application following the consideration of all consultation responses to the application. This timeframe allows for the

⁵ [21_01600_OUT-TECHNICAL_RESPONSE_TO_LCC_APPLICATION_REVIEW-1146275.pdf \(harborough.gov.uk\)](https://pa2.harborough.gov.uk/online-applications/files/8A254B2307A314B92EF418C2361C426E/pdf/21_01600_OUT-TECHNICAL_RESPONSE_TO_LCC_APPLICATION_REVIEW-1146275.pdf)
(https://pa2.harborough.gov.uk/online-applications/files/8A254B2307A314B92EF418C2361C426E/pdf/21_01600_OUT-TECHNICAL_RESPONSE_TO_LCC_APPLICATION_REVIEW-1146275.pdf)

⁶ [Environmental impact assessment screening checklist - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/environmental-impact-assessment-screening-checklist)
(<https://www.gov.uk/government/publications/environmental-impact-assessment-screening-checklist>)

consideration of the Application by Planning Committee in April 2022. This was based upon extensive pre-application work having been carried out prior to the submission of the application to resolve any outstanding issues, and regular meetings between the Applicants, LPA Officers as well as Highways and Ecology Officers from LCC were held during this time.

○ *Community & Stakeholder Engagement*

3.45 Applicant-led public consultation on proposals for the proposed new prison took place between 28th June 2021 and 2nd August 2021. The consultation involved a series of webinars, meetings with ward and parish councillors and a face to face event held at Lubenham Parish Council on 21st June 2021. Approximately 1,500 residents were notified of the consultation.

1) Meetings with Councillors

3.46 A series of (online) meetings were held with Ward and Parish Councillors, these are detailed below.

- Lubenham Parish Council (Cllr Cook) – 6th July 2021 (evening).
- Harborough District Councillors (Cllr Bremner, Cllr Knowles, Cllr King, Cllr Foster) – 12th July 2021 (evening). This meeting was also attended by officers from HDC (David Atkinson and Mark Patterson).
- Foxton Parish Council (Cllr Rogers, Cllr Billington, Cllr Hall, Cllr Brown and Cllr Chambers) – 13th July 2021 (evening).

The meetings involved a short presentation from representatives of the MoJ and questions from the attendees. The key issue arising from the meetings with Ward and Parish Councillors was the increase in traffic the new prison would generate. Lubenham Parish Councillors and Foxton Parish Councillors raised concerns about increased traffic being routed through their respective villages. Other issues raised were staffing and recruitment, the sustainability credentials of the new prison and the potential community benefits that the new prison may be able to provide.

2) Webinars

3.47 Webinars were held on 15th July 2021 (evening) and 16th July 2021 (lunchtime). The Consultation material for the webinars was presented as a PowerPoint presentation which the project team talked through. Comments were provided via the chat function in zoom.

3) Meeting with residents of the Gartree Estate

3.48 A separate (online) meeting was arranged by the MoJ with the residents of the Gartree Estate on 7th July 2021. This meeting was arranged as the Gartree Estate is the closest residential area to the proposed site and it was anticipated that there would be site specific issues from this group, The meeting involved a short presentation and questions.

3.49 At the meeting the Gartree residents raised concerns about the potential for traffic to use the (unadopted) residential part of Welland Avenue to access Gartree Road. They raised concerns related to highway safety (if traffic does increase on this route). Opinion was divided amongst the residents on how best to mitigate this, some residents suggested closing off the road, whilst others stated that the road needed to remain open to allow them access to Foxton Road (via Welland Avenue). Open space and play space were also discussed.

4) Public Exhibition

3.50 As Covid restrictions eased, the MoJ were able to host a face to face event for the new prison proposals. This was held at Lubenham Village Hall and ran from 3 - 8pm. 93

people attended the event. Presentation boards were set up around the hall and the project team were available to discuss the proposals and answer questions. Many of the Parish and Ward Councillors and those members of the public who had attended earlier meetings also attended this event.

3.51 Throughout the Applicants consultation period, a total of 387 responses were received from the different forms of consultation carried out. Of the 383 responses, 117 were from residents in Harborough and 78 responses were from an IP address in Vancouver, Canada, with the remainder from addresses in the UK. The Applicants believe that the submissions to the consultation process from Canada were prompted by a campaign by CAPE (Community Action against Prison Expansion) via social media (Twitter and Instagram). Topics raised in submissions from Harborough addresses are summarised in the Table at **Figure 9**.

Theme	Count
Traffic	53
Local services	23
Loss of greenspace	16
House Prices	13
Employment opportunities	15
Impact on local wildlife	11
Support	15
Road improvements	10
Visual Impact	10
Bus Route	8
Construction	8
No Prison	8
Speed of Vehicles	8
Adoption of Welland Avenue	7
Increase in traffic through Lubenham	7
Amenity of neighbouring properties	10
Noise	5
HGV's through neighbouring villages	4
Landscaping	4
The planned access road is unsuitable	4
Amount of Car Parking (not enough)	4
Increase in traffic to M1	4

Figure 9: Summary of issues raised through Applicants consultation process

3.52 Further public consultation engagement was carried out by the MoJ throughout March 2022, with a webinar held on 2nd March and face to face sessions held in Foxton (10th March, 2pm – 8pm), Market Harborough (11th March, 3pm – 8pm) and Lubenham (17th March, 2pm – 8pm).

4. Consultations and Representations

4.1 The Council has undertaken extensive consultation in respect of this planning application. Technical consultees and the local community were consulted at the initial consultation stage (September 2021) with the relevant technical consultees being reconsulted following the receipt of additional information throughout October 2021 to February 2022. The application was also advertised in the local press (Harborough Mail) and through the posting of Site notices.

4.2 A summary of the technical consultee's responses received is set out below. Where appropriate the responses will be discussed in more detail within the main body of the

report. If you wish to view the comments in full, please go to: www.harborough.gov.uk/planning

a) Statutory & Non-Statutory Consultees

1. National Bodies

4.1.1 *Historic England (07/10/21)*

Thank you for your letter of 22 September 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

4.1.2 *Natural England (12/10/21)*

No assessment has been provided of the potential impacts that the proposal will have on best and most versatile agricultural land. Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably. Best and Most Versatile agricultural land includes that which is ALC grade 3a or above.

4.1.3 We note the reference, within the Geo-Environmental Assessment, to Natural England's provisional ALC mapping, which suggests that the site lies on Grade 3 land. This information does not distinguish between Grade 3a and 3b, thus we have good reason to believe that a significant area of BMV land could be affected.

4.1.4 We advise you to obtain the following information in order to assess potential impacts of the proposal:

3 A detailed Agricultural Land Classification (ALC) survey in accordance with 'Agricultural Land Classification of England and Wales' (MAFF, 1988). Further information is also contained in Natural England Technical Information Note 049: Agricultural Land Classification: protecting the best and most versatile agricultural land. The ALC survey should include a map of the grades and numbered sampling locations, and a report of the findings, including a detailed description of auger borings and soil pits.

An ALC survey should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres.

4.1.5 Details should be provided of how any adverse impacts on soils can be minimised. Further guidance is contained in the Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites.

4.1.6 Please note that we are not seeking further information on other aspects of the natural environment, although we have made comments on other aspects of the application, below.

4.1.7 Natural England welcome the implementation of Biodiversity Net Gain for this development. Additionally, we welcome the use of the Natural England's Biodiversity Metric 3.0, which shows a significant gain in biodiversity as a result of the development.

- 4.1.8 We also welcome the use of the CIRIA SuDS Manual (C753) in the design of the SuDS on the site; the implementation of ponds, as well as a community pond within the grounds, is well received and will offer both biodiversity and amenity value. We would like to see more of the components described as 'suitable' for the site, within table 3.4 of the Proposed SuDS Strategy Report, incorporated within the development. Further incorporation of green SuDS, as opposed to engineered solutions, has multiple benefits and could even be integrated with areas being used to create net gains in biodiversity. For example, the use of swales to convey surface water, as opposed to pipework, offers not only the movement of surface water, but also a level of treatment to improve water quality and a suitable area of habitat on site. In Addition, rainwater harvesting has potential to be used for WC flushing, as described, but also for crop/plant irrigation within the horticultural area on the site.
- 4.1.9 We appreciate the added complexities added by the use of the site, hence we have no objection to the SuDS proposed, and only suggest that this element of the design could be further improved in terms of multi-functional benefits and biodiversity
- 4.1.10 *Natural England (Comments received in response to ALC Report (20/01/22)*
NO OBJECTION. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.
- 4.1.11 Natural England welcome the addition of an ALC survey within the application documents. The following advice regarding BMV land thus supersedes that included within our previous response of 12/10/2021.
- 4.1.12 From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' (BMV) agricultural land, with the majority of the site's agricultural land (25.3ha) being classified as Grade 3b.
- 4.1.13 For this reason, we do not propose to make any further detailed comments in relation to agricultural land quality and soils, although sustainable soil management should aim to minimise risks to the ecosystem services which soils provide, through appropriate site design / masterplan / Green Infrastructure. Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of soil resource information in line with the Defra guidance Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.
- 4.1.14 Further guidance is available in The British Society of Soil Science Guidance Note Benefitting from Soil Management in Development and Construction which we recommend is followed in order to safeguard soil resources as part of the overall sustainability of the development. If, however, you consider the proposal has significant implications for further loss of BMV agricultural land, we would be pleased to discuss the matter further.
- 4.1.15 District Level Licencing. We also welcome the GCN report, which includes consideration of both District Level Licencing (DLL) and traditional mitigation licencing. Either licencing approach would be acceptable. Our usual advice regarding DLL is that where a licence may be required for great crested newt, DLL provides a quicker, simpler licencing approach. Some advantages of the DLL scheme include:

- 4 Speed: On average, obtaining a DLL brings a time saving of 77 days compared to mitigation licencing.
- 5 Simplicity: DLL does not require extensive on-site survey or mitigation measures by the developer, hence the licencing process is much more streamlined than mitigation licencing.
- 6 Efficiency of conservation: 85% of the developer's investment goes directly towards habitat creation/restoration, compared to approximately 16% under mitigation licencing.

4.1.16 *Environment Agency (22/09/21)*

The site lies fully within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the application. I did want to point out that the redline boundary does interact with an unnamed watercourse/land drainage channel. Therefore the applicant may need to obtain a consent/permit from the LLFA if any works are required in, on or over this channel.

4.1.17 There are also no other environmental constraints associated with the site which fall within the remit of the EA and therefore we have no further comment to make.

4.1.18 *Highways England (08/10/21)*

Referring to the consultation on the planning application dated 22 September 2021, as referenced above, in Lubenham, Leicestershire, notice is hereby given that National Highways' formal recommendation is that we offer no objection

4.1.19 In relation to the new prison (referred to as Gartree 2) located adjacent to the existing HMP Gartree near Market Harborough, Leicestershire, our principal interest is in safeguarding the M1 which routes approximately 11 miles to the west and the A14 which routes approximately 10 miles to the south, with all local routes being the responsibility of Leicestershire County Council. In terms of the impact of a development upon the SRN, our reference is circular 02/2013 the strategic road network and the delivery of sustainable development, which states in paragraph 9 that ...development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe, which is then in accordance with the advice as set out in the NPPF. In terms of the impact from this planning application, and considering the proposed level and distribution of traffic, not to mention the distance from the Strategic Road Network, it is considered that there would be no severe traffic impact upon our network. As such National Highways are minded to offer a 'No Objection' response to this planning application, but would wish to be re-consulted should there be any significant change, to the current proposals.

4.1.20 *Health and Safety Executive (HSE) (28/09/21)*

HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines and has provided planning authorities with access to the HSE Planning Advice Web App⁷ for them to use to consult HSE and obtain HSE's advice. If you require details of your organisation's web app account, then please contact us.

4.1.21 I would be grateful if you would ensure that the HSE Planning Advice Web App is used to consult HSE on developments including any which meet the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.

- residential accommodation;

⁷ [HSE's Planning Advice Web App - Login \(hsl.gov.uk\)](https://pa.hsl.gov.uk/)
(<https://pa.hsl.gov.uk/>)

- more than 250m² of retail floor space;
- more than 500m² of office floor space;
- more than 750m² of floor space to be used for an industrial process;
- transport links;
- or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.

There are additional areas where HSE is a statutory consultee. For full details, please refer to annex 2 of HSE's Land Use Planning Methodology⁸

4.1.22 Health and Safety Executive (HSE) (14/10/21)

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Harborough District.

4.1.23 HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

4.1.24 National Air Traffic Service Safeguarding (04/10/21)

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal. However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en-route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

4.1.25 If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

2. Regional / Local Bodies

4.2.1 Anglian Water (30/09/21)

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

4.2.2 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

⁸ [HSE: Land use planning - HSE's land use planning methodology \(https://www.hse.gov.uk/landuseplanning/methodology.htm\)](https://www.hse.gov.uk/landuseplanning/methodology.htm)

- 4.2.3 The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated. Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station. The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.
- 4.2.4 The foul drainage from this development is in the catchment of Foxton (Leics) Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.
- 4.2.5 This response has been based on the submitted documents. Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. (a full assessment cannot be made the applicant has not identified a discharge rate) We therefore request a condition requiring phasing plan and/or on-site drainage strategy.
- 4.2.6 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.
- 4.2.7 Based on the above, Anglian Water would therefore recommend appropriate planning conditions if the Local Planning Authority is mindful to grant planning approval.
- 4.2.8 *Leicestershire Police (13/10/21)*
There is an existing vehicle access via Welland Avenue at the north west corner of the site. The single access road allows entry to the secure Category B existing Prison. Internal roads allow access to all key areas of the existing prison and will do likewise in respect to the new Prison.
- 4.2.9 The new Prison will be enclosed by the same perimeter enclosure as the existing site which is appropriate to maintain effective site security and is in line with Home Office guidelines. The existing Prison benefits from effective external lighting to BS5489 on Luminaires of 12m. Additional CCTV cameras are mounted externally in key areas to

view the perimeter fencing and the 3m deep area immediately between this and the exterior fence. The perimeter fencing consists of external Weld Link fencing with interior mounted panels abutting this. Below the fencing there is reinforced groundworks to stop excavation.

- 4.2.10 The new Prison is recommended to have the same Lighting, CCTV coverage and Perimeter Fencing and Groundworks to create effective security which can be monitored 24/7. I also recommend sensors to allow PTZ (Pan, Tilt & Zoom) Cameras to view any movements within the perimeter sterile area. Internally there are seven X blocks which are located in the south east side with parking in the west side. Main buildings are located in the south of the new Prison with car parking to the south west. To the west there is open space and to the north of the new Prison.
- 4.2.11 There are no permeability issues due to the level of security required for this Category B Prison which is reflected in the site plans.
- 4.2.12 Vehicle parking is anticipated to be within existing car parking areas outside the main vehicle entry point and internally in appropriate designated areas to allow effective movement around the internal grounds of the Prison as indicated.
- 4.2.13 Monitored Alarm capability will be included in the new Prison to allow effective on-site monitoring 24/7. Also, personal attack capability will be extended to cover the new Prison and all staff working within it. Personal issue alarm activators will be carried by staff to raise the alarm of any appropriate incident within the Prison.
- 4.2.14 Lighting throughout the site including the key vehicle entry point and other key areas such as open space should be to BS5489. This should include all walkways, external recreation areas including the all-weather football pitch.
- 4.2.15 Foliage is recommended to be to a height of 1m and trees are recommended to be trimmed to have no foliage lower than 2m from the ground. This will provide a 1m clear field of vision. No trees should be located near to key areas such as the perimeter fencing or any exit points. Also, all foliage should be located away from all structures to avoid the risk of arson.
- 4.2.16 Bin and cycle storage are recommended to be within a secure store to avoid the risk of misuse or arson. All security systems are recommended to be in line with Home Office recommendations

3. Leicestershire County Council

4.3.1 *Leicestershire County Council Highways (04/10/21)*

Given the scale of development and due to the volume and complexity of technical evidence submitted the Local Highway Authority (LHA) would advise the Local Planning Authority that whilst the analysis has commenced formal observations are still forthcoming. As a result the LHA would request that you arrange for your Council not to determine the application before the LHA has had the opportunity to establish whether the residual cumulative impact of development can be mitigated in accordance with paragraph 111 of the NPPF (2021). The LHA will be able to provide a further response by 1 November 2021.

4.3.2 *Leicestershire County Council Highways (01/11/21) (Full comments can be read at Appendix C)*

Based on the transport information submitted the Applicant considers that a safe and suitable access to serve the proposed development could be delivered on the private access road in line with Paragraph 110 of the National Planning Policy Framework. The

Applicant has also tested the impact of the proposed development on the local highway network and the LHA considers that the residual cumulative impacts of development can be mitigated subject to the inclusion of the following conditions and contributions.

- 4.3.3 *Leicestershire County Council Highways (Comments received in response to Systra Report and Atkins Response Note) (11/03/22) (Full comments can be read at Appendix F)*
- 4.3.4 *Leicestershire County Council Planning Ecologist (10/11/21)*
A suite of ecology surveys and reports have been provided by the applicant: badger, barn owl, great crested newt, reptile, bat activity, habitat survey, biodiversity net-gain assessment and biodiversity improvement plan (C Gleed-Owen and Ramboll, 2021).
- 4.3.5 One document is still required: the 'Impact Assessment and Conservation Payment Certificate (IACPC)' countersigned by Natural England; this confirms the applicant is entering the District-level licensing scheme for great crested newts and that the LPA is therefore not required to take any further actions with regard to GCN mitigation.
- 4.3.6 Apart from this, the ecology reports and documentation provided is all satisfactory, and I recommend that the development is acceptable in principle, with conditions involving biodiversity net-gains and improvement plans, 30-year biodiversity management plan, badger mitigation and barn owl and bat mitigation.
- 4.3.7 The habitats on the land proposed for the new prison buildings are of relatively low biodiversity value - mainly poor-quality grassland, with some hedges, scrub, ditches and trees. There is a single pond on site. These habitats will be lost, unavoidably. None would meet our local wildlife site criteria. In compensation for the loss, the applicant has proposed various measures including:
- enhancement of grassland to the north and west of the new prison extension to create species-rich wildflower grassland
 - pond creation west of the new prison
 - a belt of native tree planting outside the prison wall
 - creation of species-rich grassland and flowering lawns within the prison.
- 4.3.8 These measures will result in increased biodiversity value of the site, subject to final details and a satisfactory 30-year management plan, and are acceptable; I can confirm that the BNG metric assessment and improvements plans are satisfactory. Implementation of these should be the subject of a planning condition requiring at least an equivalent amount of net-gain to that returned in the metric (22.32 habitat units and 2.65 hedgerow units); the applicant should be aware that if plans change significantly, the metric will need to be re-run at the reserved matter stage.
- 4.3.9 There are minor mitigatable impacts on bat and barn owl activity; see relevant reports. There is no need for further general surveys, but I recommend a pre-removal check of any mature trees and buildings on site for nesting birds, including barn owl, and pre-removal check for bat roosts of the four trees and buildings identified as having bat-roost potential. This should be a planning condition. Mitigation will also involve a sensitive lighting plan and new Barn Owl boxes and bat boxes – refer to section 5 and 6 of the Barn Owl report and section 6 of the Bat Activity survey (CGO, 2021).
- 4.3.10 No reptiles were recorded during surveys and there is no need for further survey.
- 4.3.11 There are 2 large main badger setts on site, plus many outliers, etc. This is clearly an important area for badgers, and the applicant has submitted detailed reports on badger activity, including a bait-marking survey; these are satisfactory. Closure and destruction

of setts must take place under licensed mitigation from Natural England. The main setts will be unavoidably lost, and therefore the mitigation will involve creation of replacement artificial setts, and destruction of existing setts only when all badgers have moved out and taken up residence elsewhere. For such large setts this will undoubtedly be challenging, but there is no other viable alternative on the site. As badger activity does change over time, it is recommended that the status of setts, including outliers, is kept under annual review in order to amend any mitigation plans and licence applications in good time before site clearance. The mitigation plans submitted, including relocation of the main sett, are satisfactory and should be subject to planning condition, with the added condition that an update survey should be carried out in the 6 months immediately prior to the programmed start of site clearance and submitted to the LPA. (Refer to the Badger Bait-marking Survey and Relocation Strategy (CGO, 2021).

- 4.3.12 A great crested newt survey has now been submitted and is satisfactory. A small population is present in the pond on site, which will be lost to the development. There is a larger off-site population, including GCNs translocated from the Airfield Farm development into a receptor site to the east of the prison site, just over 250m away, and a known population in a pond close to the eastern point of the application site. The report proposes two possible approaches to mitigation for this loss: the 'traditional' on-site licensed mitigation, involving translocation of individuals to a receptor site, or the new option of entering the Natural England District-level licensing scheme. On-site mitigation is not needed in the latter option, but a conservation payment is made to Natural England to invest in GCN habitat enhancements elsewhere in the area. The applicant's agent has informed me in a separate e-mail (not on your website) that the latter route of entering the DLL is being pursued.
- 4.3.13 The guidance for LPAs regarding District-level Licensing includes a requirement for the applicant to submit a counter-signed confirmation from NE that the applicant has entered the scheme. This has not been submitted in this case. The document is called the 'Impact Assessment and Conservation Payment Certificate (IACPC).' In the interests of consistency, I have to advise that this must be received by the LPA before the application is determined.
- 4.3.14 This remains the only outstanding item of documentation.
- 4.3.15 *Leicestershire County Council Planning Ecologist (Further Comments) (07/12/21)*
The Bat Activity report (E Marshall/C Gleed-Owen) is satisfactory. A moderate level of bat activity was recorded, which will be impacted by the development that causes loss of bat foraging habitat. This will be replaced by new woodland planting, and this is acceptable in compensation.
- 4.3.16 A lighting strategy will be needed, see section 5 of the report: "New external lighting around the site perimeter must be designed to minimise the operational effects on commuting and foraging bats. A sensitive lighting strategy will be devised to minimise impacts on currently-dark areas such as the north, south, and east boundaries of the site, and along Welland Avenue. Any external operational lighting must follow the principles set out in the Bats and artificial lighting in the UK guidance note (BCT & ILP, 2018) . . ." Further detail is in the ecology report, and this should be referred to in planning condition.
- 4.3.17 The ecologists also propose installation of 20 bat boxes, as follows: this should be a planning condition.
"20 batboxes (artificial roosts), suitable for a range of species and roost types, will be installed in suitable locations on retained trees around the prison estate. Batboxes such as the Improved Crevice Bat Box (by Nestbox) or 2F batbox (by Schwegler) are

recommended, and are considered to provide suitable roosting habitat for the pipistrelle and Myotis species present on site. Some larger roost type boxes will be included, including at least two maternity boxes and two colony/hibernation boxes. Batboxes should be positioned in clusters of two or three where possible, on trees or building elevations, typically facing a south to southeast direction, at a height of at least 4m. Batboxes must not be positioned in such a way as to obstruct any existing roosting features. Batbox locations, numbers and types must be secured within the LEMP. "

4.3.18 I note that the required confirmation that the applicant has entered the District-level Licensing Scheme for great crested newts has not been submitted; please see my previous response.

(OFFICER COMMENT: The signed DLL Certificate was received by Officers 24/03/22, and a copy provided to LCC Ecology for information who subsequently confirmed that it was sufficient to satisfy their requirements)

4.3.19 *Leicestershire County Council Lead Local Flood Authority (12/10/21)*

The application site is greenfield totalling 28.9ha. Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the site is located within Flood Zone 1 being at low risk of fluvial flooding and surface water risk on site is generally low. However, there are two high risk surface water flow paths associated with onsite watercourses running in a north-easterly to southerly direction and a north-westerly to southerly direction respectively through the site. The surface water proposals seek to discharge to onsite storage tanks and an attenuation basin before being discharged at a greenfield discharge rate to a watercourse located to the south-east of the site.

4.3.20 A flood risk assessment for the site suggests that infiltration may not be feasible. However, ground investigations are to be conducted to confirm this. A climate change allowance of 40% has been proposed in line with latest Environment Agency guidance.

4.3.21 It is noted that while discharge rates have been advised, no supporting calculations have been submitted. It is advised that it is not clear if the stated greenfield discharge rates are correct due to varying site areas stated within the submission. In calculating the allowable discharge rate, the area used must not include areas within the redline boundary where the drainage regime will be unmodified by the proposals, in-line with industry best practice. An existing catchment plan should be submitted to support this calculation.

4.3.22 Notwithstanding the concerns of the validity of the greenfield rates advised, it has also not been stated at what rate the proposals will discharge. It is advised that as the proposals are to a greenfield site, the volume of discharge will increase, which will require mitigation through discharging at no greater than QBar for the peak event.

4.3.23 While the proposals are for outline approval, the level of details submitted is significant and it is therefore assumed that the layout proposed is intended to be largely unchanged through the detailed design process. As such, the diverted watercourse should be advised noting that the council's culverting policy would not allow culverting of existing or diverted watercourse unless it can be demonstrated to be unavoidable. Furthermore, the scale of the SuDS indicated should be evidenced through the provision of suitable calculations based on the correct QBar discharge rate noted above.

4.3.24 The LLFA has concerns relating to the level of surface water treatment being provided within the central and eastern catchments. Consideration must be given to further SuDS features within these catchments. We would recommend a swale or filter drain be used for the final run outside the security fence towards the outfall. This will provide

additional treatment and reduce the risk of blockage. These features could potentially be incorporated into the diverted watercourse. The applicant will require consent from the LLFA under Section 23 of the Land Drainage Act (1991) in relation to any changes to an existing watercourse. This is in addition to any planning permission that may be granted.

4.3.25 Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage. In order to provide a substantive response, the following information is required:

- Utilisation of the QBar discharge rate in-line with best practice guidance with supporting calculations
- An assessment of the required attenuation volume in order to maintain the proposed discharge rates for each catchment. This should be supported by an assessment of the total impermeable area
- Evidence that the scale of SuDS proposed is sufficient to attenuation peak surface water flows generated within each catchment
- Details relating to the diversion of existing watercourses
- Consideration of further SuDS features as discussed above.

4.3.26 *Leicestershire County Council Lead Local Flood Authority (Comments in response to additional submissions (24/02/22))*

The application site is greenfield totalling 28.9ha. Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the site is located within Flood Zone 1 being at low risk of fluvial flooding and surface water risk on site is generally low. However, there are two high risk surface water flow paths associated with onsite watercourses running in a north-easterly to southerly direction and a north-westerly to southerly direction respectively through the site. The surface water proposals seek to discharge to onsite storage tanks and an attenuation basin before being discharged at a greenfield discharge rate to a watercourse located to the south-east of the site.

4.3.27 A flood risk assessment for the site suggests that infiltration may not be feasible. However, ground investigations are to be conducted to confirm this.

4.3.28 A climate change allowance of 40% has been proposed in line with latest Environment Agency guidance.

4.3.29 Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable to the LLFA subject to the recommended planning conditions be attached to any permission granted.

4.3.30 *Leicestershire County Council Archaeologist (22/10/21)*

Following appraisal of the above development scheme, we recommend that you advise the applicant of the following archaeological requirements. The Leicestershire and Rutland Historic Environment Record (HER) notes that the application lies within an area of archaeological potential. The preservation of archaeological remains is, of course, a material consideration in the determination of planning applications. The proposals include operations that may destroy any buried archaeological remains that are present, but the archaeological implications cannot be adequately assessed on the basis of the currently available information.

4.3.31 Since it is possible that archaeological remains may be adversely affected by this proposal, we recommend that the planning authority defer determination of the application and request that the applicant complete an Archaeological Impact

Assessment of the proposals. This will require provision by the applicant for:

1. An Archaeological desk-based Assessment
2. A field evaluation, by appropriate techniques including trial trenching, if identified necessary in the assessment, to identify and locate any archaeological remains of significance, and propose suitable treatment to avoid or minimise damage by the development. Further design, civil engineering or archaeological work may then be necessary to achieve this.

This information should be submitted to the planning authority before any decision on the planning application is taken, so that an informed decision can be made, and the application refused or modified in the light of the results as appropriate. Without the information that such an Assessment would provide, it would be difficult in our view for the planning authority to assess the archaeological impact of the proposals.

4.3.32 Should the applicant be unwilling to supply this information as part of the application, it may be appropriate to consider directing the applicant to supply the information under Regulation 4 of the Town and Country Planning (Applications) Regulations 1988, or to refuse the application. These recommendations conform to the advice provided in DCLG National Planning Policy Framework (NPPF) Section 16, paras. 194 & 195). Should you be minded to refuse this application on other grounds, the lack of archaeological information should be an additional reason for refusal, to ensure the archaeological potential is given future consideration.

4.3.33 *Leicestershire County Council Archaeologist (Comments in response to additional submissions) (16/02/22)*

Assessment of the Leicestershire and Rutland Historic Environment Record (HER), supported by the results of the archaeological evaluation of the development area, undertaken by Pre-Construct Archaeology on behalf of Pick Everard, shows that the site lies in an area of significant archaeological potential.

4.3.34 The trial trenching results shows prehistoric archaeological features in an area in the east of the site. In line with the National Planning Policy Framework (NPPF), Section 16, paragraph 195 and Annex 2), the planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. This understanding should be used to avoid or minimise conflict between conservation of the historic environment and the archaeological impact of the proposals.

4.3.35 Paragraph 205 states that where loss of the whole or a material part of the heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the affected resource prior to its loss. The archaeological obligations of the developer, including publication of the results and deposition of the archive, must be proportionate to the impact of the proposals upon the significance of the historic environment.

4.3.36 As a consequence, it is recommended that prior to the impact of development upon the identified heritage asset(s) the applicant must make arrangements for and implement an appropriate programme of archaeological investigation. This will involve archaeological mitigation in the form of open area(s) investigation.

4.3.37 The Historic & Natural Environment Team (HNET) will provide a formal Brief for the work at the applicant's request. If planning permission is granted, the applicant should obtain a suitable written scheme of investigation (WSI) for the necessary archaeological programme. The WSI must be obtained from an archaeological organisation acceptable to the planning authority, and be submitted for approval to both the LPA and HNET as archaeological advisers to your authority, before the

implementation of the archaeological programme and in advance of the start of development.

- 4.3.38 The WSI should comply with the above mentioned Brief and with relevant Chartered Institute for Archaeologists' (CIfA) "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.
- 4.3.39 We therefore recommend that any planning permission be granted subject to planning conditions (informed by paragraph 37 of Historic England's Managing Significance in Decision-Taking in the Historic Environment GPA 2), to safeguard any important archaeological remains potentially present.
- 4.3.40 The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.
- 4.3.41 *Leicestershire County Council Developer Contributions (04/10/21)*
I can confirm that our education, waste and library services will not be requesting any S106 contributions given the development type of this application. Environment and Transport (highways) will provide their s106 contribution request directly as part of their consultation response.

4. Harborough District Council

- 4.4.1 *Harborough District Council Contaminated Land and Air Quality Officer) (30/09/21)*
The submitted land contamination risk assessment (Dunelm Geotechnical & Environmental REPORT NO: D10208 GEOENVIRONMENTAL APPRAISAL FOR LAND AT GARTREE 2 PREPARED FOR: PICK EVERARD 661277-0000-DUNGTX0011-XX-SU-G-0001 PO4 S3 – 03/09/2021 Official Gartree 2 GTX0011 – Site Instance 1 – Site Infrastructure) is insufficient. The use of the commercial/industrial screening criteria requires justification. Although it is understandable that the residential screening criteria would be overly conservative and the receptor is incorrect the exposure criteria in the commercial/industrial screening criteria are unlikely to be representative of exposure at all locations within a prison
- 4.4.2 Has a detailed UXO risk assessment as recommended by the 1st line defence preliminary UXO risk assessment included as an appendix of the Geo-environmental appraisal?
- 4.4.3 *Harborough District Council Contaminated Land and Air Quality Officer) Comments in response to UXO Report) (11/02/22)*
The permission should be conditioned as suggested. If the applicant refuses the placement of a pre-commencement condition on the permission either the information outlined in the conditions below should be submitted prior to the decision being made or the permission should be refused on the grounds that the applicant has fails to show that:
(a) the development prevents new or existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil pollution (para 170(e) NPPF 2018) or
(b) that the site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination (para 178 NPPF 2018)
- 4.4.4 *Harborough District Council Environmental Health Officer (Noise and Light) (21/12/21)*
Noise Impact Assessment – the NIA in principle is acceptable. However, there are some aspects of it that are non-committal and, in my opinion, require clarification. For

example, there is some uncertainty as to whether piling will take place and should this be part of the construction phase, it would be of concern and would need to be controlled very carefully. It could be that we pick this up, and other points, by requesting a detailed construction method statement. Also, whilst I appreciate that noise from fixed plant is currently unknown, fixed limits have been set, but unless these fixed limits are conditioned, I am not sure how useful they are.

4.4.5 Lighting assessment – whilst the report goes into detail about the levels of lighting that need to be achieved at different areas on site, and what type of lighting will be installed to achieve such, it does not deal with the impact of light emissions off-site at nearest receptors. We would expect such a report to predict, assess and verify light emissions (including glare) at nearest receptors in accordance with relevant lighting guidance including, but not restricted to the guidance from by the Institution of Lighting Professionals⁹. The applicant may want to consider supplying contour maps or virtual plans to depict predicted light emissions on and off site.

4.4.6 *Harborough District Council Neighbourhood Green Spaces Officer (18/10/21)*

The application site is entirely within the Neighbourhood Area for the Lubenham Neighbourhood Plan but is also, in parts, adjacent to the Foxton Neighbourhood Plan Area of separation. The policies of the adopted Plans may be relevant and should be considered when determining the application.

4.4.7 I note the site boundary extends into the area of separation between Gartree and Lubenham (Policy LNP01). Policy LNP01 states:

“The open character of the Lubenham & Gartree Area of Separation, as defined on Map 2, shall be maintained, to preserve a visual separation from the settlement of Market Harborough and retain the distinctive character and separate identities of Lubenham and Gartree. Development within this area will be permitted if (a) it would not diminish the physical or visual separation between built up areas associated with these settlements; and (b) it would not compromise, either alone or in conjunction with other existing or proposed development, the effectiveness of the Area of Separation in protecting the identity and distinctiveness of these settlements. Any development proposal within the Area of Separation must be accompanied by an analysis and proposals for mitigation of likely impact on settlement setting and the objective of visual separation, giving specific attention to use of location, design and landscaping appropriate to the character of the area.”

The requirements of LNP01 should be fully met to ensure the application is compliant with current development plan

4.4.8 The Foxton Neighbourhood Plan Policy F1 states:

“a. Policy F1: Countryside. The Countryside (land outside the Foxton Limits to Development and the Foxton Locks Area as defined on Map 2 and the Policies Map) will be protected for the sake of its intrinsic character, beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all. Development in the Countryside will be strictly controlled in accordance with Harborough Local Plan Policies SS1, GD3 and GD4.”

4.4.9 I note the Landscape and Visual Impact Assessment provided as part of the application which has recognised Lubenham NDP policy LNP01 within the assessment

⁹ <https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2021/?nowprocket=1>

- 4.4.10 The close location of the Scheduled Monument of Foxton Locks, the effect of the development on the Foxton Locks site and its tourism offer has apparently yet to be determined although I note Historic England response.
- 4.4.11 I note the BNG calculation area plan, however there is no provision as far as I am able to determine for Biodiversity Net Gain calculations as part of the application process. A calculation should be undertaken using a suitable metric to ascertain whether the development will meet the requirements of BNG and what mitigation measures are required.
- 4.4.12 There may be local mitigation required through provision of a suitable S106 agreement. This might be for local traffic mitigation measures, sustainable footpath, cycleway and other access improvements, provision of additional screening and bund from visual impacts of the development, provision of additional community facilities. These issues need to be discussed with the relevant officers and communities.
- 4.4.13 I note the comments of the LLFA regarding flood mitigation. There is local concern that the development may exacerbate the existing flooding issues in Lubenham. The community will need to be reassured with robust evidence that the proposals provide full mitigation against flooding.
- 4.4.14 *HDC Strategic Housing and Enabling Officer (22/09/21)*
This relates to constructions of a prison. There are no implications for affordable housing for this application.
- 4.4.15 *HDC Environment Coordinator (12/10/21)*
It is clear from the Energy and Sustainability Statement that the applicant is making strenuous efforts to ensure that the new buildings are designed to be able to deliver net zero. The design specifically moves away from gas heating which is very welcome. The design approach is to reduce energy use first and then move through the energy hierarchy to deliver net zero. This approach meets the requirements of Local Plan Policy CC1.
- 4.4.16 The design includes bicycle provision and EV charging infrastructure, this is also in line with Local Plan policies. The design is due to meet BREEAM excellent, but I would urge the applicant to try to deliver BREEAM Outstanding. It is vital that the Government leads in delivery against climate goals and this development should be a model for delivery of carbon zero.
- 4.4.17 *HDC Environment Coordinator (further comments) (03/11/21)*
I note that the applicant is aiming to achieve BREEAM Outstanding, which is very pleasing. I look forward to seeing the full plans when they are received, but recognise that the project is fulfilling the requirements of Policy CC1.

5. Members of Parliament, Councillors, Parish Councils and Neighbouring Local Authorities

- 4.5.1 *Cllr Paul Bremner (20/10/21)*
- The Foxton pumping station is not at any capacity to take waste from the new prison - on that basis alone it should be refused as the disruption to Foxton residents from the associated works will be extensive. Anglian Water.
 - The new prion does not have access rights onto Welland Avenue.

- No mitigation of the highway, especially around Foxtton Primary School. Highways recommends – planning officer / committee can take a different view.
- Drainage off the site in this area is natural – new prison development disrupts that. Anglian Water
- Prison, with disruption to drainage they will cause and wildlife- they should be conditioned to maintain and enhance both. i.e. maintaining ditches and drains and introducing foraging runs. It is all very well moving badger sets but what about their immediate and forgoing environment?

4.5.2 Lubenham Parish Council (15/10/21)

General

The application goes against the policies of the Lubenham Neighbourhood Plan, adopted July 2017 on which the MOJ were consulted. Contrary in particular to policy LNP19 and also in part to LNP01 LNP12 and 13 LNP15 and 16. It is also incompatible with HDC Local Plan Policy GD3 and the vision of the rural Market Town. It will impact on the unique rural identity of Market Harborough and the rural villages and considerably increase the District's Carbon footprint. Its construction in this location will damage the HDC Local Plan's objective of promoting the growth of tourism (particularly at Foxtton Locks) and improving the visitor experience of Harborough District.

- 4.5.3 While the new prison will create jobs these are unlikely to all be filled by local people and so will increase traffic to the rural roads. HDC Policy BE1 does not designate this site as an area for business/employment growth.
- 4.5.4 There are specific issues that will affect the residents of Gartree Estate as this proposed development will compromise the rights of the residents who own the majority of Welland Avenue and it will have an *'adverse impact upon the living conditions of (the) nearby residents from nuisance or disturbance caused by odour, noise, vibration or traffic movement;*' (LNP policy 19); further details are at point 9 below
- 4.5.5 In addition:
There is insufficient infrastructure (Roads, Sewerage, Health, Solar Electricity) to support a development of this size in this rural location. With a lack of public transport or access to cycle paths and footways, workers will be arriving from a distance by car. Post 2024 many of these cars will need to be electric powered and there will be insufficient charging capacity provided by the solar power proposed.
- 4.5.6 Recruitment of prison officers in the area is already a problem and we understand they travel from a wide radius to work at Gartree 1 – perhaps a location for a new prison closer to the workforce might be available to minimise the use of private transport.
- 4.5.7 We do not consider that sufficient evidence has been given that this is the most appropriate site in the country for such a facility; land ownership by the MOJ is insufficient evidence to prove that this is a suitable site.
- 4.5.8 There is potential for the proposed development to cause flooding to neighbouring settlements of Lubenham, Gartree and Foxtton; this is very concerning. A public sewer has been identified on the development site and development proposals will affect existing public sewers; development over existing public sewers should not be permitted
- 4.5.9 Should the plan go ahead, there is a need for

- Considerable offsite traffic mitigation measures to deal with the A4304 junction with Foxtan Road and Laughton Roads and the ability of pedestrians to cross; also, the Foxtan Road/ Gallow Field Road Junction and the Gallow Field Road/ B6047 junctions will require improvement.
- a more appropriate access could be used from Gallow Field Road to the rear of the existing prison down the existing track.
- Robust measures in place to prevent flooding to neighbouring villages.
- Considerable redesigning of the local sewerage assets to accommodate effluent from the increased population of the area 1,700 residents + 700staff. We suggest that such a development requires its own sewerage system.

4.5.10 The application is too incomplete for determination; too many issues have either not been addressed or are incomplete. These must be satisfactorily resolved before a decision is made

4.5.11 Our main concerns are:-

- Flooding
 - The proposed development will lead to an unacceptable risk of flooding downstream in Lubenham with water discharging into the river which already floods on a frequent basis with some properties also being flooded.
 - Foxtan Road floods regularly from a stream that runs through the proposed development site.
 - Gallow Field Road floods.
- Water and Sewerage
 - Insufficient detail has been agreed in relation to water and sewerage disposal in spite of 'extensive communication with Anglian Water'.
 - By their own admission '*An outline foul water drainage strategy drawing has been prepared for this site, however this does present a number of potential issues*'. These would need to be resolved before an application could be determined.
 - The applicant has not identified a discharge rate for used water.
 - Waste water should be reused on site.
 - A public sewer has been identified on the development site and development proposals will affect existing public sewers; development over existing public sewer should not be permitted. This is likely to affect the existing properties and, we believe, roadside drains that run onto the proposed site, from Welland Avenue and if disrupted may lead to flooding.
 - Both Lubenham and Foxtan pumping stations are at capacity. Lubenham pumping station regularly needs attention with effluent sometimes overflowing into the river.
- Traffic
 - Insufficient traffic and transport assessments have been undertaken with no attention paid to the remoteness of the site. And the following lack of infrastructure:
 - i. Remote from the major road network
 - ii. No cyclepaths
 - iii. No footways
 - iv. Access from an unadopted road
 - v. No bus connection directly to the site and only a very limited service to the north of Welland Avenue
 - Insufficient attention is paid to the impact of additional offsite traffic on neighbouring roads both during and after construction and the cumulative effect of recently granted permissions for housing, showground, and proposed business units.

- A4304 junction with Foxtan Road is unable to take large construction or delivery vehicles. This junction is considered to be the safe road crossing for school children. It is also close to the Laughton Road which children have to cross to get to school.
- Foxtan Road access would be past residential properties where children cross to get to the village play area and Village Green.
- Recent fatalities on Laughton Road and accidents at Foxtan Rd Junction.
- Gallow Field Road/B6047 junction has been the location of fatal accidents.
- Foxtan Road and Gallow Field Road meet just outside Foxtan Primary School where problems arise with heavy goods vehicles at school pick up and drop off times.
- Environment/Biodiversity
 - Loss of greenfield site and the effect on biodiversity and agricultural land. (The UK is one of the world's most nature depleted countries).
 - NPPF states that sites on Greenfield land over 20ha must be referred to Natural England – Natural England have identified a lack of suitable investigations to justify development here.
 - Contaminated Land and Air Quality Officer states the Geoenvironmental assessment is insufficient
 - Loss of habitats, badger setts, and home to other wildlife.
- Health Infrastructure
 - Although health and mental health services may be available within the prison, we are aware that the current Gartree prison already utilises minor injuries facilities locally. We have no indication that the facility at St Luke's, which is already lacking capacity for local use, will not be used by the new prison residents.
- Carbon Neutral Considerations
 - The solar facilities planned will not provide sufficient supply to run the prison and the car charging points that will be required post 2024 when electric car targets have to be met.
- Light pollution
 - Additional security lights will cause light pollution and affect the rural nature of the surrounding villages.
- High Pressure Gas Main
 - The southern boundary of the site is very close to the High-Pressure Gas Main which would cause catastrophic consequences if damaged.
- Gartree specific issues

The development will adversely impact upon the living conditions of residents in Welland Avenue, causing nuisance, disturbance from noise and traffic movement and a loss of privacy (LNP policy 19)

 - Proposed access to the site is from the unadopted road. Welland Avenue belongs in part to Gartree residents who own the majority of the road.
 - With prisons at either end of Welland Avenue, delivery vehicles and visitors will use this as a through route.
 - Insufficient detail is provided regarding operational vehicle movement post construction and its effect on Welland Avenue Gartree or proposals for mitigation.
 - Roadside drains from Welland Avenue discharges into the channel which runs onto the proposed site.
 - Parking around the prison – vans delivering to prison already park on yellow lines and obscure vision.
 - The only bus stop is at north end of the estate, any visitors will walk through the estate to access the proposed new prison.
 - 4 storey buildings look into residents' gardens.

If this development is to go ahead a more appropriate access could be made from Gallow Field Road to the rear of the existing prison, with all traffic signposted to arrive via A6 - B6047 and Gallow Field Road. This route should also be used to access the existing Gartree Prison, thus avoiding any prison traffic using Welland Avenue.

4.5.12 *Lubenham Parish Council (29/10/21)*

Lubenham Parish Council wishes to add the following to their Objection Comment. The applicant says that the application has been screened under the Environmental Impact Assessment Regulations 2020 as a Schedule 2 proposal and not deemed to have sufficient impact to merit Environmental Assessment. The Parish Council would like to see this judgement, as with over 1700 prisoners with 50% staff covering and with over 80,000 sq.m. of development, physically adjacent a residential estate (Gartree) and occupying over 50 times the minimum size for a Schedule 2 development in our view this development should trigger that need. Has the Council taken external legal advice, as given the Governmental nature of this proposal this should be a duty. At first view the impacts are substantial?

4.5.13 The principle advantage of triggering such a requirement in this case is that it would allow a proper evaluation of alternatives rather than the cursory observations in the Planning Statement that this is the most appropriate site. As para 7.35 of the Planning Statement accompanying the application states: *"Land in MoJ ownership was considered as priority sites given the potential for quicker delivery to meet challenging delivery programme and avoid additional costs and time delays associated with the purchase of land. A site search for privately owned sites was conducted by Cushman and Wakefield on behalf of the MOJ in early 2020 within the parameters identified by the MOJ, however this search did not bear fruit due to a combination of cost, timescales required to acquire privately owned sites or not fulfilling the required criteria."*

4.5.14 Written to provide the best gloss on the site search, it is clear that a proper evaluation of alternatives was not made for a development for which, if necessary, compulsory purchase powers are anyway available. Site choices should be far less constrained than explained above.

4.5.15 Para. 8.2 of the Statement correctly accepts that: *"As a matter of law, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan is the Harborough Local Plan 2011-2031(adopted April 2019) and the Lubenham Neighbourhood Development Plan (2016 - 2031). There are no specific planning policies that are directly related to prison development in the Development Plan. Paragraph 96 of the NPPF supports the delivery of new prison infrastructure through collaborative working between local planning authorities and delivery partners and statutory bodies."*

4.5.16 Para 8.3 continues that: *the site is identified as being within the open countryside. Local Plan Policy GD3 (of the recently adopted Local Plan identifies acceptable uses within the open countryside which does not include the proposed use. The proposed prison site is therefore contrary to local plan policy GD3.)* It is a weakness of the Planning Statement that it does not properly discuss the made Lubenham Neighbourhood Plan in the assessment of the proposal.

4.5.17 Para 8.4 of the Planning Statement says: *"It is considered that 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.*

- 4.5.18 LNP01 is a separation policy not a landscape policy and therefore this explanation has a fundamental misunderstanding of the nature of the policy. Even a cursory inspection of that Plan shows that the proposal contravenes the first policy of this Plan LNP 01 re the Area of Separation of Market Harborough and Lubenham.
- 4.5.19 Para. 28 of the NPPF (2021) specifically states that: *"Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan."* In this case it will not, as part of the Statutory Development Plan has not been properly assessed. You either believe in Neighbourhood Plan or you dont.
- 4.5.20 Conclusion. The Parish Council consider that the proposals have not been properly assessed in line with Environmental Impact Assessment Regulations; most specifically there has not been a proper assessment of the alternatives. The policies of the statutory Development Plan have at least in part, not been properly assessed, and this is a failing that means prime facie the development cannot be considered acceptable as currently argued.
- 4.5.21 The submission considers a number of technical matters, which the Parish Council does not have the resources to properly evaluate. In reality this is David v Goliath, as without the provision of resources to evaluate the technical issues, proper comments cannot be made.
- 4.5.22 However as one example, the Transport Assessment expects no visitors to over 1700 prisoners, prisoner movement and HGVs servicing to take place in the peak travel times. This cannot be considered realistic. The Assessment only considers the expansion of the existing prison in additional "Committed Development (Section 7.2.2 Traffic Growth Factors). No appreciation has been taken of the 1500 dwellings plus substantial commercial development at the adjacent Airfield Farm site, which has now commenced. This is a substantial local growth factor that has been totally ignored.
- 4.5.23 The Trip Assignment appears arbitrary and some justification is needed. No traffic through Foxton the obvious route to Leicester? In Lubenham Parish the junction of the A4304 and Foxton Road has long been an issue with residents, especially at peak travel times for both work and the local school. Yet the report is dismissive of this as a concern. This level of inadequate review makes the Parish Council suspicious of all the other technical reports, which are much less susceptible to non-expert evaluation.
- 4.5.24 Should the authority be minded to approve the application traffic mitigation will be required at the junction of Foxton Road/Main Street (A4304) Lubenham and also at Gallow Field Road/B6047. A means for pedestrians to safely cross both Foxton Road and Main Street in the village. In addition a footway/cycleway to the side of Foxton Road from Gartree towards Lubenham and similarly along Gallow Field Road. Improvements to the sewer system will also be necessary as will be flood mitigation
- 4.5.25 *Foxton Parish Council (15/10/21)*
Foxton Parish Council want to object to Planning Application 21/01600/OUT, the building of a new Prison at Gartree. Foxton Parish Council do not think that this site is the right place for a huge new prison. Such a large development is contrary to both the Harborough Local Plan and the Foxton Neighbourhood Development Plan. The development will contravene Policies F3 (tranquility) F17 (water management) and F5 (biodiversity) of the Foxton NDP (revised version due to be adopted very shortly). Policy F3 states that development proposals must consider and address their potential impact

on local tranquillity. Local tranquillity will be affected by the increase in traffic, especially during the long construction period.

- 4.5.26 Policy F5 states that development should not harm the network of local ecological features and habitats. New development will be expected to maintain and enhance existing ecological corridors and landscape features (such as watercourses, hedgerows and tree-lines) for biodiversity thus demonstrating overall net-gain. There is not sufficient detail in the available application to assess whether this will be achieved.
- 4.5.27 Policy F17 states Development proposals should support the delivery of the Water Framework Directive and its objectives as set out in the Anglian River Basin Management Plan. The Anglian Water report states that the current application does not meet its requirements and is likely to result in increased flooding which would affect Foxton.
- 4.5.28 HDC Policy BE1 does not list this site as a place for employment growth. While the new prison will create jobs these are unlikely to all be filled by local people who walk or use public transport to get to work and so will increase traffic to the rural roads.
- 4.5.29 It is also incompatible with HDC Policy GD3 and the vision of the rural Market Town. This very large development will detract from the unique rural identity of the area, including the village of Foxton. It will also affect the growth of tourism at Foxton Locks therefore it is contrary to the Harborough Local Plan objective of promoting the growth of tourism and improving visitor experience in Harborough district.
- 4.5.30 We also believe that insufficient attention has been paid to additional infrastructure required to support such a large development.
- 4.5.31 These are the issues which concern us if the building of the new prison goes ahead
1. Roads and traffic Problem - the number of additional journeys generated every day during and after the construction phase will be considerable. In the proposed traffic plan many of these journeys will pass Foxton School and go through our village. The village itself has a humpbacked bridge over the canal which has poor visibility and only allows one vehicle to cross at a time. Sat. Nav. directions to the current prison from A6 North currently take vehicles through Foxton. The Main Road through the village is not suitable for an increase in traffic of any sort and large vehicles could get stuck on the canal bridge (as has happened in the past). The Headteacher of Foxton School is concerned that at several times during the day, there are a large number of cars which are parked on Gallow Field Road and at the top of Lubenham Road to drop children off or collect children. Large vehicles will struggle to pass the parked cars and will be a hazard to pedestrians. In addition, the air pollution caused by extra vehicles passing by the school will affect the health of the children and school staff. The position of the school is below the level of the road so fumes from traffic drops and lingers on the playground and blows into the school building. What we would like to see There is a track that goes from Gallow Field Road past the back of the existing prison which could be made into a road to access the new prison. Traffic would not then need to pass Foxton School. It would also remove the need to use Welland Avenue in Gartree to access the new prison. We want no access for prison traffic through Foxton at any time including during the construction phase. We would like to see measures such as the closure of the A6 junction with Langton Road or at least the routeing of Prison traffic via the A6047 (as currently done with traffic to Foxton Locks). If traffic to the prison is routed

past the school, there needs to be off road parking for parents along Gallow Field Road and a pedestrian crossing for parents and children from Gartree. Other measures such as pinch points, chicanes or speed humps at both ends of Foxton village deterring traffic and importantly slowing it down could also be considered. Similar issues need addressing for Lubenham, especially on Foxton Road.

2. Drainage and flooding Problem - as the Anglian Water report states, the use of the Foxton Water Recycling Centre to process foul water from the new prison would result in a need to increase the capacity considerably. This would affect Foxton residents particularly during the construction phase as some of the pipes pass under residents land. Anglian water also points out the surface water drainage in the current plan would be likely to cause flooding downstream (which includes Foxton). What we would like to see A better foul drainage solution that doesn't involve the large expansion to the Foxton Water Treatment Centre. A better surface drainage solution which will not add to existing flooding in the local area.
3. Sustainable travel cycling, walking and use of public transport. Problem - The Outline Travel Plan is based on out of date maps and data and does nothing to address or improve sustainable transport. Proposed access to the new prison from Gallow Field Road is on a 60mph single carriageway road with no pavement or cycle lane. There are more cycle routes/lanes already in place than National Route 6, which is the only cycle route mentioned in the proposal. Further development of these has not been considered. The new housing on the North West side of Market Harborough will be within walking distance of the prison and deserves dedicated footpath access. Instead the outline plan has dismissed the 10.6% of people who walk to work. The sustainability in the outline planning relies on increasing car sharing but only by a measly 5%. There is no incentive for the prison workers to car share. What we would like to see Extra pavements and cycle lanes are needed to make these forms of journey safe and viable. For example upgrading the existing footpath from Gartree 1 to the canal bridge on Peter Callis Way to a cycle/pedestrian all weather route. A safe road crossing for pedestrians walking from Gartree village and a cycle route from the northern housing estates in Market Harborough to Foxton School is needed. Measures to encourage car sharing should be introduced, e.g. charge single occupants to park and use proceeds to further enhance cycle/walking facilities and strategies (e.g. ebikes available to hire, drying rooms for clothes on wet days).
4. Health facilities, particularly A&E Problem - although the new prison will have its own medical facilities, this does not include Accident and Emergency. A prison of this size is bound to generate visits to A&E, which will mean using existing facilities to the detriment of current users (who already face long waits). The extra staff required at the prison, many of whom will move to the area, would place pressure on existing GP surgeries which are already overstretched. What we would like to see Expansion of existing A&E facilities such as upgrading St. Lukes minor A&E to a 24 hour service. Provision of a new GP surgery/Health Centre to the North of Market Harborough.
5. Biodiversity Problem - Documents regarding biodiversity, species surveys etc are not available to view currently, so it is very difficult to assess how the claimed 10% increase in biodiversity will be realised. What we would like to see Introduction of measures such as wildlife corridors for animals such as hedgehogs and other small mammals. Retention of hedgerows. Inclusion of wildflower verges, meadows rather than lawns and planting that encourages bees and other insects. Planting of trees.

- 4.5.32 This application needs to be considered with all the other developments that are taking place in the same area i.e. expansion of current Gartree prison, possible development of Wellington Business Park, further development at the Innovation Centre, increased use of the Showground and continued house building on Airfield Farm. Existing amenities such as the MacDonalds fast food outlet at the A6/A6047 junction for Market Harborough also need to be factored in. This also generates extra journeys through Foxton as evidenced by the amount of rubbish found on the verges along Langton Road into Foxton. The cumulative effect of all these will place unprecedented pressure upon our existing infrastructure and if the building of the new prison goes ahead, the MOJ need to provide considerable funding to mitigate the effect of such a large development on surrounding communities
- 4.5.33 *Gumley Parish Meeting (12/11/21)*
The Gumley Parish meeting wishes to oppose the construction of the additional Gartree Prison for the following reasons.
- 4.5.34 Construction would contravene Harborough DC's own planning policies The Market Harborough Local Plan 2011 - 2031 which was adopted in April 2019 - Policy GD3 states:
"4.5.1 It is important that the countryside is protected from unacceptable development which would harm its intrinsic value and rural character. However, certain forms of development are necessary to support rural life and maintain or enhance the rural economy. Policy GD3 strikes a suitable balance between encouraging a thriving rural economy, maintaining and, where possible, improving the sustainability of smaller rural settlements, and conserving the character of the district's much valued countryside".
The proposed development contravenes this Policy, the Local Plan and the relevant NPPF Policies set by the Government.
- 4.5.35 Increased daily traffic through the village of Gumley and associated rural road network
The Transport Assessment Document considers the impact of the Prison on the existing transport network.
- 4.5.36 The transport assessment anticipated that 45% of trips will access the Prison from the south (via A4304) and 55% north via Gallow Field Road for daily usage. The Gumley residents (and other villages) know these figures will be incorrect based on the existing prison staff using the villages as cut throughs - often travelling at speed due to the familiarity of the rural road network. Gumley Parish Meeting has already been in contact with Leicestershire County Council Highways raising the issue of increased traffic speed through Gumley and associated speed reduction measures.
- 4.5.37 The Transport Assessment Document concludes that the residual cumulative impacts on the road network would not be severe and there would be no unacceptable impact on highway safety. We would like to contest the transport assessment document's findings and conclusions on the impact of the rural road network.
- 4.5.38 Light Pollution. Within the Harborough DC Local Plan, one of the criteria is for good design is minimizing pollution from external lighting. The lighting required for a prison exceeds the level of light which is acceptable in the rural area and the adjoining villages, including Gumley, causing pollution to the environment.
- 4.5.39 *Market Harborough Civic Society (22/10//21)*
The Society has carefully considered the proposal for a new prison. The site lies in a rural area where development is limited. We are not satisfied that there is sufficient justification to depart from these strict policies.

- 4.5.40 This proposal is not SUSTAINABLE. The Local Plan for Harborough District, approved in 2019 does not take in to account the minimum of 1700 jobs to be created on this site. The creation of the prison could increase the demand for local housing and create pressure for more housing in Market Harborough and adjacent settlements.
- 4.5.41 Land for up to 3000 houses has been allocated in Market Harborough in the Local Plan. This land is to meet the needs until 2031. While a number of these houses has been completed the relevant community facilities have not been started. If we look at Airfield Farm, the nearest development to the site, the schools, shops and community facilities required to support the development have not been provided. While these facilities are included in the planning permission we are not even sure that these facilities will be provided in view of the changes in the economy in the last few years. We feel that time needs to be allowed for the new communities to develop before more development is imposed on the area.
- 4.5.42 The proposal will increase traffic on the local road network, and it is the inadequacies of this network which make this proposal unacceptable. While the County Council has approved a Strategy for Transport for Market Harborough the funds to implement the proposals are not available. The life of a planning permission is 5 years and we have to assume the prison will be built in that time as there is no phasing programme presented with the application. The Transport works are unlikely to be completed in this period.
- 4.5.43 On reading the documents the intention seems to be attract staff from an area up to 40 miles away. This will extend from Birmingham in the west, Derby and Nottingham in the north, Peterborough in the east and Luton to the south. The employees will be dependent on the car. The road system in the area will not be able to cope with the extra traffic generated. Public transport is not available to reduce this traffic. The large car park proposed will further attract use of the car.
- 4.5.44 Construction Traffic is to be routed by the A4304, the shortest route. Nothing is said about the time scale for construction of the prison. However, this proposal will generate congestion and danger on the road and in the settlements between Junction 20 on the M1 and the site. The A14 and the Bypasses were built to overcome these issues. The use of the A4304 will not cope with traffic from the east. The proposal therefore will generate more traffic in the High Street and adjoining roads in Market Harborough. This is not acceptable.
- 4.5.45 We feel that this this proposal will make little contribution to the local economy.
- 4.5.46 (a) In their outline travel plan the applicants refer to the Government's policy to encourage the use of public transport; promote sustainable travel to the site; reduce reliance on the private car. When the document is perused further it will be seen that the plan does not achieve any of these objectives.
- (b) There are no separate pedestrian or cycle routes along Foxton Road and Gallow Tree Drive and there is no intention to provide any. The only bus route referred to is No 44. The Council will be aware that this route is infrequent and there is no service on Sunday and in the evening. There is no intention to improve the service. The proposal does not meet the Government Policy.
- (c) Construction traffic and service vehicles will use Foxton Road and the A 4304. There is no guarantee that these heavy vehicle will not use the Town roads to reach the A4304. The road infrastructure of the Town will not be able to accommodate this extra traffic.

- 4.5.47 The site of this proposal lies within a very attractive rural area. The main use is agriculture and the land is well maintained. Nearby is Foxton Locks and the adjoining canal. These features attract many visitors to the area and they contribute to the local economy. The prison proposal, with its high buildings and increased traffic, is totally out of character with the local environment. It will cause harm to the character of the settlements of Lubenham, Foxton and Gartree.
- 4.5.48 One of the criteria for good design, in the Local Plan is to minimise pollution from glare or spillage of light from external lighting. The minimum lighting required for a prison far exceeds the levels of light that are acceptable in this rural area and the adjoining villages, causing further detriment to the environment.
- 4.5.49 The Development will have an unacceptable impact on the amenities of residents in Gartree Village.
- 4.5.50 We have demonstrated that this proposal for a new prison is not acceptable on this site. The search is limited to land owned by the M 0 J. We feel that other sites can be identified which do not have the problems of this site.
- 4.5.51 *Laughton Parish Council (Planning Sub-Committee)*
The Transport Assessment Document This has been prepared by Atkins on behalf of the MoJ and considers the impact of the Prison on the existing transport network. With staff of 858, and visitors (3 allowed per prisoner) plus ad hoc legal visits, it is estimated that 672 vehicles arriving every day, with these vehicles departing on the same day totalling 1,344 per day. These figures assume that all 3 visitors will travel in the same vehicle. Together with shift patterns, it is anticipated that 45% of trips will access the Prison from the south (via A4304) and 55% north via Gallow Field Road. This, of course, does not take account of any construction traffic.
- 4.5.52 In theory this should work smoothly, but in practice could cause major congestion on the Harborough Road junction and at the Foxton Road/Lubenham junction (A4304).
- 4.5.53 The committee's main concern is that all traffic associated with the Prison will be required to arrive/depart via Foxton Road, but could so easily use Laughton Road (close to A4304) as another route, to gain access to other major roads, the A5199 for instance. This is a very rural area with Laughton Road leading over a small single track canal bridge, which is completely unsuited to extra traffic. Added to this, the village of Laughton, with its entrance running off Laughton Road/Lubenham Road, is a small quiet village with no street lighting, where all exits and entrance routes are single track only. Again, completely unsuited to extra traffic.
- 4.5.54 The Committee is concerned that Laughton village could be used as a short cut. The Transport Assessment Document concludes that there would be no unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe. The committee disagrees.
- 4.5.55 It is difficult to imagine, considering the extra development particularly in this area of the district, be it housing, business parks etc, how Market Harborough can absorb such a large development like Gartree 2, without placing a huge strain on all services, which would inevitably impact and alienate local residents. Harborough District Council must deliberate very carefully on this application, otherwise they risk ruining a very pleasant and enjoyable place to live and work
- 4.5.56 *Great Bowden Parish Council (07/02/22)*

Given the importance of Foxtan Locks as a heritage asset and tourist attraction, the proposed development within the vicinity of that heritage asset would not maintain or enhance the local and regional role and significance of the locks, but instead may actively discourage visitors to them. The proposal, therefore, causes harm to this heritage asset which is not outweighed by any public benefits. Consequently, the proposal is contrary to Harborough Local Plan Policies GD8 and HC1, and the National Planning Policy Framework (particularly Paragraphs 12, 47, 199 and 202).

- 4.5.57 The proposed site does not occupy a sustainable location and, therefore, does not accord with Harborough Local Plan Policies GD1 and BE1(2), and the National Planning Policy Framework (particularly Paragraphs 12, 47 and 85).
- 4.5.58 The proposed development would have a greater impact on the openness of the greenbelt and the purpose of including land within it than the existing development on that part of the site that is previously developed, and would encroach onto open countryside and is therefore inappropriate development in the greenbelt. Substantial weight attaches to the harm to the greenbelt by reason of inappropriateness and further harm arising by reason of the impact of the proposed development on the openness of the greenbelt and encroachments.
- 4.5.59 The benefits associated with the proposed development would not clearly outweigh the resulting harm and therefore do not constitute individually or cumulatively very special circumstances required if inappropriate development is to be approved in the greenbelt in accordance with paragraph 148 of the National Planning Policy Framework.
- 4.5.60 The proposed development would have an unacceptable impact on highway safety by virtue of the increased traffic movements and inadequate highway infrastructure contrary to paragraph 109 of the National Planning Policy Framework and policy BE1 of the Harborough Local Plan.
- 4.5.61 The potential noise nuisance and disturbance associated with the vehicular traffic movements that would be generated throughout the use of the development would result in a harmful impact on the amenity of residents in the locality contrary to policy BE1 of the Harborough Local Plan. The proposed development is contrary to the Harborough Local Plan Policy BE1 in that it does not designate this site as an Area for Business/Employment Growth
- 4.5.62 The proposed development is contrary to the Harborough Local Plan Policy GD3 in that it has not been identified as an acceptable use within the open countryside
- 4.5.63 The proposed development is contrary to the Harborough Local Plan Policy BE3 in that this site is not a Key or General Employment Area. Because of the magnitude of the proposed development the current infrastructure especially the road system which primarily uses B roads for access and egress to the site it will be detrimental to Highway Safety and contrary to Harborough Local Plan Policy G8, IN2 and the National Planning Policy Framework Paragraphs 110,111 and 112
- 4.5.64 The scale of the proposed development its mass and size will increase the likelihood of flooding in the surrounding villages especially Lubenham and Foxtan. The current sewerage system is inadequate to support a development of this size as existing pumping stations in the surrounding villages are at capacity
- 4.5.65 The existing planning approval to the Airfield Farm sites are no where near complete however the traffic through Great Bowden has already increased dramatically a

development of this size (with over 700 new staff) would dramatically further increase traffic flow through our village with no proposed mitigation.

4.5.66 There are plenty of Brown Field sites with existing adequate infrastructure which are not in a rural countryside setting. The proposed development would cause excessive light pollution which will significantly affect the surrounding rural villages

4.5.67 And finally I would urge the planning committee to follow the lead of Chorley Council who refused planning permission in their case 21/01 028/OUTMAJ and I quote:

"Councillors have rejected a government proposal to build a new "super" jail in central Lancashire. Chorley Council planning committee ignored advice by planning officers for a 1,715 inmate Category C prison near the existing Garth and Wymott jails. Officers had recommended allowing the jail which would have seen the combined prison population outstrip the number of residents living in Ulnes Walton. Councillors voted by 12 to one to dismiss the MoJ application, which received more than 130 local objections, citing concerns over damage to the greenbelt, road safety and the impact of increased traffic on those living nearby.

21/01028/OUTMAJ - HM Prison Wymott, Moss Lane, Ulnes Walton, Leyland, PR26 8LW

Planning permission refused for the following reasons:-

1. The proposed development would have a greater impact on the openness of the greenbelt and the purpose of including land within it than the existing development on that part of the site that is previously developed, and would encroach onto open countryside and is therefore inappropriate development in the greenbelt. Substantial weight attaches to the harm to the greenbelt by reason of inappropriateness and further harm arising by reason of the impact of the proposed development on the openness of the greenbelt and encroachments. The benefits associated with the proposed development would not clearly outweigh the resulting harm and therefore do not constitute individually or cumulatively very special circumstances required if inappropriate development is to be approved in the greenbelt in accordance with paragraph 148 of the National Planning Policy Framework.

2. The proposed development would have an unacceptable impact on highway safety by virtue of the increased traffic movements and inadequate highway infrastructure contrary to paragraph 109 of the National Planning Policy Framework and policy BNE 1 of the Chorley Local Plan 2012 - 2026.

3. The potential noise nuisance and disturbance associated with the vehicular traffic movements that would be generated throughout the use of the development would result in a harmful impact on the amenity of residents in the locality contrary to policy BNE 1 of the Chorley Local Plan 2012 - 2026.

4.5.68 In view if all of the above Great Bowden Parish Council urges Harborough District Council Planning Committee to refuse planning permission in this case

4.5.69 *East Farndon Parish Council (15/11/21)*

East Farndon Parish Council has not been formally invited to comment on these proposals; however we feel that this major development will impact negatively on our village as follows.

4.5.70 Landscape - for anyone walking along the northwestern side of East Farndon, the visible impact of the existing Prison is clear to see, both during the summer and winter months. By trebling the size of the Prison facility at Gartree, there will be significant changes to the rural landscape and local scene.

- 4.5.71 Traffic - although the majority of the construction and visitor traffic is likely to come in and out of the facility via Lubenham, there will be additional volumes of vehicle movements across the area. The narrow Main Street of East Farndon, and the narrow lane from Lubenham to East Farndon could become even more of a busy short cut, with other traffic related to the A14 travelling via Main Street. In particular, should this development proceed, East Farndon Parish Council wants to ensure that the Construction Routing Plan does not allow for HGVs or similar to be able to use the lane from East Farndon to Lubenham, which is marked as unsuitable for HGVs, or Main Street. HDC's failure to place such restrictions with reference to the Farndon Fields development currently means HGVs are using the East Farndon to Lubenham road (causing damage to the road), despite NCC (as was) raising objections at the time.
- 4.5.72 We hope that you will seriously consider our concerns when assessing this planning application, and please add us to your consultation list for any further applications.
- 4.5.73 *Armstrong Rigg Planning (On behalf of Lubenham PC, Foxton PC, East Farndon PC, Great Bowden PC, Gumley PM, Laughton PM and Gartree Action Group (22/03/22) (The full letter can be viewed at **APPENDIX G**)*
I write to you on behalf of my joint clients who wish to **OBJECT** to the current prison proposals in the strongest possible terms.
- 4.5.74 This response has been prepared following a full review of the planning application and its progress to date as well as continual and ongoing liaison with representatives of all of the groups which we represent. It comprises our assessment of the technical and planning merits of the proposal. We (Armstrong Rigg Planning) are very familiar with the rural character of the hinterland of Market Harborough and, critically, its constrained road network. This submission is intended to supplement the earlier objections of the groups which we represent rather than supersede them.
- 4.5.75 This letter makes it clear that, based on the evidence presented to officers to date – in respect of highways impact in particular, that in our professional opinion this proposal is ill-conceived and that the council can have absolutely no confidence that the grant of permission for this application will not result in significant harm to the local area. In which case there are strong material planning grounds to refuse this application under delegated powers.
- 4.5.76 *Edwards & Edwards Consultancy Ltd (On behalf of Lubenham PC, Foxton PC, Laughton PM and Gumley PM (24/03/22) (The full letter can be viewed at **APPENDIX G**)*
On behalf of the Lubenham Parish Council, Foxton Parish Council and Laughton and Mowsley Parish Meetings we have carried out a high level review of the planning application, the Transport Assessment prepared by Atkins and their further Technical Note, the various Local Highway Authority responses and the Systra Highway Review.
- 4.5.77 It should be noted that this is a light touch review in the limited time available and does not delve into detailed interpretation of the evidence or considerations regarding the pros and cons of the Atkins or Systra modelling.
- 4.5.78 *Marston Trussell Parish Meeting (26/01/22)*
Marston Trussell Parish Meeting wishes to **OBJECT** to the application for the following reasons:
- Potential light pollution on the rural area
 - Increase of traffic and impact on roads
 - Impact on Foxton Locks as an asset to the wider community
 - Loss of open countryside

b) Local Community

1. Objections
- 4.2 Approximately 100 letters were distributed to properties as indicated at **Figure 10** below. Furthermore, 10 site notices were posted in the vicinity, including on Public Rights of Way which pass adjacent to the site, as well as in Foxton, Lubenham and within the Airfield Farm development of Market Harborough. 364 objections (of which 9 gave no address and to which no material weight can be given) have been received, the sources of which are set out in the table at **Figure 12**. Officers note that several of the representations are very detailed and whilst regard has been had to these in assessing this application, it is impractical to copy these verbatim and therefore a summary of the key points is provided at **Figure 13** below. Full copies of all representations can be viewed at www.harborough.gov.uk/planning.

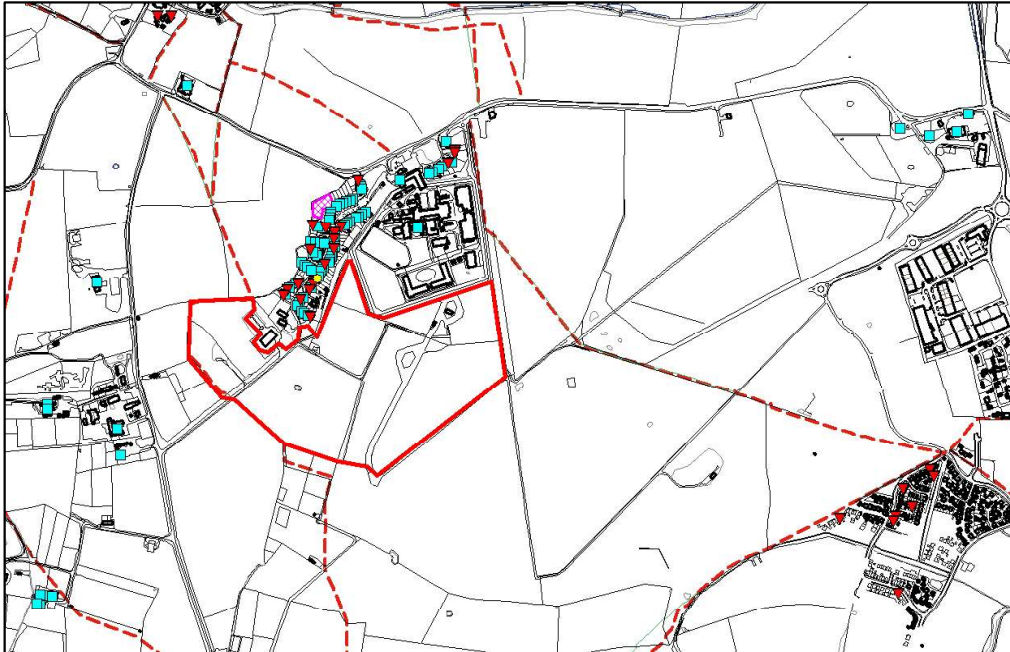


Figure 10: Map indicating locations of properties notified of the Planning Application

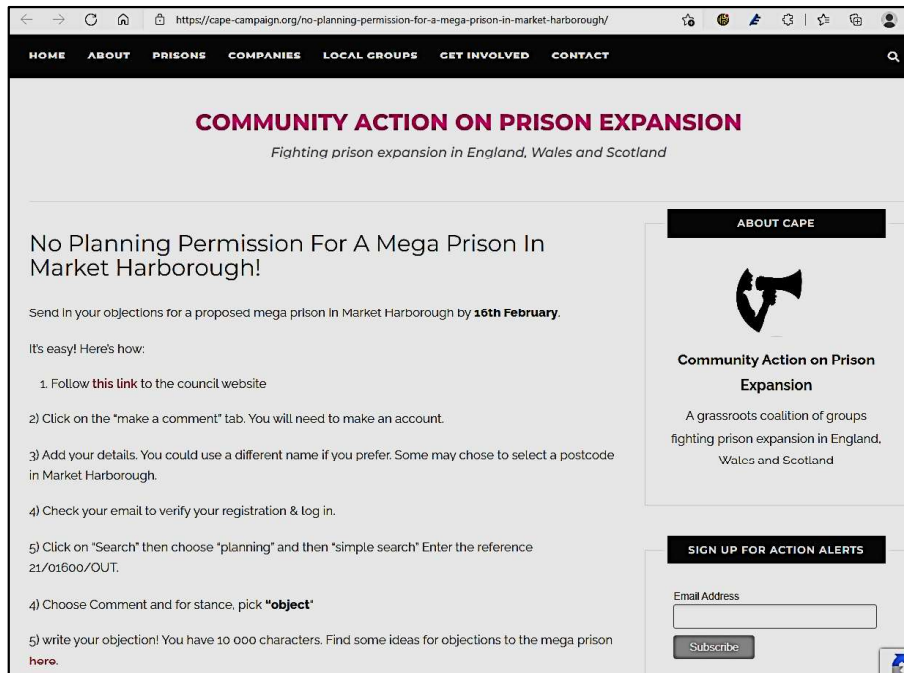


Figure 11: Extract from CAPE website detailing methods of objection

4.3 It should be noted that, as of mid-February 2022, Officers became aware of a national action group which specifically mentioned the planning application (see **Figure 11**). This resulted in a relatively small, but noticeable, spike in objections. The content of these objections was noticeably different to those that had been received, with many of the comments being largely based upon content on the website. It is notable that the website included advice to objectors to use a different name and select a postcode in Market Harborough. This became apparent when an objection was received from one particular “resident” claiming to reside at The Symington Building. Whilst it is appreciated that these objections carry the same weight as any other objection received, it should also be noted that the source of objections may be wider than indicated at **Figure 12**, with some representations being received from further afield than is reported.

Area	Number received
Gartree	22
Foxton	55
Lubenham	67
Market Harborough	89
Gumley	17
Laughton	13
Great Bowden	17
Further afield (within District)	Kibworth Harcourt x23; Kibworth Beauchamp x3; Husbands Bosworth x12; Smeeton Westerby x6; East Langton x2; Mowsley x4; Tugby x1; Thorpe Langton x5; Tur Langton x1; Welham x1; Medbourne x1; Shangton x1; Church Langton x5; Saddington x2; Theddingworth x2; Burton Overy x1
Outside of District	East Farndon x11; Marston Trussell x3; Ashley x1; Naseby x2; Leicester x2; Stanford upon Avon x1, Saltaire (Yorkshire) x1; Stirchley x1; Norwich x1; Edinburgh x1; London x3

Figure 12: Source of objections

Issues of Principle raised	
	<ul style="list-style-type: none"> The development is in breach of the Neighbourhood Plans. The proposed application is in conflict with many elements and the spirit of the Harborough Local Plan 2011-2031 - Adopted April 2019 (HLP).

<p>through representations</p> <p><i>(Addressed in Section 6a of the report unless otherwise stated)</i></p>	<ul style="list-style-type: none"> • The proposed development contravenes Policy GD3 at every single level and if approved would make a complete mockery of the Local Plan and the relevant of NPPF Policies set by the Government. • As a member of the wider MH community, this will have a detrimental effect on the environment and ruining green belt land. <i>(This point is addressed in Section 6c:14 of the report)</i> • I object to another prison when there is already one that needs upgrading. • In the first instance I would ask why build such a large development on open, untouched countryside, I would think there must be more appropriate places such as brownfield sites <i>(This point is addressed in Section 6e of the report)</i> • The proposed development for a new prison should be on brownfield sites or in a location such as Magna Park area which has excellent road routes nearby. <i>(This point is addressed in Section 6e of the report)</i> • If this proposed prison went ahead, it would then open up even more greenfield sites for the development of more housing which would not be sustainable in the Market Harborough area. <i>(This point is addressed in Section 6c:14 of the report)</i> • It is unclear why this site has been shortlisted for such a large scale prison development which is within close proximity to historic country villages accessed by a network of small rural roads. <i>(This point is addressed in Section 6e of the report)</i> • Market Harborough and its environs are already experiencing exponential development with an insufficient increase in infrastructure and associated services to support it <i>(This point is addressed in Section 6c:14 of the report)</i> • This is a desperate attempt to use land that perhaps is already owned, not a proposal built on any understanding of what is needed for an area and what services would be needed to accommodate its use. <i>(This point is addressed in Section 6e of the report)</i> • Perhaps consider constructing them where least are affected - like the new 'mega' warehouses going up everywhere alongside the M1 motorway? <i>(This point is addressed in Section 6e of the report)</i> • A site such as the old steel works in Corby would be far more suitable, accessible and sustainable. <i>(This point is addressed in Section 6e of the report)</i> • HDC Policy BE1 does not list this site as a place for employment growth, therefore, job creation should not be deemed as a positive impact. • This is not designated as an area for business and employment growth (Policy BE1) • HDC need to ask for a proper assessment of the environmental impact. <i>(This point is addressed in Section 3d of the report)</i> • I do not consider that the authorities have considered the environmental impact of the use of this site for the purpose. <i>(This point is addressed in Section 6e of the report)</i> • The requirements outlined do not constitute sound planning principles, and without reassessment, the proposals risk a successful high court challenge. Government landownership is noted as a benefit to the tax payer, however this should not be given any significant prioritisation over other sites. <i>(This point is addressed in Section 6e of the report)</i> • Although the site may appear to be ideal the infrastructure around the prison is not and in order to improve that it would seriously compromise the local villages with noise, pollution, air quality, loss of local wildlife habitats and an unacceptable reduced quality of life for the area. <i>(This point is addressed throughout the report as a whole)</i> • Gartree Prison (existing prison, surrounding land, and potential future development) does not appear to be mentioned in the current Harborough Local Plan? • The cost of this proposed new prison would be better used in supporting those initiatives and schemes which stop people from committing crimes in
---	--

	<p>the first place and which have been proven to work. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <ul style="list-style-type: none"> • Conflict with HDC Policy CS1 (Spatial Strategy) - maintaining the separation between the two settlements and reinforced in Policy CS13 <i>(This point is addressed in Section 6c:14 of the report)</i> • I feel the government should be working much harder to reduce prison populations and not increase them. <i>(This point is addressed in Section 6c:14 of the report)</i> • It may also be worth considering whether any other body than the Home Office would even have a chance of succeeding with such a planning application; as it appears to contravene virtually all of the government's own national planning guidance. • What is the government planning which requires such a surge in prison capacity? <i>(This point is addressed in Section 6c:14 of the report)</i> • This will turn the whole area into the criminal depository for the whole of England <i>(This point is addressed in Section 6c:14 of the report)</i>
<p>Heritage issues raised through representations</p> <p><i>(Addressed in Section 6c:1 of the report unless otherwise stated)</i></p>	<ol style="list-style-type: none"> 1) Should the proposed development be permitted it will adversely affect the beauty of the area which sits close to many listed properties and a listed Medieval Settlement Site, one of only 33 of its type in the U.K. 2) Having read " The Geophysical Survey" it appears to me that there is evidence of Iron Age, Roman and Medieval settlements in the area which may soon be buried underneath this development should planning be agreed 3) The proposed development is too close to Foxton Locks and contrary to Policy RT4. 4) Foxton Locks are a major tourist attraction in Leicestershire, so why is this application even meriting consideration? 5) To enlarge the prison will increase the number of lights visible to Kiln Yard such that they will likely have a significantly negative impact on the landscape and the special character of this listed building. <i>(This point is addressed in Section 6c:14 of the report)</i>
<p>Ecology issues raised through representations</p> <p><i>(Addressed in Section 6c:2 of the report unless otherwise stated)</i></p>	<ul style="list-style-type: none"> • We currently have hedgehogs, grass snakes, birds of prey, squirrels, woodpeckers and a vast array of birds in and around our garden, this will all be gone due to the building work and then the concrete footprint this new prison would have. • Although the planning application has accompanying wildlife surveys and it seems that the conclusions are the area is 'not terribly important' - the disturbance of badger setts, the removal of foraging areas for bats and birds is unacceptable. Whilst there is a claim that planting will mitigate this loss, once the animals have gone they will not return as it will take considerable time for the new 'habitats' to establish themselves. The current thinking in habitat preservation is to do with providing pathways for wildlife - and this will remove such an area. • The report on the Owl population that according to the report is currently non-existent. I hear owls outside my house every morning. • Concerned about loss of wildlife, biodiversity and green space. • I object to more loss of green space and biodiversity/ nature during a time of climate emergency. • If this planning permission is granted what will happen to all the wildlife in the 2-3 years during construction. • The ecological impact to this sensitive area used by Otters commuting between the Grand Union Canal, the canal spur to Harborough and the River Welland has not been addressed. Otters have been observed within and around the Gartree settlement. No mention of these is made in the planning application. • At present, the night sky in Foxton is about as close to dark as it can be. This benefits local nocturnal animals, in particular the owls, badgers and bats. I am concerned that the size of the proposed development and the amount of

	<p>lights which will be on all night will irreversibly damage the dark skies currently enjoyed in Foxton and other local villages.</p> <ul style="list-style-type: none"> • I have seen that the Great Crested Newt resides in some of the ponds on the site and as they are on rapid decline, these should not be compromised for the sake of MoJ owning the land and a different site should be sought elsewhere. • In the Bat activity report commissioned for this planning application it is detailed that this construction will have a significant impact on the seven bat species identified to be residing there. The 'mitigation' for this significant impact to make it a minor impact involves waiting for 30 years for the trees to grow and re-create their natural environment. This, in my opinion, is not an acceptable length of time and is simply worded as 'an unavoidable time lag' which is not an appropriate response to the complete destruction of a habitat. • . Another 'mitigation' is to "Avoid lighting of key habitat features altogether, i.e. no lighting of any vegetation, such as trees and hedgerows, to maintain flight lines for commuting bats.". This seems like a preposterous suggestion when talking about the development of a prison, how can the area be both secure and not illuminated simultaneously?
<p>Highways issues raised through representations</p> <p><i>(Addressed in Section 6c:3 of the report unless otherwise stated)</i></p>	<ol style="list-style-type: none"> 1) The data presented shows 0% of car trips through Foxton village and past Foxton Locks through Gumley - I strongly disagree with this assessment. 2) I believe the true number of trips would have a material impact on the rural highway network and should be looked in to further. 3) When we bought the house, the road was bought with it, a stipulation from MOJ as they did not want the road. This is a private road, and we already have HMP Gartree traffic using it as a cut through and wearing the road, this will be no different (except more traffic) with a new/another prison, despite signage people will still use it as a cut through. <i>(This point is addressed in Section 6c:14 of the report)</i> 4) The transport assessment uses car trip distribution data from the 2011 national census. Whilst that might be the only data set available, this data is completely out of date and does not accurately model traffic data in 2021, let alone in a number of years once the prison is built along with the addition of the major residential developments on the outskirts of Market Harborough. <i>(This point is addressed in Section 6c:14 of the report)</i> 5) The transport of materials will bring considerable quantities of large vehicles onto a road which is not built or suitable for them. <i>(This point is addressed in Section 6c:14 of the report)</i> 6) Despite the promise that only the A4304 will be used for access to prevent traffic on Gallow Field Road I am sceptical about this being enforced. There are certainly no signs to indicate that the Gallow Field is only for 7.5 tonne lorries and this restriction is regularly breached already. 7) Traffic levels on Gallow Field Road and the road to Lubenham have increased significantly in the past four years. The mix of traffic - lorries, cars, tractors, motorbikes, cycles, runners, walkers and horses - makes it extremely dangerous. It is also an extremely fast road. To place a further 200 - 250 cars on the road every day will be unacceptable. 8) We know that the public transport is not used to any great degree and we also know that cycling to the existing prison does not occur to any great degree. The new prison will be less accessible to public transport or bikes. 9) Given that by 2030 new car sales will be electric to only go for a 'minimum of 10%' of parking places to be recharging points is unambitious and short sighted <i>(This point is addressed in Section 6c:14 of the report)</i>

	<p>10) Could I request that MoJ look at an option of making the entrance to the new prison on Foxtan Road, rather than on Welland Avenue. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>11) The road between the two prisons is our village. And it is blindingly obvious that our village will become a rat run for staff transiting between the two sites.</p> <p>12) Extra traffic through Gumley from serving prison officers was heavy when Gartree was a category A prison, because of the extra staff needed at that time, many of whom lived in Kibworth and came through the village at the start and end of their shifts.</p> <p>13) The junction at the Leicester Road and Gallowfield road is already too busy and additional traffic is going to make it worse.</p> <p>14) Vehicles coming from Foxtan past the school are too fast and the junctions from the current prison are very busy. I can't see any provision for traffic calming in the details</p> <p>15) During the consultation process a friend and neighbour of mine asked if there were plans to add footpaths or cycle lanes to the two approach roads and was told in no uncertain terms NO.</p> <p>16) In addition to the next phase of Airfield farm houses taking over the showground putting further stress on traffic volumes. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>17) As there is no play area, my children walk, run, bike and play on Welland Avenue, there are no considerations for the welfare and safeguarding of our children (bar the road signs which are ignored by all except residents). <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>18) There is insufficient provision for vehicle parking. Public transport is insufficient for staff and visitors. There will be increased traffic to the development and some of the accesses are rural roads and lanes</p> <p>19) At the very least a roundabout is needed at the junction of Gallowfield Road with Harborough Road. Also a footpath and cycle path to Market Harborough and a Footpath and cycle path tween Lubenham and Foxtan. This should not be left to section 106 money but be installed by the applicant. Otherwise HLP.11.1.10 should be considered.</p> <p>20) If this development is to go ahead a more appropriate access could be made from Gallowfield Road to the rear of the existing prison, with all traffic signposted to arrive via A6 - B6047 and Gallowfield Road. This route should also be used to access the existing Gartree Prison, thus avoiding any prison traffic using Welland Avenue.</p> <p>21) Proposed access to the site is from the unadopted road. Welland Avenue belongs in part to Gartree residents who own the majority of the road. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>22) The only bus stop is at north end of the estate, any visitors will walk through the estate to access the proposed new prison.</p> <p>23) Main Street in Foxtan has a precarious single vehicle width bridge over the canal, likewise the same applies at the top lock canal bridge on the country lane heading towards Gumley.</p> <p>24) It is inevitable that Foxtan village will be used as a 'cut through' from the A6, particularly at peak traffic times when the A6 roundabout near Langton is congested.</p> <p>25) We are aware that the local Parish Council have been unsuccessful in obtaining both double yellow lines, (around the canal bridge where traffic becomes single file), and a restricted 20 mph speed limit along Main Street in Foxtan. Due to this decision any further increase in traffic will lead to serious disruption and significant risk of accident and/or injury at these pinch points.</p> <p>26) Where is the details of the traffic impact survey? The traffic is already very bad in Harborough. Is there a detailed impact assessment of this proposal?</p> <p>27) There is no access by footpath or cycleway to the site on a road that is frequently used by horse riders and cyclists.</p>
--	--

- 28) There is no "Routing Agreement" for both construction phase traffic and thereafter HGV service vehicles accessing the proposed prison. *(This point is addressed in Section 6c:14 of the report)*
- 29) All such traffic should be expressly prohibited from travelling through Foxton Village and access to and from the A6 Leicester/Harborough Road should be legally barred. *(This point is addressed in Section 6c:14 of the report)*
- 30) Cycle parking should be included on any reserved matters masterplan if outline planning is granted. *(This point is addressed in Section 6c:14 of the report)*
- 31) As the proposals will likely have a significant impact on the number of vehicles passing through these villages, monies should be secured to assist these efforts to reduce traffic speeds. *(This point is addressed in Section 6c:14 of the report)*
- 32) At a recent Showground event the traffic was queueing in all directions, along Foxton/Lubenham Rd, along Gallowfield Road and in Foxton, total gridlock. If there had been an incident at Gartree prison no emergency services could get there.
- 33) There are already too many accidents including fatalities on the main A6 & this would surely create more.
- 34) Recently, it was decided 2 bus routes covering 2 of the towns estates were going to be axed much to the disappointment of the town, so if public transport is unable to serve existing housing and residents, how will it be able to offer a service to the prison? *(This point is addressed in Section 6c:14 of the report)*
- 35) I would like a 106 agreement to repair and upgrade the road through Welland Avenue and pinch points and signage either end of Welland Avenue to try to minimise the non-residential traffic going through the estate. *(This point is addressed in Section 6c:14 of the report)*
- 36) The risk that many employees may be attracted from Corby which has more unemployed persons will increase pressure on this 'short cut' (through Great Bowden).

37) These images demonstrate the already dangerous traffic situation when children are being collected outside Foxton Primary School



38) I believe that the substantive response from Leicestershire County Council Highways is based on the submission of a flawed assessment by



Atkins, leading to a conclusion that there are no mitigating measures necessary for the village of Foxton. However if the Atkins Transport Assessment cannot be relied on to be factually correct or adequate in content, the substantive response from LCC Highways should also be challenged as unsatisfactory and summarily rejected.

39) If you stand at Gartree and access google maps, you will see that routes to the north show two routes to drive north from the new prison site, of equal time. One of these equally timed routes is through Foxton, driving

	<p>up Main Street to get to the A6. It's safe to assume therefore that half of staff that need to travel north/south, as well as a proportion of visitors, will use that route. The applicant is pretending that this isn't the case. Proposals should not be approved based on false information.</p>
<p>Landscape and Visual Impact issues raised through representations</p> <p><i>(Addressed in Section 6c:4 of the report unless otherwise stated)</i></p>	<ol style="list-style-type: none"> 1) This application proposes to develop buildings of a type that will be very visible to many surrounding village residents. The site is in open countryside and is very elevated. 2) The prison will be of an overbearing size and will dominate the surrounding landscape. The existing prison is clearly visible at all times from the A4304 as you approach Lubenham. This prison will be even more visible. It does not sit well in the agricultural landscape that has developed since WW2. 3) I also object to more beautiful countryside being destroyed 4) The proposed location for the new prison will have an adverse effect on the surrounding countryside and villages. Being in such an elevated position this proposal will be an eyesore, near and far, in this beautiful part of Leicestershire countryside which has already had the overbearing housing development at 'Airfield Farm' along with the Business Park. 5) The prison will be a blot on the landscape, along with the added 'light pollution' due to all the street lamps required, 6) The site is in a rural landscape. Trees will not mask the buildings which will be visible from miles around. 7) Light pollution. The existing 'Aurora Gartree' from the existing prison lights is already a bone of contention locally. Reducing views of the night sky particularly from local settlements. This in despite of a local drive to reduce glare by replacing street lights with less intrusive models. A new prison cannot reasonably be expected to run without security lights. 8) While the current prison site can hardly be described as attractive and inviting, I am concerned that the expansion plans will further detract from the beautiful countryside on the way to the Foxton Locks and will discourage visitors from coming. 9) Will be a blight on a hill that we have to look at day and night 10) The physical impact of the structure will be huge - being four storeys high it will be visible from miles around - especially as it will be lit up at night. 11) Of course we need prisons, but we don't need to spoil a beautiful rural area, there are more suitable locations for building an eyesore. 12) The Visual Impact would be overbearing. One prison is ugly enough, a second would be awful. The surrounding fields as they currently are often have grazing livestock in which is significantly nicer to look at. 13) Landscape impact is to some degree inevitable in this location. The tree planting buffer illustrated on the landscape masterplan should be increased in width to cater for the impact on winter views. A variety of native trees should be encouraged. This should be a condition on planning. 14) Absolute blot on the landscape. 15) If the project gets the go ahead, I would like the visual impact and noise levels mitigated by tree planting. 16) Finally, the light pollution created by this new prison will effectively decimate any natural habitats that currently exist and cause a glow across Harborough robbing the residents of the night sky. <i>(This point is addressed in Section 6c:14 of the report)</i>
<p>Noise issues raised through representations</p> <p><i>(Addressed in Section 6c:5 of the report unless otherwise stated)</i></p>	<ul style="list-style-type: none"> • Noise of approx 2500 prisoners • If planning permission is granted from construction starting to once the prison is operational, the noise and disturbance, increase in traffic during construction, will have a massive impact on the residents of Gartree, specifically at weekends.

<p>Flooding issues raised through representations</p> <p><i>(Addressed in Section 6c:6 of the report unless otherwise stated)</i></p>	<ol style="list-style-type: none"> 1) What is the life of this new prison with it's 83,000m² footprint? How will the hard surface runoff that drains into Lubenham increase flood risk over the life of the prison? 2) Lubenham is a physical bottle neck on the upper Welland catchment and has flooded three times this year. 3) Flood risk is increasing with climate change 4) The swale design to slow the flow off the hard surfaces on the new prison must be designed for the future and life of the hard surfaces. 5) Perhaps the developments should include innovative SUDs solutions such as rain garden raised flower and vegetable beds and other such methods, rather than the bare minimum that leave the community in Lubenham and those downstream to deal with the disastrous consequences. 6) The EA say £1 spent reducing flood risk saves £5 downstream. 7) Who will be liable for any inadequately designed surface water solutions? 8) At present surface water from the Gartree Prison ditch/drain causes flooding of Foxtan Road and Laughton Road also contributes to the flooding in Lubenham 9) This project needs to ensure NO extra surface water is discharged into this water course, if the design could decrease discharge from the site would be an improvement. 10) Any remedial or improvement works to the existing Foxtan Water Recycling Centre will cause major disruption to village residents and the likely flooding caused by surface water drainage would have a long term detrimental impact on Foxtan village 11) There is a drainage ditch that runs through the proposed site, in very wet weather I have witnessed on several occasions this ditch overflow and partially block the path around the existing prison. In the plans submitted it appears that it is to be backfilled as at the time of a survey (summer) it was dry! 12) The Anglian water report, it states "development will lead to an unacceptable risk of flooding downstream", beware Foxtan and Lubenham 13) We object to this development on one of the last remaining floodplains within the Welland Valley bowl
<p>Air Quality issues raised through representations</p> <p><i>(Addressed in Section 6c:7 of the report unless otherwise stated)</i></p>	<ul style="list-style-type: none"> • Exhaust fumes of approx 2500 prisoners <i>(This point is addressed in Section 6c:14 of the report)</i>
<p>Residential Amenity issues raised through representations</p> <p><i>(Addressed in Section 6c:8 of the report unless otherwise stated)</i></p>	<ol style="list-style-type: none"> 1) We bought a house in the countryside 14 years ago for the remoteness and views. I knew there was a prison to the side but could not see it. We are now about to be surrounded by concrete (at the end of our back garden) <i>(This point is addressed in Section 6c:14 of the report)</i> 2) A development of this scale will have a huge overbearing impact on our home and general life, due to the sheer size of the building and its surrounding area and the increased amount of traffic, visitors, staff and general noise created by all of this 3) We purchased a house on the non-prison end of this street to enjoy the open countryside surrounding it and the peace and quiet if this was built almost all of that would be gone and we would feel like the walls were closing in on us <i>(This point is addressed in Section 6c:14 of the report)</i> 4) We will also suffer loss of privacy by looking at the plans as our side aspect 1st floor windows will be overlooked. 5) The buildings would be overbearing on the homes of residents of Gartree. 6) 4 storey buildings look into residents' gardens.

	<p>7) The lights around the existing prison already light our house up at night. Increased light pollution is a concern of mine.</p> <p>8) Not many people would be happy or feel safe purchasing a house within such close proximity to this proposed development. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>9) I would like to object to the pure scale and size of the development, which can only have a detrimental effect on the daily lives of all Gartree residents. It will, in conjunction with the current prison completely ensnare the village between the two prisons.</p>
<p>Design issues raised through representations</p> <p><i>(Addressed in Section 6c:9 of the report unless otherwise stated)</i></p>	<p>1) The houses in Gartree are old, and a new prison would fail to blend in or complement the existing buildings.</p> <p>2) The current prison is of such a size as to be a reasonable part of the local environment. The proposed new prison is of an additional size that cannot do anything other than disrupt both the local environment and community</p> <p>3) Surely its best to redevelop the existing site to make it more aesthetically appealing.</p> <p>4) I also note that the design of the prison appears to be an off the shelf design more suited to an inner city project than the rural location in the plan.</p>
<p>Socio-Economic issues raised through representations</p> <p><i>(Addressed in Section 6c:10 of the report unless otherwise stated)</i></p>	<p>1) Whilst I know there is thought a new prison will create more jobs, I do not think more jobs will be exclusive to Harborough residents. People will travel in. Harborough has low level unemployed to my understanding so 700 new jobs could be better used elsewhere in the country.</p> <p>2) The local services and amenities are already stretched and again the prison and employees would put extra pressure on these</p> <p>3) Another problem I envisage is being able to get (and retain) enough staff to operate such a large prison, I am aware that Gartree 1 has a large staff shortage problem and wonder how Gartree 2 being nearly 3 times the size will fare with staffing. Another reason perhaps to build it in an area with a bigger population, Leicester for example.</p> <p>4) The new employees would need housing, where will they live? <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>5) The Socio - Economic Statement does not provide the evidence to support its claims and the values used in the calculations are actually supplied by the applicant themselves through the " Ministry of Justice's (MoJ) Economic Impact of a New Prison (Peter Brett Associates - 2013) report" <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>6) This new prison development is not being considered in the context of how already local facilities are not able to cope.</p> <p>7) This type of facility needs to built in the north of the UK to help with unemployment. Not in Market Harborough, which is a small historic market town with good levels of employment. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>8) Harborough district does not need or want this huge monstrous prison. We have low rates of unemployment and the argument that it will create jobs is null and void as we live in a wealthy area with very little unemployment.</p> <p>9) Is more staff housing going to provided this time? <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>10) I also object to the strain this proposed application will put on many local services and in particular St Luke's Hospital. The imposition of an extra 700+ vulnerable inmates plus staff on these facilities has not been included in local plans</p> <p>11) Unfortunately it is well known that the present prison has trouble in filling staff vacancies and retaining that staff. Many employees travel great distances from outside the area. There simply isn't the demand for these jobs in this area. In the spirit of levelling up this proposed prison should be located in a location where jobs are needed and any local community can benefit from any 'trickle down' economic benefits. With Magna Park and other employers locally the MOJ jobs argument is not strong enough.</p>

- 12) The detrimental effect on tourism including the nearby Foxton Locks. *(This point is addressed in Section 6c:14 of the report)*
- 13) there will also be an increased burden on our local emergency services, in particular the ambulance service who already have to visit the prison on a regular basis and will with more inmates cause a strain on local service. *(This point is addressed in Section 6c:14 of the report)*
- 14) Local employment opportunities are significantly overstated because Prison builder contractors have no obligation to source employees locally and will hire cheaper builders from outside areas *(This point is addressed in Section 6c:10 and Section 6d of the report)*
- 15) It will be a strain on the infrastructure of Market Harborough, such as A&E services, the town struggles to cope at the moment with all the new houses being built in the area *(This point is addressed in Section 6c:14 of the report)*
- 16) The need for new prison spaces is recognised and the potential socio-economic benefits are acknowledged. Should the prison be approved, the LPA, should ensure the proposals are adequately conditioned to ensure that these benefits are maximised locally.
- 17) It is requested that monies should be secured to bolster the NHS emergency services considering in all likelihood, the new prison facility would put additional strain on the NHS emergency services. *(This point is addressed in Section 6c:14 of the report)*
- 18) Not knowing the proposed number of new prisoners, I assume that there may be a possibility of 2000+ security staff required, these people will require properties to be built – where? *(This point is addressed in Section 6c:14 of the report)*
- 19) There are already safety concerns at the current Gartree prison. Three people died at HMP Gartree during 2020. The rates of self harm were a staggering 792.5 self-harm incidents per 1,000 prisoners. *(This point is addressed in Section 6c:14 of the report)*
- 20) During a previous inspection HM Chief Inspector of Prisons, Peter Clarke said “It was clear to us that staff shortages had played a substantial part in Gartree’s deterioration”. *(This point is addressed in Section 6c:14 of the report)*
- 21) In 2018, more than 200 prison officers walked out on strike over conditions It is not appropriate to build a mega-prison that will require hundreds of staff when the existing prison is unable to meet staff needs. *(This point is addressed in Section 6c:14 of the report)*
- 22) The prison will also impact the local housing register. More than 11,000 people are waiting for a council house in Leicester and Leicestershire. At the most newly built mega-prison in Wrexham, more than 100 prisoners left the prison homeless in 2020. In Leicestershire and Rutland, 2,688 people were estimated to be sleeping rough on a single night in autumn 2020, this is despite the increase in temporary provision during the pandemic. *(This point is addressed in Section 6c:14 of the report)*
- 23) We must take in to account the amount of people who re-offend and also analyse why this is. Which acts are being constructed as "criminal behaviour" and why? Please consider the fact that these acts are committed due to poverty, trauma and mental health struggles. *(This point is addressed in Section 6c:14 of the report)*
- 24) On ethical grounds, prisons are not effective at helping either the people who are held as prisoners or the communities that surround them. Prisoners released back into the community have experienced the trauma, hardship and violence of imprisonment, and often find it hard to adjust. *(This point is addressed in Section 6c:14 of the report)*
- 25) For those living close by near a prison, the prison is likely to significantly damage the local community as local crime increases, and young adult men, in particular, are struggling with trauma and related mental health issues, while also trying to reconnect with their families and communities, and secure employment with a prison record counting against them. *(This point is addressed in Section 6c:14 of the report)*

	<p>26) Not only are prisons a huge waste of money that have been proven to not reduce recidivism, this money could be used to actually be reinvested into our community, housing, hospitals and schools. Building a prison here is NOT wanted. Stop this plan and all future plans to build prisons. They are torture and death traps that are inhumane. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>27) Government funding is already misused and is shown not to go towards community enrichment and basic human rights and needs. Under austerity, budget cuts, and rising debt, prisons are the last thing to be spending money on. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>28) Prison environments exacerbate mental health issues for incarcerated people, and suicide is rampant within prisons. Prisons have no place in a just, equal, and free society. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>29) If prisons are anything, they are "schools for crime" in which criminal identities are reinforced and new skills or tactics for lawbreaking developed.</p> <p>30) Building and maintaining prisons is a violent, classist and racist endeavour and it needs to be stopped. The first thing we can do is object to more prisons being built in our neighbourhoods. <i>(This point is addressed in Section 6c:14 of the report)</i></p>
<p>Footpath issues raised through representations</p> <p><i>(Addressed in Section 6c:11 of the report unless otherwise stated)</i></p>	<p>1) The proposed movement of the public footpath onto the main road by the prison is therefore even iller thought out as that road will become undoubtedly more busy. It is dangerous for horses, joggers and walkers as it is. This reroute needs further consideration on the impact on us the local people. <i>(This point is addressed in Section 6c:14 of the report)</i></p> <p>2) Currently there are public footpaths that cross the land where the new development is planned.</p> <p>3) Will there be replacement footpaths instated in the locality? The proposed development removes the safe route to walk from Gartree to Lubenham. The other option would be to walk along Foxtan Road where there is no footpath.</p> <p>4) A positive for the scheme is that there is a fairly direct walking route straight into Market Harborough that abuts the eastern side of the current prison. Efforts should be made to connect the new prison to this walking route and subject to the consultation of local rambling groups, the metalling of the PRoW may be appropriate to encourage pedestrians (visitors and employees) to walk from Harborough to the prison.</p> <p>5) The prison will also be immediately adjacent to the current public right of way footpath from Lubenham to Foxtan which is heavily used. Whereas today this is a pleasant, open and picturesque walk it will in future be blighted by a huge perimeter fence immediately to one side.</p>
<p>Agricultural Land issues raised through representations</p> <p><i>(Addressed in Section 6c:12 of the report unless otherwise stated)</i></p>	<p>1) Loss of valuable agricultural land which will be needed to produce food</p>
<p>Land Contamination issues raised through representations</p> <p><i>(Addressed in Section 6c:13 of</i></p>	<p>1) I do not believe it has fully assessed the human health risk to construction workers or future site users. Only 6 samples of topsoil has been tested across the site for generic contaminants - on a scheme this size that is inadequate.</p> <p>2) The site is located on the former airbase and a preliminary UXO risk review within the geo-environmental report is an inadequate assessment for a scheme of this size and close proximity to residential houses.</p>

<i>the report unless otherwise stated)</i>	
<p>Other issues raised through representations</p> <p><i>(Addressed in Section 6c:14 of the report unless otherwise stated)</i></p>	<ul style="list-style-type: none"> • The boundary is adjacent to a high pressure gas pipeline. This could pose a danger to people and property. Any disturbance to the pipe could be the health and safety responsibility of Harborough District Council. • The planning application site is in very close proximity to a spine High Pressure Gas pipeline that supplies the Midlands. The pipe is approx 1 metre in diameter. When snow is lying on the area the path of the shallowly buried pipe can be seen as a melted track. This is due to the heat of the pressurised gas below. In the unlikely event of fracture to the pipe what would happen to the inmates? They could not be moved to 'place of safety' as the entire curtilage of the prison is too close. Who at HDC is prepared to sign off the safety of such a pipe in close proximity to a prison? Local authorities and Councils are supposed to have a contingency plan for such pipelines. Does HDC have one? • Harborough Council have a responsibility to ensure that the Health and Safety executive and the MOJ do not collude to dismiss potential dangers from the very close proximity of the pipeline. An impartial arbiter is surely required. • The local high pressure gas pipe is an extremely old one already struggling to cope - this too like so much of the local infrastructure would be pushed to the limit. • I feel that the site is far too close to resident's houses and gardens and as law abiding tax paying citizens why should we be forced to share our lives with yet more criminals. • There will soon be no where for dogs to be walked or children to play as Harborough is expanding with houses/industry and now potentially this. • Also, to say it won't affect house prices is a joke as I would never have brought my house if the countryside had been swallowed up with another prison, who would want to live surrounded by prisons • When and if the construction starts is also a huge concern. I have had the misfortune to live opposite a construction site in the past, and that was a 4 house build that was completed in 12 months. • There is rubbish around the current prison which is worse after visiting days. The bins are always overflowing - there is no point just giving lip service to how the new one will be better when the current one is so poor. • Prison Supply Directorate state "the MOJ is not aware of any evidence that a new prison adversely affects house prices" NOT AWARE? I am! If I could move my house away from the prison, say 0.5 of a mile into Foxton or 1 mile into Lubenham or 2 miles into Harborough I could add a minimum £100,000 to its value, another prison will de-value it further. • Harborough District Council state 'Anticipated reduction in value of your property' is not a material planning consideration. Our houses in any other location would have a greater value, this is solely due to living next to a prison. To live next to two prisons, would without a doubt have a negative impact on house value, this should be a matter of consideration. • The residents in the nearby villages would suffer from their house prices being devalued by being in such close proximity to such a large scale prison as the one proposed. This could be avoided if the proposed development was constructed in a more suitable location. • Prisons and their inmates attract drugs and drug dealers. This planning application when combined with the existing prison will provide an environment tempting to drug dealers. The MOJ have failed to stamp out drugs in the existing prison. They cannot make any believable guarantee to protect the proposed prison. As an illegal drugs focus this will inevitably spill over into nearby Market Harborough. • The Public consultation process by the MOJ was deficient. • The MOJ do not make good neighbours. Previous enquiries to the prison authorities in past years have met with silence. Attempts to make enquiries

	<p>using the Freedom of Information Act were blocked under the guise of 'security'.</p> <ul style="list-style-type: none"> • How will/can HLP.IN3 Electronic connectivity be met? • Burden on the utilities including power and drainage. • Land used for recreation, sporting events, markets etc would be lost for ever by proceeding with this development • HDC must reject this and start to stand up for the people it works for. This must be rejected and another more suitable brownfield site in an area with higher unemployment rates chosen. • the new prison should be located elsewhere in the country not next door to an existing one. Spread the prisons out do not put them altogether. • Market Harborough will be known for being a prison town and its appalling that such a development should even be allowed to be considered. Angry doesn't come close. • We don't want anymore development here, enough is enough! If this gets passed questions should be raised at the highest level of government. • Stop right now thank you very much we need somebody with a human touch. • the negatives of this project far outweigh the benefits and therefore this project should not move forward and a more suitable location should be found. • Clearly the provision of a 'mega prison' development on the doorstep of one of Leicestershire's major tourist attractions is quite obviously at odds with one another. It is unclear from the documents submitted in relation to this application whether the Canal and River Trust have even been consulted? • Those who support the current prison in the town, Chaplains and volunteers are in extremely short supply. People from the Churches in town who support the prisoners by buying Christmas presents for their children, could in no way help another very large group of prisoners. • How much work will be required to provide the services of water, sewage, electricity, gas, etc? Not to say the disturbance to roads while these are added. The prospect of further annoyance of road closures which have already affected the town over these last years is just not helpful to the health of the current residents. • Enough is enough! Please do the decent thing this time, Phil King and LISTEN to your constituents for a change!! • Not very green as per the MOJ and their consultants "green" rhetoric. • There is nothing in the proposal to suggest that the local residents have really been properly considered. • Who in their right mind thinks it's a clever idea to construct what will possibly be one of the largest prisons in Europe, alongside inadequate country roads, and right next door to a valuable historic tourist attraction? • There has been insufficient consultation with neighbouring villages • There are new prisons in neighbouring towns providing significant new prison capacity • The MOJ spent hours consulting with residents and don't appear to have taken any of our concerns into account before submitting the planning application • The impact of this huge building development cannot be underestimated, taken as a whole the proposed new 'Mega' prison when combined with the existing Gartree Prison will hold one of the highest populations of prisoners anywhere in Europe. • Why have Harborough District Council only sent planning notification letters out to 102 homes...??? • It has definitely felt like a David and Goliath battle as residents of Gartree for the past 35 years we have not been consulted of these massive builds • I am including my letter of 24 August, 2021 to Neil O'Brien which was also sent to Mr King and Mr Bremner of HDC. <p>My request was that HDC and our Member of Parliament would work on behalf of local residents to ensure a balanced outcome. There is no evidence</p>
--	---

	<p>that I have seen to date that a balanced outcome is probable, or even possible. The proposed plan is out of all proportion and its detail continues to be poorly understood amongst local residents. Before a project of this scale is considered for approval it is reasonable to expect, for example, that the transport and traffic modelling assumptions and the environmental impact would be shared with those who will be impacted.</p> <ul style="list-style-type: none"> • I would also like to raise a security concern. Only a few months ago before Christmas) the area was police cordoned off due the concern of an escaped prisoner. My children were at nursery at Kiddi Karu, on the McDonalds/M&S roundabout. This entire strip was closed and we were asked to collect our children. • The people of Gartree also own the road as defined in their deeds, how will they be compensated for the take over. • I would like to be reassured that this proposed development isn't, as has been suggested, 'a done deal' and that these objections will be taken seriously. • Light pollution will ruin visibility to the south of Foxton making astronomy all but impossible (currently bortell 4) • If there was a need for prison accommodation why did the prison authorities decide to shut Ashwell recently which is not very far away. • If the proposed plan goes ahead it will create a prison approaching the scale of a USA prison plonking into a rural community. • Why can't you build prisons out of the way , where it does not affect hard working people, somewhere like where Amazon Depo are built • The severity of this planning would lead me to seriously, personally consider moving away from the area if permission is granted • I feel that it would be completely wrong to build a new prison at Gartree in addition to enlarging the existing one • I did not object to the housing development that is currently underway as people need homes, and I'm not a 'not on my doorstep' kind of person. I have no objection to a reasonable extension to the existing prison as I feel we should all share the responsibility of necessary development, be it housing, sustainable energy, roads or prisons, however I feel the sheer scale of this development is unreasonable. • Gartree is also locate next to the south Leicestershire showground which facilitates country shows outdoor cinemas and many other community events throughout the year. • Rendering car parking in the town insufficient • This proposal, together with the proposal to increase the capacity of the existing prison 900 inmates, would result in the largest HMP in the country with over 2,500 inmates. • Increasing the size of the prison will increase risk. During my time working there attacks on staff within the prison and abuse from visitors has increased 10 fold. The families living nearby on Welland Ave do not need the worry about this behaviour. • Although a new school is scheduled to be built on the Wellington Place development (which would be the obvious choice for local prison officers) it could easily and quickly become over-subscribed taking into account the size of the Wellington Place development • Bearing in mind that 1,800 new houses are being built at Airfield Farm, plus it is proposed to build a further 1,100 houses at Wellington Business Park, and with the addition of a 'Super Prison' there must be a possibility that new roads will be built, which will undoubtedly change the rural character of the district. • I have been surprised how quiet this has been kept and how many people in Market Harborough are not aware of these plans and react with disbelief when they understand the true size of the development. Surely it is only fair that this be given more publicity and local consent before it goes ahead? • The exceedingly high number of Covid cases suffered within the prison is a fact and has been widely reported. As a result, the reports of the number of
--	---

	<p>positive cases of Covid for the Harborough area were vastly increased. Market Harborough area was forced into an enhanced lockdown procedure (Tier 4 - the severest level) as a result. The law-abiding population of Market Harborough and District were penalised in their freedoms by being severely restricted in their movements. The economy of Harborough District suffered. The proposed new prison will have a prisoner population three times larger than the present one at Gartree. Should there be another pandemic or epidemic, the general public of Harborough District, and local businesses will once again suffer.</p>
--	--

Figure 13: Issues raised in Objection through consultation with local residents

4.4 In addition to the objections summarised above, a further 2 neutral letters (1 from Gartree, 1 from Great Glen) of comment have been received, raising the following issues:

- 1) Could you not build housing blocks near Welland Avenue this blocks out my light and my privacy.
- 2) The housing blocks could be located towards the back further away from the houses and gardens. If these are built anyway could they be lower for the same reasons.
- 3) Could all windows be the kind that can't be opened due to noise from stereos.
- 4) If cell windows are not facing the gardens could You ensure landing windows don't or are obscured to.
- 5) If possible could large fencing be put near the gardens of Welland Avenue to prevent criminals using them for throwovers disturbing us etc
- 6) Could bollards be put in so no one can use the private road causing traffic and parking issues and when the jail is open.
- 7) My comments are intended as mitigation measures to lessen the visual impact on the surrounding area and the concerns with regard to traffic.
- 8) Why cannot a wood be proposed around both sites given that these are max security prisons. This would at least remove some of the environmental objections to the proposal. Be BOLD and insist upon this!
- 9) Secondly insist that public transport to the site from the station and bus station be improved. This not only allows for visitors but for staff too and removes the threat of car usage escalating.
- 10) The economic benefits are great but please make sure these do not consume other benefits.

4.5 In addition to the objections summarised above, 1 further letter of support has been received (from Kibworth Beauchamp), raising the following issues:

- 1) We need modern prisons to solve the overcrowding crisis and support the MoJ to tackle crime and reduce offending.
- 2) The location is sensible adjacent to the current prison. I would want to see a significant planting scheme to replace any flora removed during construction, including habitats to protect and encourage threatened species and pollinators.

5. Planning Policy Considerations

5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 provides that planning applications must be determined in accordance with the provisions of the development plan (hereafter referred to as the 'DP') (this is the statutory presumption), unless material considerations indicate otherwise.

a) Development Plan

5.2 Section 38(3) (b) of the 2004 Act defines the DP as the DP documents (taken as a whole) that have been adopted or approved in that area.

- 5.3 The DP for Harborough comprises:
- The Harborough District Local Plan adopted April 2019
 - Made Neighbourhood Plans.
- 5.4 Material considerations include any consideration relevant in the circumstances which has a bearing on the use or development of land. The other material considerations to be taken into account in considering the merits of these applications include the National Planning Policy Framework and the National Planning Policy Guidance, together with responses from consultees and representations received from all other interested parties in relation to material planning matters.
- *Harborough Local Plan*
- 5.5 The Local Plan¹⁰ (hereafter referred to as the 'HLP') was adopted on April 30th 2019 and covers the period from 2011 to 2031. The Local Plan identifies 14 objectives as being central to the delivery of the vision for the District and are the guiding principles for the policies set out in the Local Plan. The 14 objectives set out below are intended to address the strategic priorities, deliver the Local Plan Vision and deal with the key issues. Of the 14 objectives, the majority are relevant to the consideration of this application to varying extents
- Objective 1. Housing:** Meet the housing requirements of the District in full by providing a range of market and affordable housing types, tenures and sizes in appropriate and sustainable locations to meet local needs. Recognise the specific accommodation requirements of the young and the elderly populations, including starter homes to help first time buyers, shared ownership and rented housing to help those who cannot afford to buy, and specialist housing such as sheltered and extra care accommodation.
- Objective 2. Employment:** Promote sustainable economic growth by facilitating the sustainable growth of businesses, fostering new local enterprise and helping to create more jobs that meet local employment needs. Contribute to reducing the need for out commuting and thereby help to increase the sustainability and self-containment of communities, while encouraging the development of a vibrant, diverse and sustainable business community.
- Objective 3. Location of development:** Locate new development in sustainable locations that respect the environmental capacity of the local area. Encourage the appropriate and efficient re-use of previously developed land and buildings where such re-use achieves the objectives of sustainable development.
- Objective 4. Infrastructure:** Support local communities and maintain a high quality of life by ensuring that new development delivers the necessary infrastructure including that relating to health, education, security, culture, transport, open space, recreation, water supply and treatment, power, waste and telecommunications (incorporating high speed broadband connectivity).
- Objective 5. Protection of local services:** Protect, enhance and, where appropriate, secure the provision of additional accessible community services and local facilities, supporting innovation in their delivery across the District.
- Objective 6. Natural environment:** Protect, maintain, restore and enhance the quality, diversity, character, local distinctiveness, biodiversity and geodiversity of the natural environment, creating links between wildlife sites ensuring that open countryside is protected against insensitive and sporadic development, the characteristics of the local landscape are respected and the unnecessary loss or sterilisation of natural resources is prevented.

¹⁰ [Adopted Local Plan | Harborough Local Plan 2011-2031 | Harborough District Council](https://www.harborough.gov.uk/local-plan)
(<https://www.harborough.gov.uk/local-plan>)

Objective 7. Historic environment: Protect and enhance the character, distinctiveness and historic significance of settlements and their wider landscape and townscape settings, thereby recognising the important contribution that heritage assets and their settings make to securing a high quality public realm and supporting tourism and the economy.

Objective 8. Town/village centres: Support and enhance the vitality and viability of market town and larger village centres as places for shopping, leisure, cultural, commercial and community activities, thereby recognising and embracing their valued role as the hearts of their communities. This will be achieved by encouraging retail, leisure and commercial development in appropriate locations and at appropriate scales.

Objective 9. Design: Ensure that new development is of high quality and sustainable design which reflects local character and distinctiveness, provides attractive, healthy and safe environments, respects residential amenity and promotes sustainable behaviours including renewable energy technologies, and waste reduction.

Objective 10. Transport: Provide greater opportunities to reduce car use, thereby reducing the impacts of road traffic on local communities, the environment and air quality, by locating development where there is good access to jobs, services and facilities, and by supporting improvements in public transport, walking and cycling networks and facilities.

Objective 11. Flood risk: Locate new development in areas which will not put life or property at risk of flooding and build associated resilience by requiring the use of appropriate sustainable drainage systems in new developments and allowing for the provision of infrastructure associated with minimising flood risk, including in relation to future risk from climate change.

Objective 12. Environmental impact: Minimise the environmental impact of development and its vulnerability to the impacts of climate change, by reducing pollution and waste as much as possible, maximising water and energy efficiency, and promoting the use of low carbon, renewable energy, and other alternative technologies, with sustainable construction methods.

Objective 13. Tourism and Culture: Promote the sustainable growth of tourism, cultural activities and access to the countryside for the benefit of both residents and visitors. Enable the interpretation of the cultural assets of the District in order to enrich people's experiences.

Objective 14. Neighbourhood Planning: Encourage and support communities to make decisions at the local level through the preparation of neighbourhood plans and facilitate this process by setting out a clear strategic framework.

5.6 Policy SS1 sets out the spatial strategy for Harborough which includes managing planned growth to direct development to appropriate locations, in accordance with the settlement hierarchy; identifying sites to meet future economic development needs; consolidating Market Harborough's role as a focus for development within the District, subject to traffic and environmental constraints, while promoting its historic function as a market town and safeguarding its compact and attractive character; and strictly controlling development in the countryside.

5.7 Local Plan Policies GD1 to GD9 are general development policies.

- GD1 reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).
- GD2 sets out where in addition to sites allocated by the Local Plan and neighbourhood plans, development will be permitted within and adjoining the existing or committed built up area of Market Harborough, Key Centres, the Leicester Principal Urban Area (PUA), Rural Centres and Selected Rural Villages.

- GD3 addresses development in the countryside setting criteria whereby development in the countryside is acceptable
- GD5 states that development should be located and designed in such a way that it is sensitive to its landscape setting and landscape character.
- GD8 Good design in development sets out that Development will be permitted where it achieves a high standard of design, including meeting criteria set out.
- GD9 sets out Minerals Safeguarding Areas

5.8 Local Plan Policies BE1 – BE5 relates to Business and Employment.

1. BE1 states locations that in addition to the delivery of existing commitments, a minimum of 59 hectares for office B1(a) and (b), industrial B1(c) and B2, and storage and distribution B8 will be provided and where rural economic development will be permitted.

5.9 Local Plan Policies HC1 – HC3 relates to Heritage and community assets.

- HC1 sets out that Development affecting heritage assets and their settings will
 - a. be appraised in accordance with national policy; and be permitted where it protects, conserves or enhances the significance, character, appearance and setting of the asset, including where possible better revealing the significance of the asset and enabling its interpretation. It includes that where proposed development would lead to less than substantial harm to the significance of a designated heritage asset and/or its setting, this harm will be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In addition, it includes that development within or affecting a Conservation Area will be permitted where it preserves or enhances the character or appearance of the Conservation Area, including local design and materials
- HC2 sets where development will be permitted at existing community facilities; for new facilities and which would result in the loss of existing community facilities.

5.10 Local Plan Policies GI1 – GI5 sets out Green infrastructure policy. GI1 provides for Green infrastructure networks.

5. GI1 provides for Green infrastructure networks.
 - GI2 sets out the District's open space, sport and recreation facilities and any future additional facilities provided as part of new development will be safeguarded and enhanced through improvements to their quality and use.
 - GI5 Biodiversity and geodiversity includes for nationally and locally designated biodiversity sites to be safeguarded.

5.11 Local Plan Policies CC1 – CC4 relate to climate change.

- CC1 relates to Major development and Strategic Development Areas.
- CC2 relates to renewable energy generation
- CC3 manages flood risk
- CC4 provides for major development sustainable drainage.

5.12 Local Plan Policies IN1 – IN4 relate to Infrastructure.

- IN1 includes that major development will be permitted where there is, or will be when needed, sufficient infrastructure capacity to support and meet all the requirements arising from it.
- IN2 provides for sustainable transport.
- IN3 Electronic connectivity includes that major development will only be permitted where adequate broadband infrastructure is to be made available to all residents and/or users of the development, and should incorporate a

bespoke duct network, designed and implemented in cooperation with a recognised network provider, and where viable, a fibre to the premises (FTTP) solution.

- IN4 states water resources will be protected and water services provided and what development will be permitted in respect of this.

- *Neighbourhood Plans*

5.13 Made Neighbourhood Plans are part of the Development Plan (see above). The District currently has 22 'made' Neighbourhood Plans (January 2020). The Lubenham Neighbourhood Plan (LNP) (2016 – 2031) and (to a lesser extent) Foxton Neighbourhood Plan (FNP) (2016 – 2031) are the relevant Plans in this instance.

5.14 The Lubenham Neighbourhood Plan¹¹ area (see **Figure 14**) corresponds to the Parish Boundary and includes all parts of the Parish, including Gartree. Lubenham was designated as a Neighbourhood Area in July 2012. The Plan was prepared by Lubenham Parish Council and was “made” in May 2017.

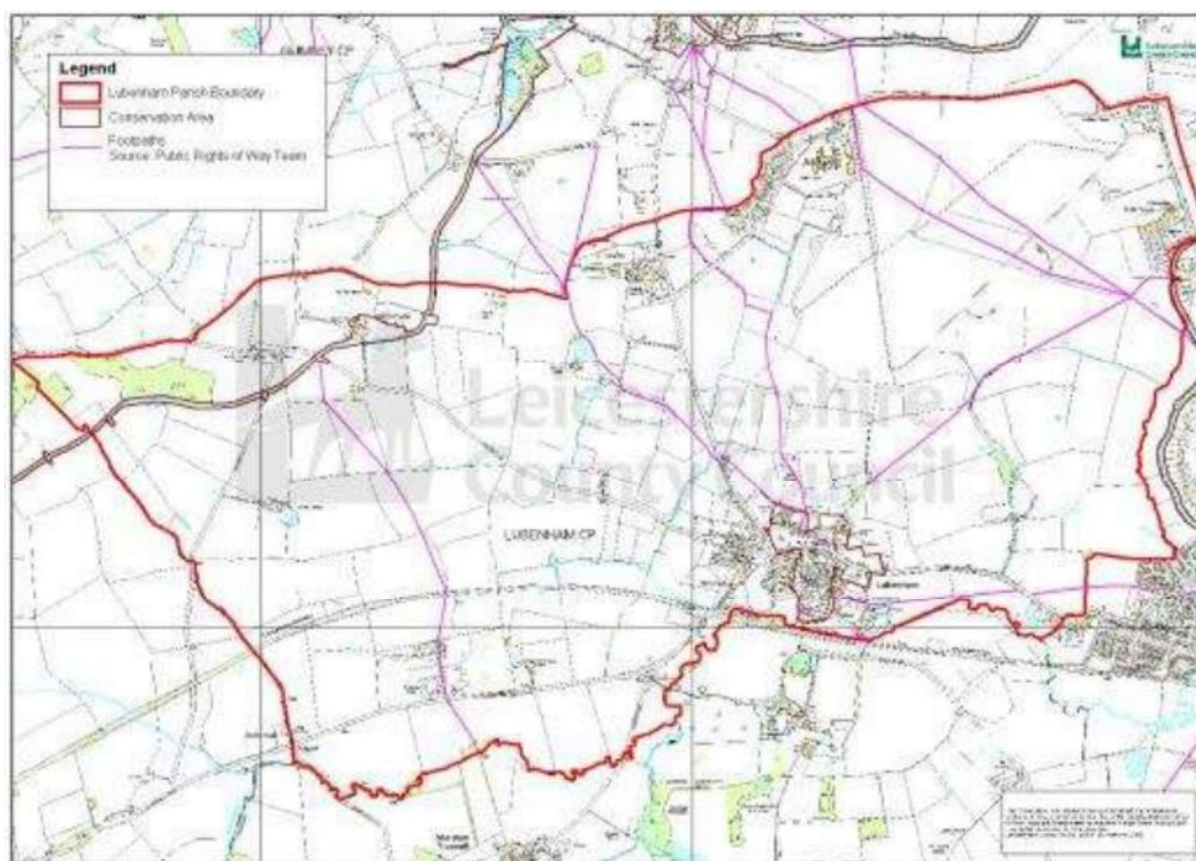


Figure 14 – Lubenham Neighbourhood Plan area

5.15 The LNP was prepared in accordance with the development plan at the time, The Harbrough Core Strategy, and was developed to cover a slightly longer period than this plan i.e. up to 2031. Harbrough District Council has subsequently prepared and adopted a new Local Plan, the Harbrough District Local Plan, which was adopted in April 2019 and covers the plan period up until 2031.

¹¹ [Neighbourhood Planning - Lubenham Neighbourhood Plan | Harbrough District Council](https://www.harborough.gov.uk/directory_record/2250/lubenham_neighbourhood_plan)
(https://www.harborough.gov.uk/directory_record/2250/lubenham_neighbourhood_plan)

- 5.16 Below are the objectives that have provided the framework for the preparation of the Neighbourhood Plan. They are derived from the Group's vision:
- a. Protect and retain the rural character, community spirit, culture and heritage of the Parish and keep it separate from Market Harborough.
 - b. Protect Lubenham open spaces, natural environment biodiversity and access to the countryside.
 - c. Minimise the impact on the Parish of negative influences including high volumes of traffic, speeding traffic, parking, flooding and over development.
 - d. Maintain existing and where possible enhance local facilities, infrastructure and services especially access to these from outlying parts of the settlement.
 - e. Ensure that development retains a mix of housing and employment opportunities to suit the needs of a range of people by age, gender, ethnicity, disability, religion and sexual orientation and that all development is of the highest standards.
- 5.17 Policy LNP01 relates to the Area of Separation between Market Harborough and Lubenham and Market Harborough and Gartree. The plan states that it is important that Market Harborough and Lubenham and Market Harborough and Gartree remain distinct and separate in order to maintain the rural setting and identity of each settlement and so a separation area between the settlements and major development on the west side of Market Harborough (the Strategic Development Area) should be maintained. Policy LNP01 states:
- “The open character of the Lubenham & Gartree Area of Separation, as defined on Map 2 (see **Figure 15**), shall be maintained, to preserve a visual separation from the settlement of Market Harborough and retain the distinctive character and separate identities of Lubenham and Gartree. Development within this area will be permitted if (a) it would not diminish the physical or visual separation between built up areas associated with these settlements; and (b) it would not compromise, either alone or in conjunction with other existing or proposed development, the effectiveness of the Area of Separation in protecting the identity and distinctiveness of these settlements. Any development proposal within the Area of Separation must be accompanied by an analysis and proposals for mitigation of likely impact on settlement setting and the objective of visual separation, giving specific attention to use of location, design and landscaping appropriate to the character of the area.”*
- 5.18 LNP Policy 19 relates specifically to Gartree. The Plan states that Gartree Estate is surrounded by land and buildings owned by the Ministry of Justice. The houses and roads were sold by the Home Office and are unadopted, and since then there has been little maintenance of roads, pavements and streetlights. Some Ministry buildings are currently unused and some have fallen into disrepair. There are no community buildings or shared areas although the prison service does allow some informal use of open areas. There are however many opportunities for people to enjoy the countryside from Gartree both on foot and on horseback and this is a much appreciated attraction to living there. Policy LNP19 sets out that:
- Limited and small-scale employment/business development may be supported on environmentally acceptable sites in Gartree only if the resultant effect will involve:*
- a. *conversion and re-use of appropriately located and structurally robust existing buildings;*
 - b. *no adverse impact upon the living conditions of nearby residents from nuisance or disturbance caused by odour, noise, vibration or traffic movement;*
 - c. *retention of rural/community services/facilities, land based businesses or positive farm diversification without harm to their viability and vitality;*

- d. *provision/enhancement of links to community facilities/services through the improvement of roads and pathways in and around the settlement at a level proportionate to the anticipated impact development proposed.*

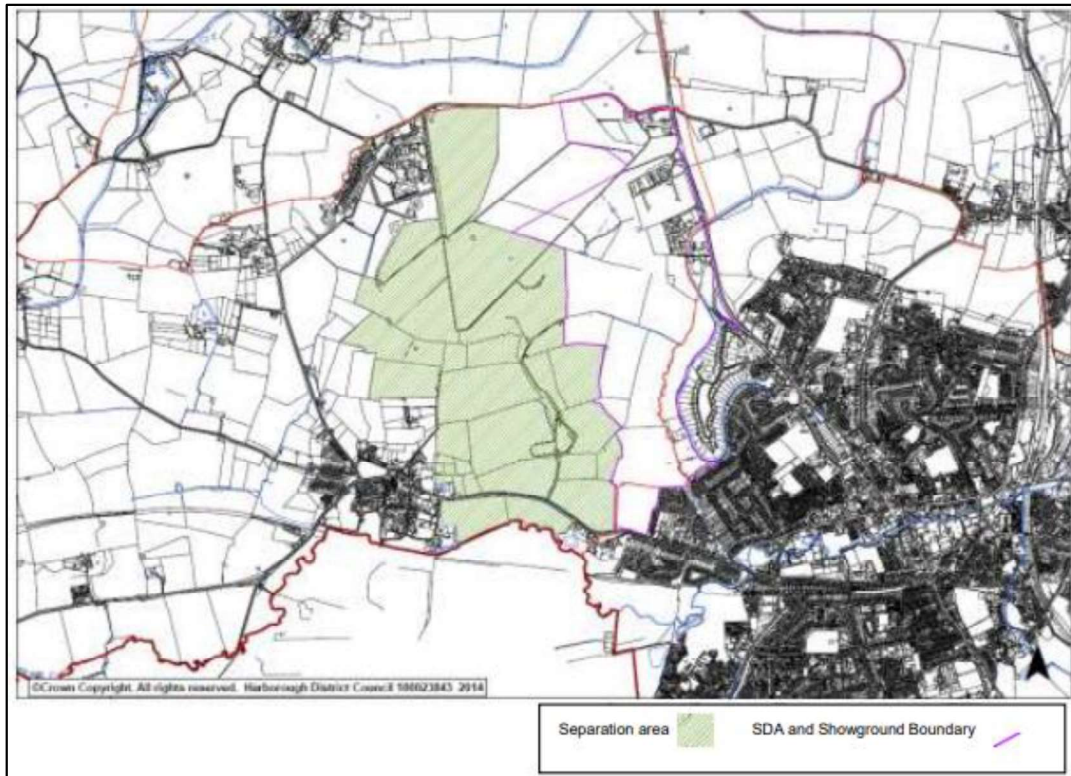


Figure 15: Map 2 from Lubenham Neighbourhood Plan – Lubenham Area of Separation

5.19 LNP Policies LNP09 – LNP13 relate to Traffic:

- LNP12 states that all largescale developments shall be required to provide a Travel Plan
- LNP13 states that the Plan encourages the installation of EV charging points

5.20 LNP Policy LNP15 states that new residential and business development should look to explore opportunities to provide for and/or enhance access to and views of the open countryside. LNP 16 provides criteria of suitable business / employment development within the Plan area stating that proposals for new business/employment development should:

- a) *be of a scale, density and design appropriate to its setting such that it would not cause damage to the qualities, character and amenity of the area and its residents;*
- b) *include the provision of adequate vehicle and cycle parking, turning and manoeuvring space;*
- c) *incorporate safe and inclusive design and access suitable for all;*
- d) *include/encourage links to existing walking and cycling networks;*
- e) *on larger developments include a framework sustainable travel plan, and;*
- f) *on larger developments explore opportunities for inclusion of electric vehicle charging points*

5.21 The Foxton Neighbourhood Plan area (see **Figure 16**) comprises the parish of Foxton which is situated to the north-west of Market Harborough. The Plan area extends south of Foxton to the north fringe of Gartree (and the application site), however, the application site sits wholly outside of the Plan area. The parish amounts to 663 hectares. Foxton was designated as a Neighbourhood Area on 29 October 2012. The

Plan was prepared by Foxton Parish Council, with the first being made by Harborough District Council on 27th January 2017 following a successful local referendum.

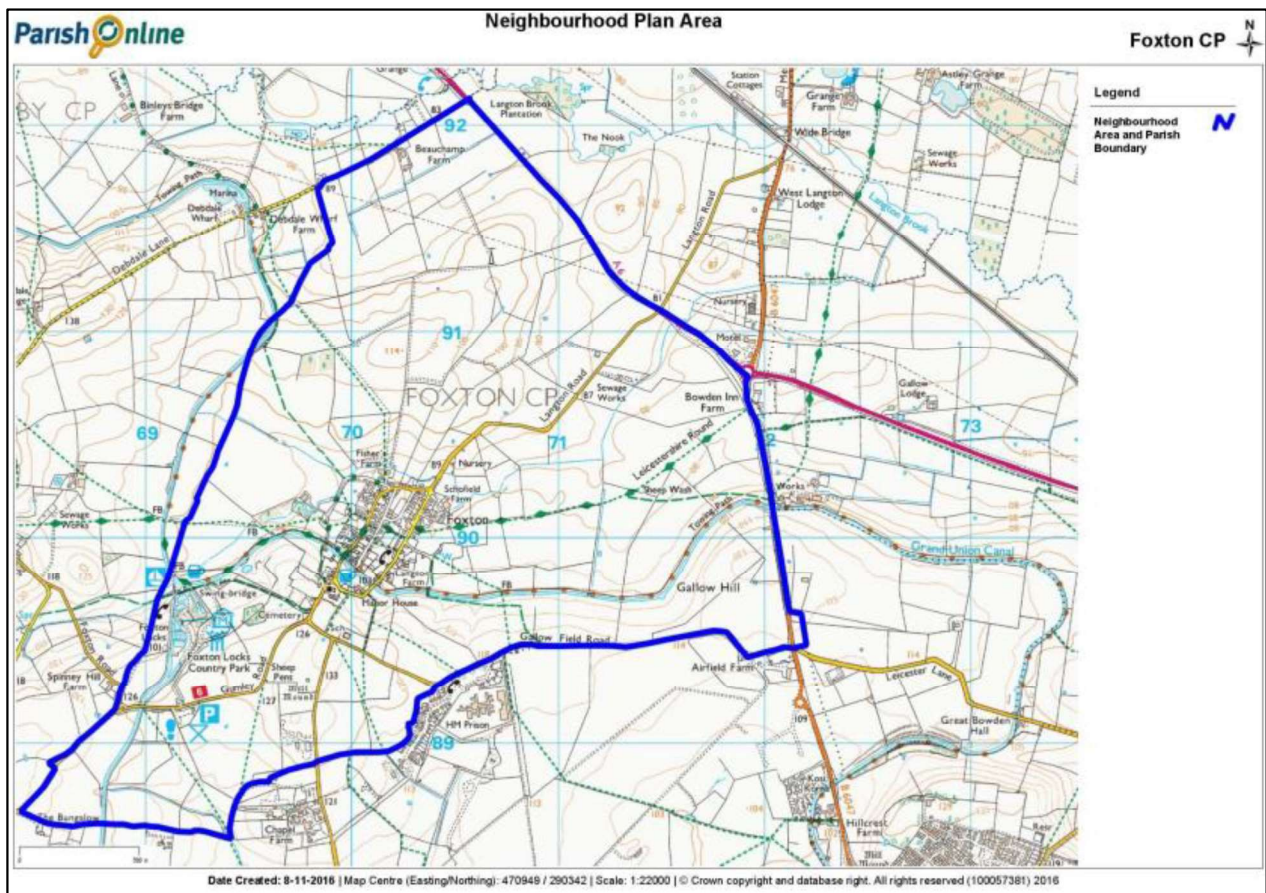


Figure 16 – Foxton Neighbourhood Plan area

- 5.22 The FNP was prepared in accordance with the development plan at the time, The Harborough Core Strategy, and was developed to cover a slightly longer period than this plan i.e. up to 2031. Harborough District Council has subsequently prepared and adopted a new Local Plan, the Harborough District Local Plan, which was adopted in April 2019 and covers the plan period up until 2031. The Parish Council subsequently decided to review the Plan to take account of the latest Framework, the new Harborough Local Plan, planning decisions in the area and the latest views of residents on new development. The new Neighbourhood Plan¹² was made by HDC on the 1st November 2021
- 5.23 Below are the objectives that have provided the framework for the preparation of the Neighbourhood Plan. They are derived from the Group’s vision:
- To conserve Foxton’s character, history and local surroundings
 - To protect the intrinsic character and beauty of Foxton’s countryside
 - To conserve and enhance Foxton’s natural environment
 - To conserve heritage assets
 - To secure high quality design in new development
 - To retain community facilities and services
 - To make the fullest possible use of public transport, walking and cycling, and reduce the impact of vehicular traffic on resident’s quality of life

¹² [Neighbourhood Planning - Foxton Neighbourhood Plan Review 2021 | Harborough District Council](https://www.harborough.gov.uk/directory_record/4131/foxton_neighbourhood_plan_review_2021)
(https://www.harborough.gov.uk/directory_record/4131/foxton_neighbourhood_plan_review_2021)

- To support sustainable tourism within the parish

5.24 FNP Policy F3 deals with the tranquillity of the area:

Development proposals must consider and address their potential impact on local tranquillity; accordingly the following will not be supported:

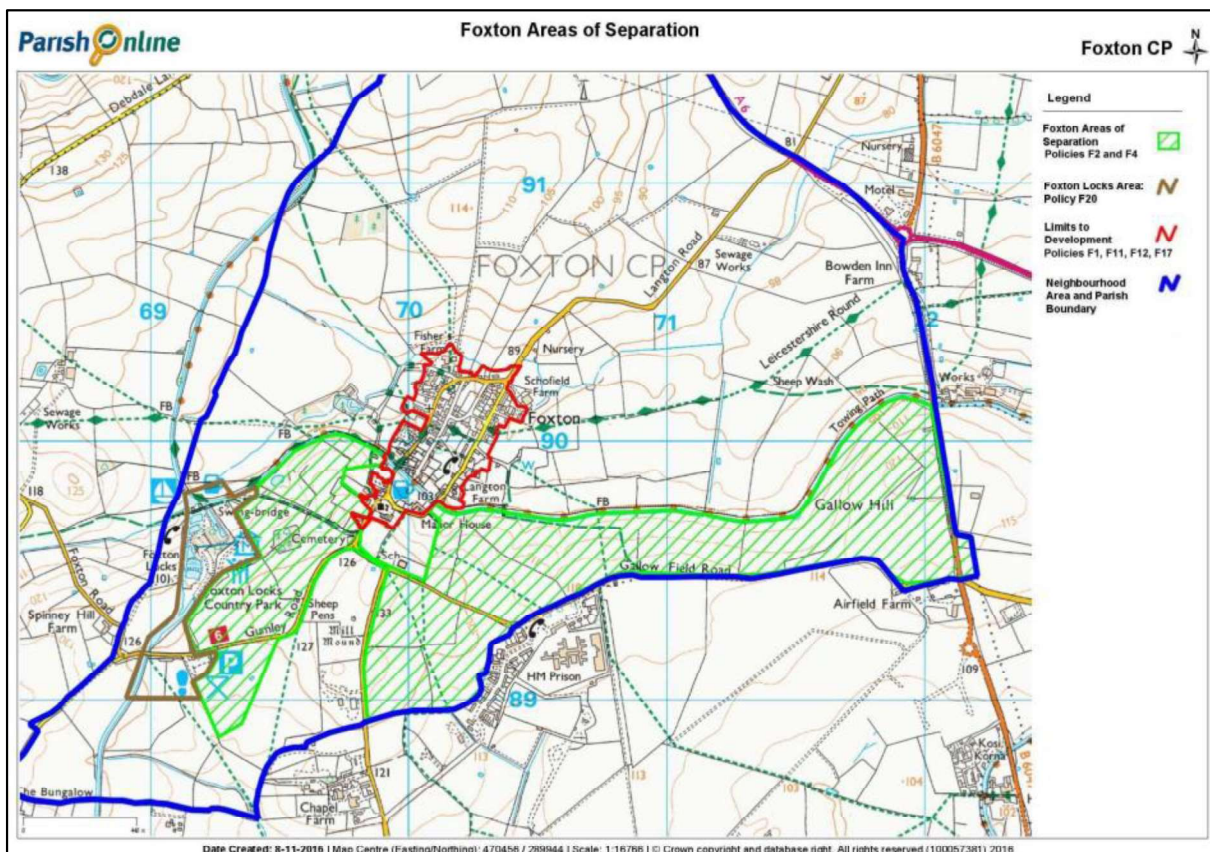
A. *Industrial, commercial, leisure, recreation and sporting proposals that introduce sources of noise, particularly night-time noise, above the ambient level; and*

B. *Developments requiring floodlights, security lights and streetlights.*

Planning conditions will be applied to ensure appropriate control.

5.25 FNP Policy F4 relates to the Area of Separation:

- The open character of the two Foxton Areas of Separation, as defined on the adjacent map and the Policies Map (see **Figure 17**), will be retained. The construction of new buildings, caravan and lodge sites will not be supported unless they preserve the openness of these Areas and do not conflict with the objective of separation.



5.26 Policy F5: Ecology and Biodiversity states that *Development should not harm the network of local ecological features and habitats which include:*

1. *Grand Union Canal*
2. *Side ponds at Foxton Locks*
3. *Softwell Lane nature reserve*

New development will be expected to maintain and enhance existing ecological corridors and landscape features (such as watercourses, hedgerows and tree-lines) for biodiversity thus demonstrating overall net-gain

- 5.27 FNP Policy F6 covers the Grand Union Canal. It states that the Grand Union Canal is recognised as a heritage asset, a key strategic Green Infrastructure and wildlife corridor, and a recreation and tourism resource that can be enjoyed for its contribution to the quality of life of this and future generations. It is a key feature that contributes to the character of Foxton and the location and design of new development must have appropriate regard for the significance of this asset and its setting.

b) Statutory Duties and Material Planning Considerations

- *Planning (Listed Buildings and Conservation Areas) Act 1990*¹³
- 5.28 Sections 66 & 72 impose a duty on Local Planning Authorities to pay special regard/attention to Listed Buildings/ heritage assets and Conservation Areas, including setting, when considering whether to grant planning permission for development. For Listed Buildings/assets, the Local Planning Authority shall “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses” (Section 66) and for Conservation Areas “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area” (Section 72).
- *Public Sector Equality Duty*¹⁴
- 5.29 Section 149 of the Public Sector Equality Act 2010, introduced a public sector equality duty that public bodies must, in the exercise of their functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- *The National Planning Policy Framework*¹⁵
- 5.30 The National Planning Policy Framework (hereafter referred to as ‘The Framework’) was most recently published in July 2021. What are considered to be the relevant sections are set out below in the order they appear in the document
- 5.31 The overarching policy objective of the Framework is the presumption in favour of sustainable development. It identifies three dimensions to sustainable development: economic, social and environmental (paragraph 8). These are mutually dependent and in order to achieve sustainable development economic, environmental and social gains should be sought jointly and simultaneously through the planning system (paragraph 10). The presumption in favour of sustainable development is at the heart of the Framework.
- 5.32 The Framework indicates that where development accords with an up to date DP it should be approved without delay (paragraph 11). The weight to be accorded to development plans depends on whether they are up to date. The ability of the Local Planning Authority to demonstrate a 5 year housing land supply is relevant to this issue and this is discussed in more detail below.

¹³ [Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1990/9/contents)
(<https://www.legislation.gov.uk/ukpga/1990/9/contents>)

¹⁴ [Equality Act 2010: guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/equality-act-2010-guidance)
(<https://www.gov.uk/guidance/equality-act-2010-guidance>)

¹⁵ [National Planning Policy Framework \(publishing.service.gov.uk\)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)
(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

- 5.33 Paragraph 11 of the Framework states Plans and decisions should apply a presumption in favour of sustainable development. For **decision-taking** this means:
- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
 - d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 5.34 The Framework advises LPAs to approach decision-taking in a positive way to foster the delivery of sustainable development (paragraph 38) and seek to approve applications for sustainable development where possible
- 5.35 Paragraph 47 reiterates Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which requires all applications to be determined in accordance with the DP unless there are material considerations which indicate otherwise and advises the Framework is a material consideration in planning decisions.
- 5.36 Paragraph 56 advises planning conditions should be kept to a minimum and imposed only where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects
- 5.37 In respect of planning obligations, the Framework (57) advises that these should only be used where it is not possible to address unacceptable impacts through a planning condition. They should, in addition, meet all of the following tests, which mirror those in the Community Infrastructure Levy Regulations 2010:
1. necessary to make the development acceptable in planning terms;
 2. directly related to the development; and
 3. fairly and reasonably related in scale and kind to the development.
- 5.38 Paragraph 58 makes reference to viability and states:
- 'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'*
- 5.39 Paragraph 85 realises that local business development in rural areas may have to be in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

- 5.40 Paragraph 92b states that Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas;
- 5.41 Paragraph 96 states that to ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies
- 5.42 Paragraph 97 states that planning policies and decisions should promote public safety and take into account wider security and defence requirements by: b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area
- 5.43 Paragraph 100 seeks to protect and enhance existing public rights of way and access, whilst Paragraph 101 recognises the importance of local Green Space to local communities.
- 5.44 Paragraph 111 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe
- 5.45 Paragraph 112 states that developments should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport. Paragraph 113 states that all developments that will generate significant amounts of movement should be required to provide a Travel Plan.
- 5.46 Paragraph 126 states good design is a key aspect of sustainable development creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.
- 5.47 Paragraph 130 advises that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 5.48 Paragraph 132 states applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
- 5.49 Paragraph 152 to support the move to a low carbon future, new development should comply with adopted local plan policies on the requirements for decentralised energy supply and seek to minimise energy consumption.
- 5.50 Paragraph 167 advises that in determining planning applications consideration should be given to ensuring flood risk is not increased elsewhere.

- 5.51 Paragraph 174 address the protection and enhancement of the natural and local environment
- 5.52 Paragraph 180 advises LPAs when determining planning “to conserve and enhance biodiversity”.
- 5.53 Paragraph 190 in determining applications, LPA’s should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - paragraph 131 the desirability of new development making a positive contribution to local character and distinctiveness
- 5.54 Paragraph 199 advises that great weight should be given to the asset’s conservation when considering the impact of a proposed development on the significance of a designated heritage asset. The more important the designated asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance..
- 5.55 Paragraph 200 states any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. Substantial harm to grade II listed buildings should be exceptional and to grade I listed buildings should be wholly exceptional.
- 5.56 Paragraph 201 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.
- 5.57 Paragraph 202 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.
- *Planning Practice Guidance*¹⁶
- 5.58 The Planning Practice Guidance (hereafter referred to as the PPG) complements The Framework.
- 5.59 Set out below are the topic areas contained within the PPG that are of most relevance to the consideration of the proposal:
- Design

¹⁶ [Planning practice guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/planning-practice-guidance)
(<https://www.gov.uk/government/collections/planning-practice-guidance>)

- Design and Climate Change
 - Air Quality
 - Housing and Economic Development Needs
 - Natural Environment
 - Heritage
 - Renewable and Low Carbon Energy
 - Noise
- *National Design Guide*¹⁷
- 5.60 This guide (published in October 2019) illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. The Design Guide states that the long-standing, fundamental principles for good design are that it is: fit for purpose; durable; and brings delight. It is relatively straightforward to define and assess these qualities for a building.
- 5.61 The Framework sets out that achieving high quality places and buildings is fundamental to the planning and development process. It also leads to improvements in the quality of existing environments. The National Planning Policy Framework expands upon the fundamental principles of good design to define what is expected for well-designed places and explain how planning policies and decisions should support this.
- 5.62 The Framework is supported by a suite of planning practice guidance that is relevant to both design quality and quality in delivery. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities. It also includes people at different stages of life and with different abilities – children, young people, adults, families and older people, both able-bodied and disabled.
- 5.63 The National Design Guide addresses the question of how we recognise well-designed places, by outlining and illustrating the Government’s priorities for well-designed places in the form of ten characteristics. It is based on national planning policy, practice guidance and objectives for good design as set out in the National Planning Policy Framework. Specific, detailed and measurable criteria for good design are most appropriately set out at the local level. They may take the form of local authority design guides, or design guidance or design codes prepared by applicants to accompany planning applications.
- *2016 Prison Safety and Reform*¹⁸.
- 5.64 This White Paper states that The Government want a prison estate that is less crowded, better organised, and that is increasingly made up of modern, fit for purpose accommodation. The UK’s current prison estate needs urgent investment and reform if it is to match this vision. The physical environment that many staff and prisoners face on a daily basis is not fostering the kind of culture or regime needed for prisoners to turn their lives around. For prisons to be places of safety and reform, there needs to be a fundamental shift in the way that the prison estate is organised and operates and a significant improvement in the overall quality of the buildings across the prison estate.
- 5.65 To make this a reality, the Government have committed to:

¹⁷ [National design guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/national-design-guide)
(<https://www.gov.uk/government/publications/national-design-guide>)

¹⁸ [Prison Safety and Reform \(publishing.service.gov.uk\)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/565014/cm-9350-prison-safety-and-reform- web .pdf)
(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/565014/cm-9350-prison-safety-and-reform- web .pdf)

- Opening HMP Berwyn, near Wrexham in Wales in February 2017;
 - Investing £1.3 billion to build up to 10,000 new adult prison places;
 - building and opening five new community prisons for women; and
 - closing prisons that are in poor condition and those that do not have a long-term future in the estate.
- *10,000 Additional Prison Places Programme*¹⁹.
- 5.66 The Government announced in June 2020, that four new prisons would be built across England over the next six years as part of the 10,000 Additional Prison Places Programme.
- 5.67 These prisons are another major step in the Government's £2.5 billion programme to create 10,000 additional prison places. This will deliver modern jails that boost rehabilitation and cut reoffending - providing improved security and additional training facilities to help offenders find employment on release.
- 5.68 The new jails will be built more quickly, sustainably and cost effectively than ever before. This is thanks to modern construction methods and new technology that have already been incorporated into the new prison being built at Wellingborough. 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.
- 5.69 The new prisons are designed with enhanced security in mind. Bar-less windows will stop waste being thrown out and prevent prisoners accessing drugs and mobile phones flown in by drones. High speed network cabling will also be incorporated to enable modern security measures such as airport-style security scanning, to prevent the smuggling of the illicit items that fuel violence.
- 5.70 While the operators of the prisons will be announced in due course, the Government is committed to using the innovation, knowledge and expertise of the private and public sectors to deliver the best rehabilitation. It is the Government's intention that at least one prison will be operated by the public sector.
- 5.68 In addition to the four new prisons, construction is well underway at Wellingborough, in Northamptonshire, and early works have started at Glen Parva, Leicestershire, to create two new 1,680-place category C resettlement prisons.
- *National Infrastructure Strategy*²⁰
- 5.71 The National Infrastructure Strategy sets out plans to transform UK infrastructure in order to level up the country, strengthen the Union and achieve net zero emissions by 2050. In line with the NIC's remit, this Strategy focuses on economic or networked infrastructure: energy, transport, water, waste, flood risk management and digital communications. However, the reforms to project delivery will clearly benefit all forms of capital projects, including social infrastructure such as schools, hospitals and prisons. Further detail on the government's plans for social infrastructure investment are set out in Spending Review 2020

¹⁹ [Four new prisons boost rehabilitation and support economy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/four-new-prisons-boost-rehabilitation-and-support-economy)
(<https://www.gov.uk/government/news/four-new-prisons-boost-rehabilitation-and-support-economy>)

²⁰ [National Infrastructure Strategy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/national-infrastructure-strategy)
(<https://www.gov.uk/government/publications/national-infrastructure-strategy>)

- *2020 Spending Review*²¹
- 5.72 To match the UK's ambitions on economic infrastructure, which are set out in the National Infrastructure Strategy, SR20 invests in key infrastructure that supports the UK's world-class public services, delivering on commitments to build hospitals, schools and prisons. It provides multi-year funding to build 40 new hospitals, launches a ten-year programme to build 500 schools, and provides more than £4 billion to make significant progress in delivering 18,000 prison places across England and Wales by the mid-2020s.
- *Autumn Budget and Spending Review 2021*²².
- 5.73 To protect the public from serious offenders, SR21 will continue the biggest prison building programme in more than a century. Building on the government's commitment at SR20, the settlement confirms £3.8 billion of investment across England and Wales over three years to deliver 20,000 additional prison places by the mid-2020s. This will support the transition towards a more efficient, safe and environmentally sustainable prison estate.

c) Other Relevant Documents

- *Community Infrastructure Levy Regulations*²³
- 5.74 The Community Infrastructure Levy (hereafter referred to as 'CIL') is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities to help deliver infrastructure to support the development of their area.
- 5.75 Regulation 122 of the CIL Regulations 2010 provides that to be capable of being a material consideration in the determination of a planning application obligations should be:-
- necessary to make the development acceptable in planning terms
 - directly related to the development
 - fairly and reasonably related in scale and kind to the development
- *Circular 11/95 Annex A - Use of Conditions in Planning Permission*²⁴
- 5.76 Although publication of the PPG cancelled Circular 11/95, Appendix A on model conditions has been retained. These conditions are not exhaustive and do not cover every situation where a condition may be imposed. Their applicability will need to be considered in each case against the tests in paragraph 206 of the Framework and the guidance on the use of planning conditions in the PPG.
- *Leicestershire Planning Obligations Policy (July 2019)*²⁵
- 5.77 The purpose of the planning system is to contribute to the achievement of sustainable development. The County Council has an important role in this process, not only as a planning authority, but as a provider of physical and social infrastructure that

²¹ [Spending Review 2020 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/spending-review-2020-documents/spending-review-2020)
(<https://www.gov.uk/government/publications/spending-review-2020-documents/spending-review-2020>)

²² [Autumn Budget and Spending Review 2021 \(HTML\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/autumn-budget-and-spending-review-2021-documents/autumn-budget-and-spending-review-2021-html)
(<https://www.gov.uk/government/publications/autumn-budget-and-spending-review-2021-documents/autumn-budget-and-spending-review-2021-html>)

²³ [Community Infrastructure Levy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/community-infrastructure-levy)
(<https://www.gov.uk/guidance/community-infrastructure-levy>)

²⁴ [Circular 11/95: Use of conditions in planning permission \(publishing.service.gov.uk\)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7715/324923.pdf)
(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7715/324923.pdf)

²⁵ [Planning Obligations Policy \(leicestershire.gov.uk\)](https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/8/16/Planning-Obligations-Policy.pdf)
(<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/8/16/Planning-Obligations-Policy.pdf>)

contributes to economic and social wellbeing that helps make development sustainable. The purpose of this planning obligations policy document is to explain the requirements for, and the approach to, the type and level of infrastructure the County Council will seek through planning obligations given by applicants (usually developers) applying to Leicestershire district councils as LPAs or to the County Council for planning permission to make it acceptable in planning terms. This builds upon the policy requirement set out within each individual LPAs development plans. The main types of infrastructure required by the County Council typically include Schools, Roads and transportation, Social care, Libraries, Waste management facilities.

- *Leicestershire Local Transport Plan*²⁶
- 5.78 The 3rd Leicestershire Local Transport Plan (LTP3) covers the period 2011-2026. It sets out the transport vision and longer term strategy for the County and identifies priorities and objectives to help deliver the vision. Objectives include tackling congestion, improving access to facilities for all, reducing the impact of transport on the environment, and improving road safety.
- 5.79 The LTP3 focuses, in particular, on the need to tackle congestion by increasing the use of public transport, walking and cycling with less growth in car mileage. This would be achieved by improving access to facilities including employment, education, health care and food shops.
- *Leicestershire County Council Highways Design Guide*²⁷
- 5.80 The Leicestershire Highway Design Guide deals with highways and transportation infrastructure for new developments
- *Highway Works and Adoption*
- 5.81 If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development.
- *Harborough District Open Spaces Strategy 2016 to 2021*²⁸
- 5.82 This strategy has been written to inform all those people who live, work and visit Harborough District about how we want to improve and develop open spaces. The Strategy takes account of all green spaces of public value, whether owned by Harborough District Council or in private ownership; however it must be acknowledged that its greatest influence can be over those open spaces owned by Harborough District Council or managed by partner organisations. This is a strategic level document and does not consider the maintenance and management of individual open spaces. It will influence how the Council manages and secures the future of open spaces in its ownership, and how we will work in partnership with others to create new open space in the future.

²⁶ [Leicestershire Local Transport Plan 3](https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2017/1/9/Local_transport_plan.pdf)
(https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2017/1/9/Local_transport_plan.pdf)

²⁷ [Leicestershire Highway Design Guide | Leicestershire County Council Professional Services Portal](https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide)
(<https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>)

²⁸ [Open Spaces Strategy 2016 to 2021 | Harborough District Council](https://www.harborough.gov.uk/downloads/download/873/open_spaces_strategy_2016_to_2021)
(https://www.harborough.gov.uk/downloads/download/873/open_spaces_strategy_2016_to_2021)

- *Harborough District Landscape Character Assessment and Landscape Capacity Study (Sept 2007)*²⁹
- 5.83 This Assessment included an identification of Landscape Character Areas across the District. The detail of the report is considered further in **Section 6** of this report.
- *Market Harborough Landscape Character Assessment and Landscape Capacity Study (April 2009)*³⁰
- 5.84 The Landscape Partnership was commissioned in December 2008 to undertake the preparation of an outline Landscape Character Assessment and a Landscape Capacity Study for the rural areas in the vicinity of Market Harborough. The brief for the project required the following main outputs, which will be used to inform the Council's Core Strategy and other Local Development Documents:
- An assessment of the landscape character around the market town of Market Harborough and adjacent villages of Little Bowden and Great Bowden;
 - Identify landscape character sub-areas within the wider Welland Valley landscape character area around Market Harborough, Little Bowden and Great Bowden; and
 - A detailed analysis of the sensitivity of land in and around the edge of Market Harborough, Little Bowden and Great Bowden, and to assess its capacity to accommodate future development, particularly residential
- 5.85 The assessment work has been undertaken in two stages. Stage One involved the identification of Landscape Character Areas within the whole of the study area and the key characteristics present. The areas identified were 'sub areas' of the wider 'Welland Valley' Landscape Character Area, which had already been identified at a County and District level. This stage does not constitute a fully detailed Landscape Character Assessment, but was sufficient to provide context, at an appropriate scale, for Stage Two.
- 5.86 Stage Two involved a more detailed consideration of the landscape sensitivity and landscape capacity of the study area. This was considered at a smaller scale of units based around individual fields, groups of fields or parcels of land. The assessment used a consistent method that evaluated the Land Parcels against a number of criteria, to test both the sensitivity of a unit and its capacity to accept development in the context of the character of the wider landscape within which they are situated. Stage Two considered areas that were closer to the periphery of the existing settlements, as this is where future growth is likely to be targeted i.e. land adjacent to Market Harborough and the nearby villages of Great Bowden and Little Bowden.
- *Supplementary Planning Guidance*³¹
- 5.87 This Supplementary Planning Document (SPD) provides additional guidance to assist with the interpretation and implementation of Harborough Local Plan Policies particularly:
- GD1: Achieving sustainable development;
 - GD3: Development in the countryside;
 - GD8: Good design in development;
 - BE1: Provision of new business development;
 - CC1 to CC3: Climate change;

²⁹ [Landscape Character Assessments | Harborough District Council](https://www.harborough.gov.uk/downloads/download/51/landscape_character_assessments)
(https://www.harborough.gov.uk/downloads/download/51/landscape_character_assessments)

³⁰ [Landscape Character Assessments | Harborough District Council](https://www.harborough.gov.uk/downloads/download/51/landscape_character_assessments)
(https://www.harborough.gov.uk/downloads/download/51/landscape_character_assessments)

³¹ [Our policies, plans and strategies - Supplementary Planning Documents | Harborough District Council](https://www.harborough.gov.uk/directory_record/461/supplementary_planning_guidance_notes)
(https://www.harborough.gov.uk/directory_record/461/supplementary_planning_guidance_notes)

- HC1: Built heritage;
- H4 & H5: Specialist Housing, self build and custom housing;
- RT3: Shop fronts and advertisements.

This SPD will be taken into account as a material consideration when appropriate as the Council makes decisions on planning applications. The National Design Guide (October 2019) and National Design Code (July 2021) is taken into account and similarly applies as a consideration.

- *Planning Obligations Developer Guidance Note*³²
- 5.88 The Planning Obligations Supplementary Planning Document (SPD) was adopted September 2016 and published January 2017. It sets out the range of infrastructure, services and facilities that the Council will normally seek to secure via planning obligations in relation to development proposals within the District.
- 5.89 The SPD advises if the requirement for developer contributions or for the provision of infrastructure result in viability concerns being raised it will be the responsibility of the applicant to provide an independent financial viability assessment to substantiate the situation. If the assessment is accepted as reasonable the Council may request lower contributions for a particular Site provided that the benefits of developing the Site outweigh the loss of the developer contribution.
- 5.90 There are two supporting documents associated with this SPD:
- Provision for Open Space, Sport and Recreation 2015 which provides details of the arrangements for assessing contributions to open space; and
 - Assessment of Local Community Provision and Developer Contributions (October 2010) which provides additional evidence to support the case for developer contributions to local indoor community and sports facilities.
- *Systra Technical Note – Gartree 2 Prison LCC Application Review (February 2022)*³³ (See **Appendix D**)
- 5.91 This Technical Note has been produced to provide a review of LLC Highway advice on 21/01600/OUT to assess whether the comments made by the LHA are appropriate, in particular focusing on the following perceived local concerns:
- 1) Capacity of the Gallow Field Road / B6047 junction; and
 - 2) Requirement for a pedestrian crossing of the A4304 at Lubenham close to the Foxtan Road / A4304 Lubenham junction.
- 5.92 To review how appropriate the testing of Gallow Field Road / B6047 junction is, Systra reviewed the trip generation, reviewed the committed developments that also impact this junction, and have reviewed the level of flows tested by these committed

³² [Our policies, plans and strategies - Supplementary Planning Documents | Harborough District Council](https://www.harborough.gov.uk/download/downloads/id/773/planning_obligations_developer_guidancepdf)
(https://www.harborough.gov.uk/download/downloads/id/773/planning_obligations_developer_guidancepdf)

³³ [Microsoft Word - GB01T22A11-TN001. LCC Application Review - Gartree 2 Prison Issue.docx](https://pa2.harborough.gov.uk/online-applications/files/0AEFCCAF567AD99C502CA1F12ECF6678/pdf/21_01600_OUT-SYSTRAL_HIGHWAYS_REVIEW-1146284.pdf)
([harborough.gov.uk](https://pa2.harborough.gov.uk/online-applications/files/0AEFCCAF567AD99C502CA1F12ECF6678/pdf/21_01600_OUT-SYSTRAL_HIGHWAYS_REVIEW-1146284.pdf))
(https://pa2.harborough.gov.uk/online-applications/files/0AEFCCAF567AD99C502CA1F12ECF6678/pdf/21_01600_OUT-SYSTRAL_HIGHWAYS_REVIEW-1146284.pdf)

developments in context of the limitations that this application faced due to the covid pandemic.

- 5.93 To review the potential requirement for pedestrian crossing provision over the A4304, a consideration of the development flows impacting this area has been undertaken, on top of expected base flows, to allow a judgement to be made as to the appropriateness of linking the implementation of a crossing due to impact of the development.
- 5.94 With regards to the transport application, the areas of concern, following review of the application, are associated with the B6047 Harborough Road / Leicester Lane / Gallow Field Road junction, and the flow impact on the A4304 in Lubenham.
- 5.95 With regards to the impact on the B6047 Harborough Road / Leicester Lane / Gallow Field Road junction, the following conclusions can be made:
- 3) The flows considered in the TA are potentially low, when compared to data subsequently available in other applications.
 - 4) The level of flows appears low primarily because of the proximity of other committed developments and developments currently in the planning system.
 - 5) Using the most recently available data associated with application 21/00545/OUT³⁴ the Gartree Prison application does not produce capacity results which would be considered over capacity.
 - 6) However, a cumulative assessment with applications 21/00545/OUT and 21/01600/OUT³⁵, the Gallow Field Road arm of the junction can be expected to be over capacity in the PM peak if both applications are approved.
- Therefore, while at the time of submission, the conclusions reached on the application with regards to the B6047 Harborough Road / Leicester Lane / Gallow Field Road junction could be considered correct (noting that the flows tested could be considered low) the cumulative impact assessment undertaken in this report suggests that this junction will be over capacity if both 21/01600/OUT and 21/00545/OUT are approved.
- 5.96 The extended accident review within Lubenham suggests that there is no specific accident trend in Lubenham, and the level of accidents is low. The review of the traffic flow levels along the A4304 suggest the existing pedestrian refuge crossing in Lubenham is insufficient provision for the level of vehicular flows.

6. Officer Assessment

a) Principle of Development

- 6.1 This section of the report assesses the Proposed Development against relevant planning policy and material considerations relevant to the planning application Section 38 (6) of the Planning and Compulsory Purchase Act 2004 stipulates that in determining planning applications, determination must be in accordance with the development plan unless material considerations indicate otherwise. The development plan for Harborough District Council ('the Council') is the Harborough Local Plan 2011-2031 (HLP) (adopted April 2019). This site also sits within the defined Lubenham Neighbourhood Development Plan area, and as such, this also forms part of the Development Plan in this instance. There are no specific planning policies that are directly related to prison development in the Development Plan.
- 6.2 The National Planning Policy Framework (NPPF) is also a material consideration in the determination of planning applications. Paragraph 2 of the NPPF reiterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate

³⁴ Airfield Farm Business Park

³⁵ The current New Prison application

otherwise. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including neighbourhood plans) permission should not usually be granted. Paragraph 11 of the National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise.

6.3 A significant material consideration is that Paragraph 96 of the NPPF supports the delivery of new prison infrastructure through collaborative working between local planning authorities and delivery partners and statutory bodies. Other material considerations in the determination of the application are set out in **Section 5b** of this report.

i. Harborough Local Plan

6.4 The application site is located outside the existing or committed built-up area of Market Harborough, Foxton and Lubenham. The site is adjacent to the built form of the existing HMP Gartree site and Gartree village, however, Gartree is not judged to be a sustainable location owing to the limited range of services, facilities, shops and employments opportunities. As such, the site is currently a ‘greenfield’ site in the countryside. As can be seen at **Figure 18**, the majority of the site is not covered by any specific Policies, the exception being that part of the “Biodiversity Net Gain” area and “Play Area” are currently designated and protected as open space under Policy GI2.

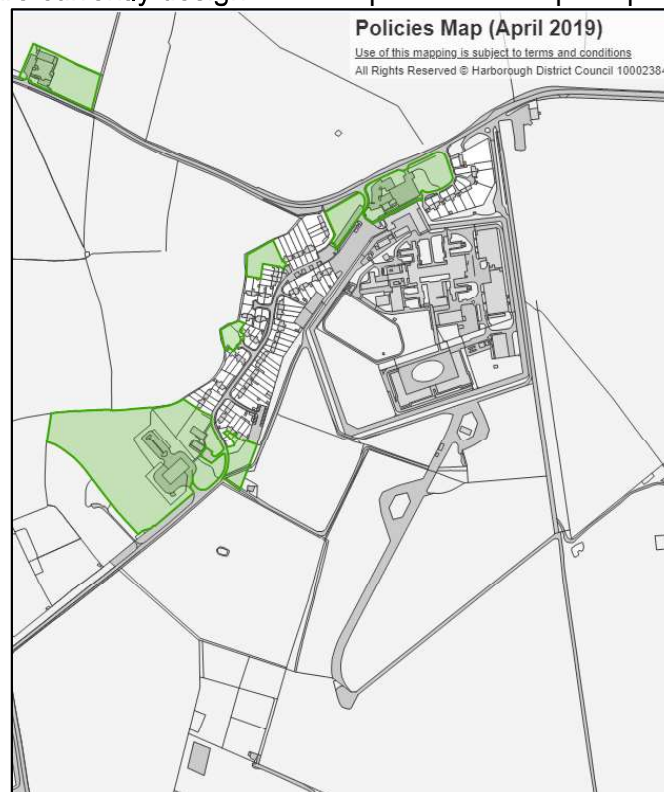


Figure 18: Local Plan Proposals map of site

6.5 In such circumstances the broad General Development Policies still apply. Policy SS1 sets out the spatial strategy for Harborough which is to manage planned growth to direct development to appropriate locations, in accordance with the settlement hierarchy. Policy GD1 and GD3 are of particular relevance in this case, however, Policies GD5 and GD8 are also relevant. Policy GD1 – *Achieving sustainable*

development reiterates paragraph 11 of The Framework in respect of sustainable development and states:

1. *When considering proposals for development the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will work proactively and collaboratively with applicants to find joint solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental condition of the District.*
2. *Planning applications that accord with the Development Plan (including this Local Plan) will be approved without delay, unless material considerations indicate otherwise.*
3. *Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, the Council will grant permission, unless:*
 - a. *any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or*
 - b. *specific policies in the NPPF indicate that development should be restricted.*

6.6 Policy GD3 – *Development in the Countryside* states:

1. *Outside Market Harborough, Key Centres, the Principal Urban Area (PUA), Rural Centres and Selected Rural Villages, and land adjoining them, but excluding Green Wedges, development will be permitted where it is required for the following purposes:*
 - a. *agriculture, horticulture, woodland management or other similar uses appropriate to a rural area, including uses which would help to diversify the rural economy, such as:*
 - i. *local food initiatives, including farm shops and small-scale food and drink processing,*
 - ii. *tourist attractions and facilities that respect the character of the countryside,*
 - iii. *tourist accommodation, if it is of a scale that is proportionate to the identified tourism need and subject to Policies RT2 Town and local centres and RT4 Tourism and leisure,*
 - iv. *equestrian uses;*
 - b. *outdoor sport and recreation and associated buildings;*
 - c. *minerals and waste development;*
 - d. *renewable energy production;*
 - e. *where it is necessary for the continuation of an existing enterprise, facility or operation that is compatible with its setting in the countryside;*
 - f. *rural housing in accordance with Policy GD4 New housing in the countryside;*
 - g. *the conversion or re-use of permanent and substantial buildings, including proposals for the optimum viable use of a heritage asset;*
 - h. *minor extensions to existing dwellings and to other buildings that are subordinate in scale and appearance to the existing building;*
 - i. *facilities to enable the delivery of digital connectivity at speeds and reliability levels comparable with urban areas;*
 - j. *the provision or diversification of a public house, village shop or post office in accordance with Policy HC3 Public house, post offices and village shops;*
 - k. *other services and facilities that improve the sustainability of settlements;*
or
 - l. *other uses which justify and are compatible with a countryside location.*

- 6.7 Compliance of the Proposed Development with Policy GD1 will be assessed throughout **Section 6c** of the report on the basis of a number of technical issues, however, an assessment of the compliance of the Proposed Development with Policy GD3 can be carried out separately to this.
- 6.8 In their Planning Statement submitted in support of the Proposed Development, the Applicants acknowledge that the Application Site is not allocated for development in the Local Plan and that the site is identified as being within the open countryside. Local Plan Policy GD3 identifies acceptable uses within the open countryside which does not include the proposed use. Officers agree with this conclusion that the proposed prison site is contrary to Local Plan policy GD3.
- 6.9 Whilst not technically a business development, *Policy BE1 - Provision of new business development* also has relevance to the consideration of the application due to the level of employment that the development would generate. Policy BE1 states:
1. *Scale and Distribution*
In addition to the delivery of existing commitments, a minimum of 59 hectares for office B1(a) and (b), industrial B1(c) and B2, and storage and distribution B8 will be provided in the following locations:
 - a. *at Market Harborough, a minimum of 24 hectares including the following allocations:*
 - i. *Land at Airfield Farm (North West Market Harborough SDA) – approximately 13 hectares in accordance with Policy MH4.*
 - ii. *Airfield Business Park, Leicester Road - approximately 6 hectares in accordance with Policy MH5;*
 - iii. *Compass Point Business Park, Northampton Road - approximately 5 hectares in accordance with Policy MH6;*
 2. *Rural Economic Development*
On sites within or well related to Rural Centres and Selected Rural Villages, sustainable development which delivers local employment opportunities, supports and diversifies the rural economy or enables the expansion of business and enterprise will be permitted where it:
 - a. *re-uses existing buildings; or*
 - b. *re-develops existing and former employment sites and commercial premises; or*
 - c. *comprises well designed new buildings of a size and quality to cater for identified local needs; and*
 - d. *is equipped to meet modern business requirements.*
- 6.10 The policy seeks to focus development at Market Harborough and Lutterworth. Rural business/employment developments may be permitted (in principle) on sites within or well related to Rural Centres (RC's) and Selected Rural Villages (SRV's) subject to specified criteria (policy BE1(2)). The application site is located within Lubenham parish, but is remote from the main settlement of Lubenham (approximately 950m from the northern fringe of the village), and is also located in the vicinity of Foxtan village, with the northern edge of the main development parcel of the site being approximately 950m from the southern fringe of Foxtan. It is not considered that the application site is within or well related to either Lubenham or Foxtan, rather it relates more to Gartree, a settlement which is not defined as a RC or SRV. On this basis, the application site is not judged to be a sustainable location, within or well related to a RC or SRV therefore whilst the development would generate employment opportunities it would be contrary to Policy BE1.2 of the HLP
- 6.11 Policy BE1.1 is not as specific in terms of its definitions. It sets out that a minimum of 24ha of Office B1(a) and (b), Industrial B1(c) and B2 and Storage and Distribution (B8)

(now use class E(g), B2 and B8) will be provided at Market Harborough, including at Airfield Farm, Airfield Farm Business Park and Compass Point. This does not preclude delivery at other sites. Also – importantly – both Airfield Farm and Airfield Farm Business Park are located within Lubenham parish and not Market Harborough. The application site is located approximately 800m from the recently approved Airfield Farm site (21/00545/OUT) and within 550m of the North-West Market Harborough Strategic Development Area (SDA) (also both within Lubenham parish) and as such, it is considered that the site relates more to these areas than either village of Lubenham or Foxton. It is appreciated that the Proposed Development does not constitute B1, B2 or B8 (now use class E(g), B2 and B8) development, however, as confirmed by the MoJ, the range of employment opportunities that would be created as a result of the Proposed Development is far wider than just the operational security element as perceived. The range of opportunities would include administrative roles, managerial roles, healthcare and educational roles and welfare roles as well as the security roles. It is anticipated that the security roles at the prison would only account for approximately 54% of the overall projected workforce (ie 420 of the overall 780fte staff). Therefore, whilst officers maintain that the Proposed Development is not in accordance with Policy BE1.1, the Proposed Development does accord with the spirit of the Policy in terms of provision of employment facilities at Market Harborough. Officers therefore consider that, whilst strictly contrary to Policy BE1, the assessment that the Proposed Development is in accordance with the spirit and intentions of Policy BE1.1 is a minor beneficial material consideration to be weighed in the Planning Balance when determining the application.

- 6.12 As outlined above part of the “Biodiversity Net Gain” area and “Play Area” are currently designated and protected as open space under Policy GI2, specifically as amenity green space. Policy GI2 states:

“The District's open space, sport and recreation facilities (as shown on the Policies Map) and any future additional facilities provided as part of new development will be safeguarded and enhanced through improvements to their quality and use.”

The proposal would not result in the loss of or reduction in defined open space, in accordance with policy GI2. The BNG area would be open to the public, and would include the provision of informal pathways connecting to the existing Public Right of Way (A22). The proposals will also provide enhanced informal leisure and access to the open space for local residents. This area of open space sited between existing residential properties on Welland Avenue appears to be used on an informal basis by residents, with evidence of sporting equipment being present on site when Officers have visited the site. The intention is that the MoJ would provide and maintain play equipment in this area for the use of residents. The enhancement to the quality and use of the open space is considered to accord with policy GI2 and would have a minor beneficial impact.

ii. Lubenham Neighbourhood Plan

- 6.13 Policy LNP01 relates to the Area of Separation (AoS) between Market Harborough and Lubenham and Market Harborough and Gartree. The plan states that it is important that Market Harborough and Lubenham and Market Harborough and Gartree remain distinct and separate in order to maintain the rural setting and identity of each settlement and so a separation area between the settlements and major development on the west side of Market Harborough (the Strategic Development Area) should be maintained. Policy LNP01 states:

*“The open character of the Lubenham & Gartree Area of Separation, as defined on Map 2 (see **Figure 19**), shall be maintained, to preserve a visual separation from the settlement of Market Harborough and retain the distinctive character and separate identities of Lubenham and Gartree.*

Development within this area will be permitted if (a) it would not diminish the physical or visual separation between built up areas associated with these settlements; and (b) it would not compromise, either alone or in conjunction with other existing or proposed development, the effectiveness of the Area of Separation in protecting the identity and distinctiveness of these settlements. Any development proposal within the Area of Separation must be accompanied by an analysis and proposals for mitigation of likely impact on settlement setting and the objective of visual separation, giving specific attention to use of location, design and landscaping appropriate to the character of the area.”

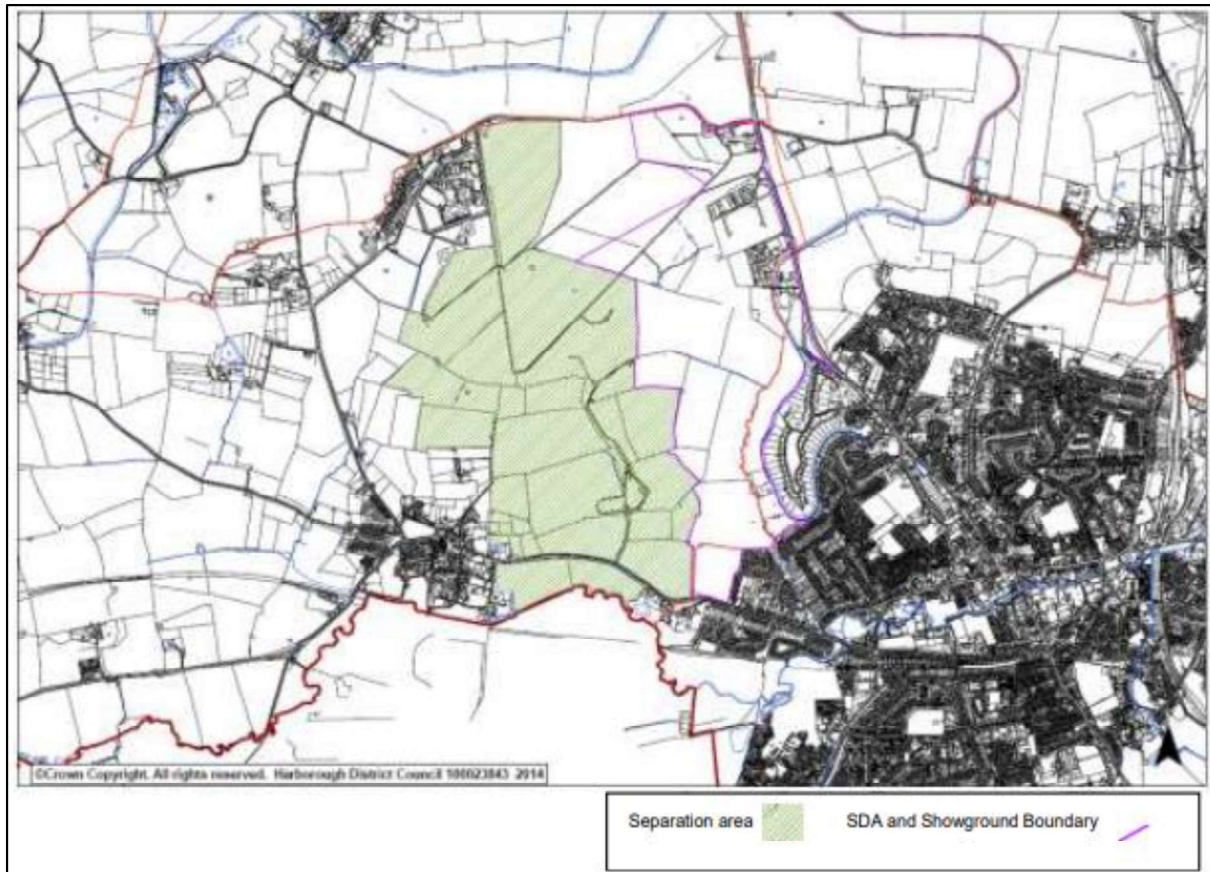


Figure 19: Map 2 from Lubenham Neighbourhood Plan – Lubenham Area of Separation

- 6.14 As can be seen in **Figure 20**, the application site is located partly within the Lubenham AoS. Approximately 13% of the site area is within the AoS. Policy LNP01 does not prohibit development within the AoS entirely. Development within the AoS may be acceptable providing it would not diminish the physical or visual separation between the built-up areas and it would not compromise, either alone or in conjunction with other existing or proposed development, the effectiveness of the Area of Separation in protecting the identity and distinctiveness of these settlements. The proposal would undeniably reduce the visual/physical separation between Gartree and the committed development at the North-West Market Harborough SDA and between Gartree and Lubenham village. The proposal would not result in the reduction of the physical or visual separation between Lubenham and Market Harborough. The separation distance between the site boundary and North-West Market Harborough SDA is 550m (all of which would be within the AoS), the distance between the application site and Lubenham village is 950m (of which 650m would be within the AoS).

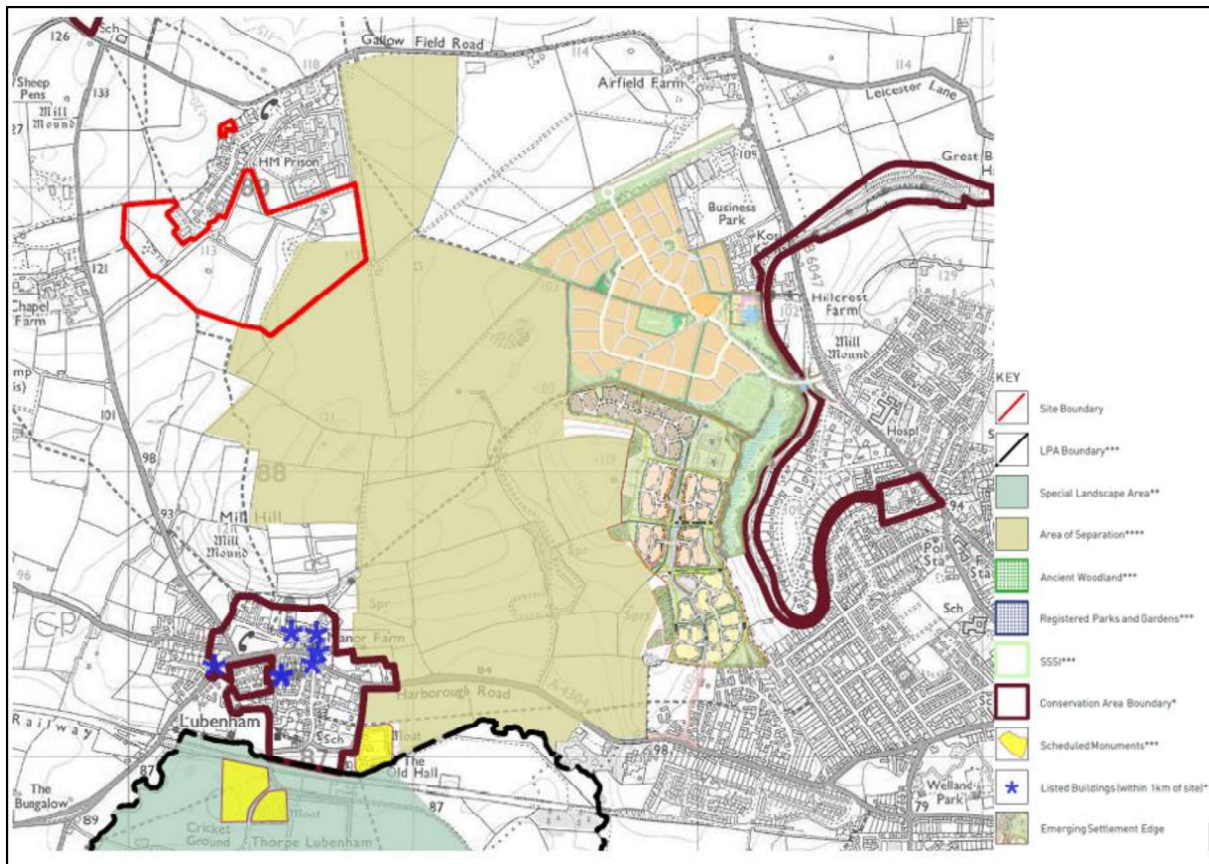


Figure 20: Map showing application site in context of the Lubenham Area of Separation and approved Market Harborough SDA

- 6.15 Whilst a reduction to the AoS is identified, this application site covers a minor 3% of the total AoS. The application site does not itself adjoin the settlement boundary of Market Harborough or Lubenham and as such the proposed development would not physically unify the three settlements. The reduction to the AoS is not considered to be of a degree which would significantly diminish the physical or visual separation between the aforementioned settlements. The proposal would not result in and would not compromise (in conjunction with other development) the effectiveness of the AoS in protecting the identity and distinctiveness of the settlements.
- 6.16 A Landscape and Visual Impact Assessment (LVIA) formed part of the application submission. The LVIA includes a methodology section, a description of the baseline, definitions for sensitivity, magnitude and then makes judgements of significance for impacts on both landscape and visual receptors arising from the proposals. It also includes measures to assess the nature of the effects i.e. whether they are positive or adverse. The landscape and visual impacts of the proposal are considered in detail in **Section 6c4** of the report. In respect of the specific objective for visual separation, Policy LNP01, requires proposals for mitigation of likely impact on settlement setting and visual separation. The submitted landscape masterplan (refer to Appendix B: Comprehensive Landscape Masterplan, Pick Everard) provide proposals for landscape mitigation works. The proposals include structured woodland planting to the southern and eastern boundaries which are visually, most associated with the AoS. This structured planting is judged to provide some mitigation for the impact on settlement setting and visual separation.
- 6.17 Overall, it is judged that whilst a reduction in the AoS is identified, given the incursion within the AoS is judged to be minor when considering the AoS as a whole the reduction

in the AoS is not considered to be of a degree which would significantly diminish the physical or visual separation between the aforementioned settlements. Furthermore, the proposal would not result in and would not compromise (in conjunction with other development) the effectiveness of the AoS in protecting the identity and distinctiveness of the settlements. The proposal also includes landscaping proposals which would provide some mitigation for this minor incursion to the AoS. It is therefore considered that the proposals assessed overall would have a minor adverse impact on the AoS, but would accord with Policy LNP01 if the Lubenham Neighbourhood Plan.

6.18 Lubenham Neighbourhood Plan Policy 16 provides criteria of suitable business / employment development within the Plan area stating that proposals for new business/employment development should:

- a) *be of a scale, density and design appropriate to its setting such that it would not cause damage to the qualities, character and amenity of the area and its residents;*
- b) *include the provision of adequate vehicle and cycle parking, turning and manoeuvring space;*
- c) *incorporate safe and inclusive design and access suitable for all;*
- d) *include/encourage links to existing walking and cycling networks;*
- e) *on larger developments include a framework sustainable travel plan, and;*
- f) *on larger developments explore opportunities for inclusion of electric vehicle charging points*

LNP Policy 19 relates specifically to Gartree and sets out that limited and small-scale employment/business development may be supported on environmentally acceptable sites in Gartree only if the resultant effect will involve:

- o *conversion and re-use of appropriately located and structurally robust existing buildings;*
- o *no adverse impact upon the living conditions of nearby residents from nuisance or disturbance caused by odour, noise, vibration or traffic movement;*
- o *retention of rural/community services/facilities, land based businesses or positive farm diversification without harm to their viability and vitality;*
- o *provision/enhancement of links to community facilities/services through the improvement of roads and pathways in and around the settlement at a level proportionate to the anticipated impact development proposed.*

Compliance of the Proposed Development with LNP Policy 16 will be assessed throughout Section 6c of the report on the basis of a number of technical issues, however, an assessment of the compliance of the Proposed Development with LNP Policy 19 in principle can be carried out separately to this. The Proposed Development is not judged to be limited or small-scale employment, nor does it involve the conversion or re-use of existing buildings, the provision of rural/community services/facilities, land based businesses or positive farm diversification. The proposal is therefore contrary to Policy 19 of the Lubenham Neighbourhood Plan which should be a major negative policy conflict to be weighed in the Planning Balance when determining the application.

iii. Material Considerations

6.19 As outlined in paragraph 6.1, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations in the determination of the application are set out in **Section 5b** of this report. With regards to the principle of development, a significant material consideration is that Paragraph 96 of the NPPF supports the delivery of new prison infrastructure through collaborative working between local planning authorities and delivery partners and statutory bodies. Paragraph 97 of the NPPF states that planning decisions should promote public safety and take into account wider security

and defence requirements by: b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

- 6.20 The prison population is currently forecast to increase over the next 10 years reaching unprecedented levels by 2030, creating sustained pressure for this decade and beyond³⁶. The projected demand will soon outstrip supply and is primarily driven by:
- flagship Government policies to reform the Criminal Justice System (CJS) such as the impact of 23,400 more police officers;
 - changes to sentencing;
 - an ongoing increase in the number of long-sentenced offenders; and
 - court recovery following the Coronavirus pandemic.
- 6.21 Expanding further, Prison Population Projections 2020 to 2026 (PPP 2020-2026)³⁷, outline that the rate of police recruitment and their subsequent focus, along with reforms to the CJS is forecast to lead to significantly more arrests, charges and sentences and a similarly significant increase in demand for prison places – which is projected to be well beyond existing capacity. The PPP 2020-2026 projects that this will be exacerbated by the rate of court recovery dealing with the increase in backlog of cases from the COVID pandemic; an increase in Crown Court capacity over the next few years to drive down the backlog of cases will drive a further increase in demand over the next five years as there is more capacity to sit more cases, and more prisoners enter the system PPP 2020-2026. It is therefore of critical importance to the Government and CJS to ensure there is sufficient capacity to hold the additional prisoners that will come from this and that additional prison places are provided at speed.
- 6.22 The MOJ and Her Majesty's Prison and Probation Service (HMPPS) has embarked on a programme of prison expansion, delivering over 18,000 additional prison³⁸ places through a portfolio of programmes and projects which includes the 10,000 Additional Prison Places Programme, first announced by the Prime Minister in August 2019. That commitment was part of the Conservative manifesto (2019) which confirmed the Government would 'add 10,000 more prison places, with £2.75 billion already committed to refurbishing and creating modern prisons'. The Government announced in June 2020³⁹, that four new prisons would be built across England over the next six years as part of the 10,000 Additional Prison Places Programme. In 2021, the commitment for 18,000 new spaces was increased to 20,000 as part of the Autumn Budget and Spending Review⁴⁰.
- 6.23 The additional prison places would not only increase prison capacity but are also considered to be a major step in a multi-billion-pound programme to deliver modern prisons that could help boost rehabilitation and reduce reoffending, providing improved security and additional training facilities to help offenders find employment on release.

³⁶ [Prison Population Projections: 2020 to 2026 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/prison-population-projections-2020-to-2026)
(<https://www.gov.uk/government/statistics/prison-population-projections-2020-to-2026>)

³⁷ [Prison Population Projections: 2020 to 2026 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/prison-population-projections-2020-to-2026)
(<https://www.gov.uk/government/statistics/prison-population-projections-2020-to-2026>)

³⁸ [Spending Review 2020 documents - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/spending-review-2020-documents)
(<https://www.gov.uk/government/publications/spending-review-2020-documents>)

³⁹ [Four new prisons boost rehabilitation and support economy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/four-new-prisons-boost-rehabilitation-and-support-economy)
(<https://www.gov.uk/government/news/four-new-prisons-boost-rehabilitation-and-support-economy>)

⁴⁰ [Autumn Budget and Spending Review 2021 \(HTML\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/autumn-budget-and-spending-review-2021-documents/autumn-budget-and-spending-review-2021-html)
(<https://www.gov.uk/government/publications/autumn-budget-and-spending-review-2021-documents/autumn-budget-and-spending-review-2021-html>)

The Government has made it clear that the four new prisons form a major part of plans to transform the prison estate and create environments where offenders can be more effectively rehabilitated and turned away from crime for good. The Government has also stated that as well as providing a boost to the Criminal Justice System (CJS) and contributing to its reform, the four new prisons would create thousands of new permanent jobs (see **Section 6c10** of the report).

- 6.24 The Four New Prisons would help to address the forecast increased demand for prison places by delivering an estimated additional 6,366 places and construction is planned to be completed between 2025-2026. Following analysis of current and future national demand for additional prison places, two of these New Prisons are proposed to be built in the North of England and two in the South, targeting areas of greatest forecast demand and supporting the construction industry and local economies. Outline planning permission to build a new Category C Resettlement Prison at Full Sutton in East Yorkshire has been granted and this will be the first of the Four New Prisons (application ref. 18/04105/STOUT).
- 6.25 The Proposed Development adjacent to HMP Gartree is the only one of the four new prisons proposed to be a Category B Training Prison (the other three proposed prisons will be Category C (resettlement prisons). The New Prisons Programme is focused on delivering the right type of prisons at the right time. Historically the prison estate has built Category C prisons to Category B standards, this allows flexibility to hold Category B prisoners should this cohort increase. The approach of the New Prisons Programme is to design each prison specifically for the cohort it is being built to hold, the submission states that *'this enables the establishments to better meet the distinct services that each cohort needs, which in turn transforms our prisons into places of rehabilitation'*.
- 6.26 As outlined above the proposed new prison would be a Category B Training Prison to accommodate 1,715 adult male prisoners within a secure perimeter. Category B Training Prisons are secure prisons for inmates serving long (defined) sentences. In turn, Category B training prisons have more heavy/complex industry workshops, feature longer educational courses and have a higher demand for inpatient facilities than resettlement prisons.
- 6.27 The application submission states that due to the long-term sentences of prisoners held in Category B Training Prisons and the resultant facilities, they are utilised as a national resource, rather than a regional resource (as opposed to lower category prisons C and D which serve a regional requirement). As a national service, HMPPS uses individual prisons' capacity to meet national and wider geographical demand. The applicants Planning Statement states that *'Internal modelling has indicated that, if the MoJ did nothing to expand the existing estate save for new prisons already under construction, Category B Training demand would outstrip capacity by c. 2,140 nationally in April 2027.'* Therefore, the proposed Category B prison, would make a significant contribution of 1, 715 prison places to help address the national need.
- 6.28 In terms of its geographically location, the site adjacent to HMP Gartree is strategically located near to the centre of the country enabling prisoner transport from a large area. Further to this the proposed prison is adjacent to an existing Category B prison, the application submission states this provides opportunities for HMPPS to increase efficiencies, share resources, and capitalise on economies of scale.
- 6.29 Overall, it has been identified that the prison population is forecast to increase over the next decade, creating a likely demand for prison places within this decade and beyond. The Government and specifically the MOJ and HMPPS have embarked on a national programme of prison expansion which includes the 10,000 Additional Prison Places

Programme. The Proposed Development would be one of four new prisons hoped to be constructed as part of this programme. The proposed Category B training facility would therefore provide a substantial quantum of modern accommodation for prisoners which will contribute to meeting the acknowledged demand at a national level, in compliance with paragraphs 96 and 97 of the NPPF and the proposal would therefore have a major beneficial impact in this regard.

iv. Principle of Development Summary

- 6.30 The application site is located outside the existing or committed built-up area of Market Harborough, Foxton and Lubenham in what is considered to be an unsustainable location. The Proposed Development does not comply with Policy GD3– *Development in the Countryside* of the Harborough Local Plan. Nor is the site judged to be in a sustainable location for new business development, failing to strictly comply with Harborough Local Plan, *Policy BE1- Provision of new business development*, and as such, would have a major negative impact in this regard. However, the assessment that the Proposed Development is in accordance with the spirit and intentions of Policy BE1.1 is a minor beneficial material consideration to be weighed in the Planning Balance when determining the application. Part of the site is currently designated and protected as open space under Policy GI2 of the Harborough Local Plan, the proposed development both protects and enhances the existing open space in compliance with Policy GI2 and having a minor beneficial impact on the quality and access to open space at Gartree. Overall, it is considered that the proposal conflicts with the Harborough District Local Plan when read as a whole, and as such, would have a major negative impact in this regard.
- 6.31 The Proposed Development is within the Lubenham AoS, having a minor adverse impact on the AoS, however, this incursion is not considered to be of a degree which would significantly diminish the physical or visual separation between the aforementioned settlements. Furthermore, the proposal would not result in and would not compromise (in conjunction with other development) the effectiveness of the AoS. The Proposed Development therefore complies with Lubenham Neighbourhood Plan Policy LNP01. The Proposed Development is not judged to be limited or small-scale employment, nor does it involve the conversion or re-use of existing buildings, the provision of rural/community services/facilities, land based businesses or positive farm diversification. The proposal is therefore contrary to Policy 19 of the Lubenham Neighbourhood Plan and the proposal would therefore have a major negative impact in this regard. Overall, it is considered that the proposal conflicts with the Lubenham Neighbourhood Plan when read as a whole, and as such, would have a major negative impact in this regard.
- 6.32 As outlined above officers have identified conflict with the aforementioned policies of the Development Plan. It is established in law and reiterated within paragraph 2 of the NPPF that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, it has been identified that the prison population is forecast to increase over the next decade, creating a likely demand for prison places within this decade and beyond. The Government and specifically the MOJ and HMPPS have embarked on a national programme of prison expansion in response to this. The proposed Category B training facility would provide a substantial quantum of modern accommodation for prisoners which would contribute to meeting the acknowledged demand at a national level, in compliance with paragraphs 96 and 97 of the NPPF and the proposal would therefore have a major beneficial impact in this regard. This is a key material consideration which must be weighed in the balance of the determination of the application.

b) Sustainability Considerations

- 6.33 The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development and LPAs are encouraged to approach decision taking in a sustainable way to foster sustainable development.
- 6.34 The Framework requires LPAs to grant planning permission for sustainable development. Para.8 of the NPPF states: “Achieving sustainable development means that the planning system has three overarching objectives”.
- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
 - **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 6.35 The conformity of the proposed development to the criteria for sustainability is considered throughout the remainder of this report.
- 6.36 On the basis of the above, Officers conclude that maximum weight should be accorded to the up to date policies contained within the HLP.

c) Planning Considerations

- 6.37 The detail of the proposed development will be considered under the following headings:
1. Heritage and Archaeology
 2. Ecology and Biodiversity
 3. Highways
 4. Landscape and Visual Impact
 5. Noise
 6. Drainage and Hydrology
 7. Air Quality
 8. Residential Amenity
 9. Design
 10. Socio-Economics
 11. Footpaths
 12. Agriculture and Soils
 13. Contamination
 14. Other matters

1. Heritage and Archaeology

- 6.1.1 The application has been supported by the submission of a Heritage Statement which was prepared by the Heritage Advisory Limited.

- 6.1.2 The closest Listed Building to the site (St Andrews Church) lies within Foxton village, approximately 780m to the north of the site. There are a number of further listed buildings within Foxton village, as well as more located within Lubenham village, the closest being The Old Vicarage which is approximately 1km to the south of the site.
- 6.1.3 The Foxton conservation area lies to the north of the site, whilst Lubenham Conservation Area lies to the south. The Grand Union Canal Conservation Area lies to the north and west of the site, with the Foxton Locks Inclined Plane Scheduled Ancient Monument siting within this Conservation Area (see **Figure 21**)

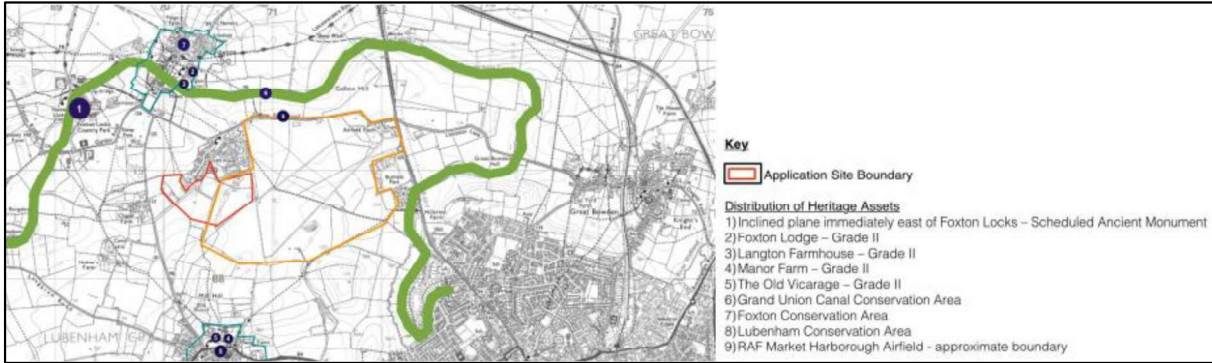


Figure 21: Location of Heritage Assets

- 6.1.4 Within the site are the remains of a second World War Airfield (RAF Market Harborough) (see **Figure 22**). The airfield opened on 1st June 1943 and had a three runway layout with a perimeter track with 30 dispersals, suitable for bombers. From 1948 it was used for storing surplus military vehicles by the army. The MoD vacated the site in 1960. Remains of the concrete track survive, but all traces of the bomb store compounds themselves have been removed.

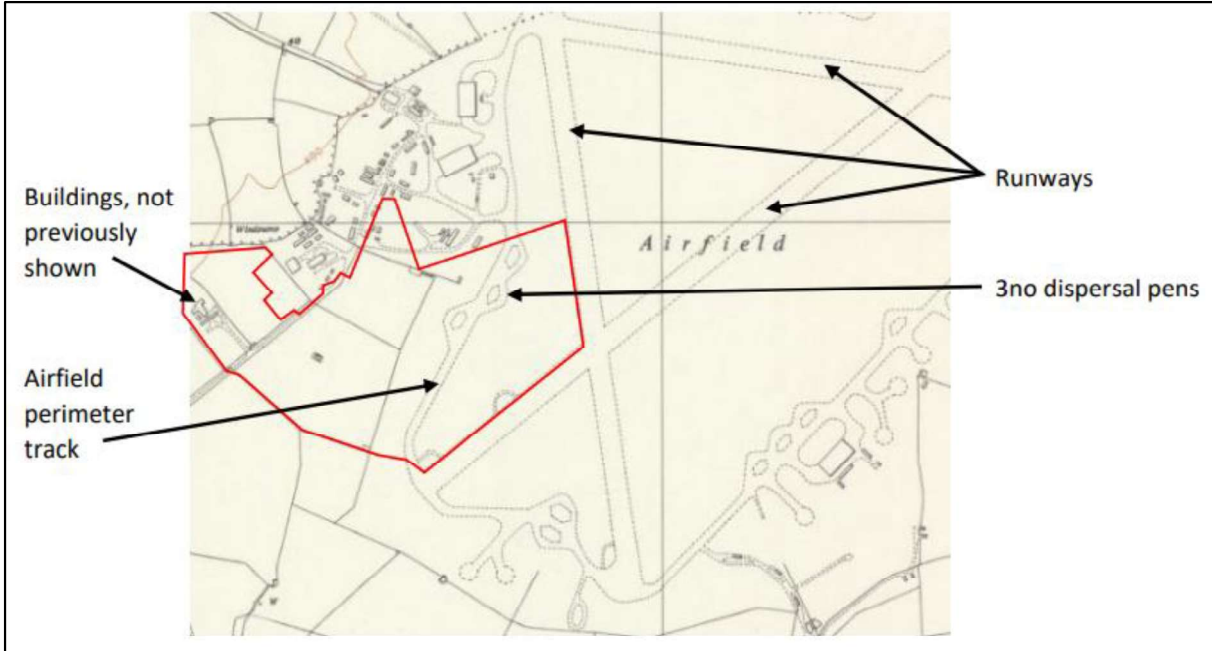


Figure 22: 1958 OS Map of application site

- *Heritage Legislation / Policy*
- 6.1.5 Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 places a duty on a local planning authority, in considering whether to grant planning permission

for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses (sections 16 and 66). Likewise, Section 72 of the same Act places a requirement on a local planning authority in relation to development in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

- 6.1.6 The Court of Appeal decision in the case of *Barnwell vs East Northamptonshire DC 2014*⁴¹ made it clear that in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Parliament's intention was that 'decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings' when carrying out the balancing exercise'.
- 6.1.7 The Ancient Monuments and Archaeological Areas Act 1979⁴² provides for a consenting regime in respect of works to SAMs but it does not provide any statutory protection for their setting. SAM's are however designated heritage assets for the purposes of the NPPF and the protection of their significance is governed by its policies. There is a strong presumption in favour of the preservation of all designated heritage assets.
- 6.1.8 Local Plan policy HC1 "Built Heritage" is the relevant DP policy. Protecting and enhancing the historic environment is an important component of the Framework's drive to achieve sustainable development. The policy for the conservation of heritage assets in a manner appropriate to their significance is set out in Paragraphs 185-199 of the Framework.
- 6.1.9 Chapter 16 of the NPPF outlines how LPAs should determine applications that affect the historic environment. Paragraphs 185 and 192 state that LPAs should take account of the desirability of new development making a positive contribution to local character and distinctiveness, as well as opportunities to draw on the contribution made by the historic environment to the character of a place. The positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality, should be taken into account in decision taking.
- 6.1.10 Paragraph 194 states that LPAs should require applicants for planning permission to describe the significance of any affected assets (including their setting), providing a level of detail appropriate to their significance, using appropriate expertise to do so where necessary.
- 6.1.11 Paragraph 195 states that LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.1.12 Paragraph 197 states that in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

⁴¹ [Court of Appeal Judgment Template \(cornerstonebarristers.com\)](https://cornerstonebarristers.com)
(<https://cornerstonebarristers.com/cmsAdmin/uploads/barnwell-v-east-northamptonshire-dc-judgment.pdf>)

⁴² [Ancient Monuments and Archaeological Areas Act 1979 \(legislation.gov.uk\)](https://www.legislation.gov.uk)
(<https://www.legislation.gov.uk/ukpga/1979/46/contents>)

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

6.1.13 Paragraph 199 advises that great weight should be given to the asset's conservation when considering the impact of a proposed development on the significance of a designated heritage asset. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The more important the designated asset, the greater the weight should be. Paragraph 194 recognises that significance can be harmed or lost through alteration or destruction of the designated heritage asset or development within its setting and as heritage assets are irreplaceable, it advises that any harm or loss should require clear and convincing justification

6.1.14 Paragraph 201 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

6.1.15 Paragraph 202 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

6.1.16 Paragraph 203 refers specifically to non-designated heritage and requires a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset. Paragraph 198 provides that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking reasonable steps to ensure that the new development will proceed after the loss has occurred.

6.1.17 Paragraph 205 states that Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

6.1.18 Paragraph 206 states that LPAs should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets "to enhance or better reveal their significance"; and states that proposals that "preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably".

6.1.19 The PPG states:

- the significance of a heritage asset derives not only from the asset's physical presence, but also from its setting.

- the harm to a heritage asset's significance may arise from development within its setting.
- that public benefits could be anything that delivers economic, social or environmental progress and they may include heritage benefits, such as: sustaining or enhancing the significance of a heritage asset and the contribution of its setting.

6.1.20 Policy HC1 (Built Heritage) of the Harborough District Local Plan states:

1. *Development affecting heritage assets and their settings will:*
 - a. *be appraised in accordance with national policy; and*
 - b. *be permitted where it protects, conserves or enhances the significance, character, appearance and setting of the asset, including where possible better revealing the significance of the asset and enabling its interpretation.*
2. *Where the proposed development would lead to substantial harm to (or total loss of significance of) a designated heritage asset and/or its setting, planning permission will not be granted unless:*
 - a. *The proposed development demonstrates that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the harm or loss; or*
 - b. *The nature of the heritage asset prevents all reasonable uses of the site; and*
 - c. *No viable use of the heritage asset can be found in the medium term through appropriate marketing that will enable its conservation; and*
 - d. *Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
 - e. *The harm or loss is outweighed by the public benefits of bringing the site back into use.*

Where the proposed development would lead to less than substantial harm to the significance of a designated heritage asset and/or its setting, this harm will be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

3. *Development within or affecting a Conservation Area will be permitted where it preserves or enhances the character or appearance of the Conservation Area, including local design and materials.*
4. *Development affecting the significance of a non-designated heritage asset and/or its setting will have regard to the scale of any harm or loss and the significance of the non-designated heritage asset.*
5. *Development which enhances the local and regional role of Foxtan Locks and the former inclined plane as a tourism and recreational facility and which maintains and enhances the value, importance and integrity of these heritage assets will be permitted.*

6.1.21 The Lubenham Neighbourhood Plan contains no specific heritage policy, however, "Objective A" states that the Plan should "*Protect and enhance the unique culture, rural character and heritage of Lubenham and ensure that it remains distinct and separate from Market Harborough and the SDA.*" Furthermore, the "Character, Culture and Heritage" section of the Plan refers to The Village Green, Playing Field, All Saints Church, All Saint's School and Public House (Coach and Horses) together with footpaths surrounding the village all being "Lubenham Heritage Assets"

6.1.22 Policy F7 of the Foxtan Neighbourhood Plan identifies what the community consider to be Local Heritage Assets (ie non-designated Heritage Assets) and states:

"The following Local Heritage Assets (as defined on Map 5 and the Policies Map) should be conserved and enhanced:

- *Mount Farm, Main Street*
- *Forge House, Main Street*
- *The Shoulder of Mutton Inn, Main Street*
- *Old Baptist Chapel, Main Street*
- *Old Court House and mud wall, Main Street*
- *Robert Monk Hall, Middle Street*
- *Orchard House, Vicarage Drive*
- *Old Mill House, Swingbridge Street*
- *The Old Manse, Swingbridge Street*
- *The Hermitage, Swingbridge Street*
- *Dale Cottage, Swingbridge Street*
- *The Chestnuts, Swingbridge Street*
- *Sunny Bank, Swingbridge Street*
- *Mud wall near St Andrews Church*
- *The Boiler House, Foxton Locks*

○ *Assessment of Impacts upon Designated Heritage Assets*

6.1.23 The submitted Heritage Statement assesses the effects of the development on built heritage receptors. The receptors are defined as buildings or structures and or above ground structures that can be described as heritage assets. The sensitivity of these assets is defined as set out in **Figure 23**.

6.1.24 The assessment has been carried out in accordance with the principles set out in Historic England's Good Advice in Planning Note 3 which gives guidance on the assessment of setting and expands upon the approach set out in the NPPF referred to in Paragraph 6.1.10 This first part of the chapter gives detailed consideration to the advice contained in the aforementioned HE publication.

6.1.25 Consideration of setting will most usually include consideration of views. The guidance draws a distinction between views that contribute to heritage significance and those which are valued for other reasons. The guidance makes it clear that setting is not a heritage asset; its importance lies in the extent that it contributes to the significance of the heritage asset or the ability to appreciate that significance. It is recognised that setting can change over time.

Sensitivity Criteria Guide	
High	Built heritage assets of the highest significance (NPPF 194(b)): scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites.
Medium	Other designated built heritage assets (i.e. excluding those listed above): grade II listed buildings, grade II registered parks and gardens, and conservation areas.
Low	Non-designated built heritage assets, such as locally listed buildings.

Figure 23: Sensitivity appraisal of Heritage Assets

6.1.26 The Heritage Statement sets out all the heritage assets in the study area of 2km from the centre of the site (see **Figure 21**) including listed buildings, scheduled ancient monuments and conservation areas. There are no Listed Buildings or Scheduled Ancient Monuments within the site. Beyond those identified in **Figure 21**, the Church of St Andrew in Foxton is Grade II* and Gumley medieval settlement remains and field systems is also approx. 1.7km to the north-west the site (boundary to boundary). There are eleven designated heritage assets to consider:

- Foxton Lodge, Foxton (Grade II Listed) – Mid C18 House (with late C19 alterations) of brick and ironstone construction under a Swithland slate roof with stone coped gables. The west front of the property contains 4 bays with first floor brick band on one bay to left, an off-centre doorway with part-glazed 4-panel door. The property features sash windows which are all late C19. North gable wall has tall chamfered stone plinth and brick bands at first floor level. South gable wall has large, late C19 canted bay window on ground floor.
- Langton Farmhouse, Foxton (Grade II Listed) – House with attached cottage constructed in 1730 of brick and stone under a slate roof with central ridge stack. The south front contains 2 bays with an off-centre doorway and C20 part-glazed door. The west gable wall has unglazed basement window set in plinth, with wooden lintel and iron bars with datestone above inscribed: I T H 1730. The Cottage adjoining east gable has 2-bay south front with off-centre doorway with wooden lintel and C20 part-glazed door.
- Church of St Andrew, Foxton (Grade II* Listed) – Parish Church C13, C14, C15, C17, restored 1893. West tower, nave, north aisle, north porch, south aisle, chancel. Coursed rubblestone and ashlar dressings with copper clad roofs. West tower; 5 stages, lower 3 are C13 with chamfered plinth and 4 stringcourses dividing the stages. Clerestory; 5 bays with 4-centred arch 3-light windows with concave moulded frames and hoodmoulds. 2 lead downpipes and coped gable. East wall has a C17 3-light window in square frame with splayed mullions and jambs. Below this are 2 C19 memorial tablets. Chancel; east part rebuilt in a C17 coped gable with finial.
- Manor Farm, Lubenham – House with barn attached constructed in early C18 of brick with ashlar stone dressings under a C20 plain tile roof. The west front contains 2 storeys with attic with 5 bays, a central doorway with C20 6-panel door with overlight, on either side, 2 glazing bar sashes. All windows retain early C18 sashes with thick glazing bars. The roof contains three C20 hipped roof dormers. The attached barn to north is constructed of brick with a shallow-pitched hipped roof with graded Swithland slates.
- The Old Vicarage, Lubenham – Late C17 house constructed of ironstone and brick under a late C20 slate roof with brick gable stack and stone ridge stack finished in brick. The south front is 2 storeys, 3 bays. The right bay, of dressed stone with stone quoins, was the original C17 house. The south front contains a central doorway with C19 half-glazed 4-panel door with glazed over-light. The east elevation is now masked by a C20 single storey addition with lean-to roof. A single light C17 mullioned window survives to the right on the upper floor. Above, a single C20 2-light dormer with flat roof.
- Grand Union Canal Conservation Area
- Foxton Conservation Area – 1975
- Lubenham Conservation Area – 1975
- Foxton Locks Conservation Area
- Foxton Locks Inclined Plane (Scheduled Ancient Monument) – The remains of the inclined plane at Foxton represent an exceptionally rare and complete example of late Victorian canal engineering which have remained free of subsequent development. The location of the inclined plane in close proximity to the staircase flight of locks, themselves a tourist attraction, considerably enhances its potential as a public amenity. The monument includes the standing, earthwork and buried remains of the inclined plane, the canal arm linking the plane with the canal summit and the bottom lift basin, situated immediately east of Foxton Locks. The bottom lift basin survives as a water-filled cutting up to 30m in width and 150m in length orientated on a NNW-SSE axis. Within the basin are the remains of the bottom docks which originally provided access to the northern and southern inclines. The docks survive as two sections of brick pier connected by a modern wooden walkway. The northern end of the dock consists of a semi-circular island measuring approximately 4m in length and 3m in width. The southern end of the dock is rectangular in shape, measuring approximately 19m by

12m, and projects from the base between the inclines. The inclined planes survive as two adjacent earthwork ramps on a gradient. The ramps measure approximately 100m in length and 28m in width. The southern incline includes a blue brick revetting wall approximately 20m in length and a maximum of 2m in height along its south western edge. Further sections of blue and red brick revetting wall and support piers immediately to the north and west originally provided the base for a steel aqueduct giving access to the northern incline. Eight parallel lengths of fragmentary concrete bases running the length of the inclines, four to each incline, mark the position of track beds for rails. Immediately south of the upper docks is the dry bed of the upper canal arm linking the plane with the canal summit.

- Gumley medieval settlement remains and field systems (Scheduled Ancient Monument - The settlement remains are orientated along a hollow way which originally represented a main thoroughfare through the settlement. The hollow way survives as a linear depression a maximum of 10m in width and 0.8m in depth which runs on an east-west axis for approximately 220m before turning sharply north east. A second section of hollow way curves from its southern side before looping back to re-join it. The location of a series of buildings adjacent to the northern side of the main hollow way are marked by house platforms which are visible as low rectangular embanked mounds. An area of cobbling approximately 200m to the south west denotes the location of further structures alongside a trackway leading onto the southern loop of the hollow way. Gardens and paddocks associated with earlier buildings along the modern Main Street are represented by a series of embanked rectangular strip enclosures varying between 50m and 120m in length and 30m in width, the long axes of which are orientated north east-south west. Immediately to the north and east of the enclosures is an extensive medieval agricultural landscape characterised by well defined ridge and furrow cultivation remains. The fields are aligned on at least four different orientations and separated by headlands at the end of each furlong. The fields are further subdivided into sections by evenly spaced baulks which run parallel to the strips.

Assessment of Significance and Contribution of Setting to that significance (Listed Buildings)

6.1.27 Foxton Lodge – The immediate setting of this heritage asset has remained relatively unaltered. However, the wider landscape – predominantly that found to the south – has been subject to extensive redevelopment in the form of RAF Market Harborough in 1942 and subsequent partial redevelopment of this to form HMP Gartree. The building lies outside the site and within the Foxton Conservation Area. The building dates to Mid C18. The development would not have any direct effect on the physical fabric of the building. Likewise, by virtue of the intervening “modern” development at HMP Gartree, the development will not affect its setting. The significance of the property is assessed against the NPPF glossary definition of significance with reference to heritage assets and the guidance on “significance” contained in the Planning Practice Guidance. Regard has also been had to Historic England’s Good Practice Advice notes.

- Archaeological; the fabric of the Lodge and its surroundings will contain evidence of its use and changes to the building over time.
- Artistic / Architectural interest resides with the design, construction and craftsmanship of this property, including its ‘off-centre doorway with flat hood on brackets and part-glazed 4-panel door’, ‘chamfered ironstone plinth’, and ‘graded Swithland slate roof’
- Historic interest resides in the property’s mid-18th century origins and subsequent, late 19th century alterations

6.1.28 Langton Farmhouse – The immediate setting of this heritage asset has remained relatively unaltered. However, the wider landscape – predominantly that found to the

south – has been subject to extensive redevelopment in the form of RAF Market Harborough in 1942 and subsequent partial redevelopment of this to form HMP Gartree. The building lies outside the site and within the Foxton Conservation Area. The building dates to 1730. The development would not have any direct effect on the physical fabric of the building. Likewise, by virtue of the intervening “modern” development at HMP Gartree, the development will not affect its setting. The significance of the property is assessed against the NPPF glossary definition of significance with reference to heritage assets and the guidance on “significance” contained in the Planning Practice Guidance. Regard has also been had to Historic England’s Good Practice Advice notes.

- Archaeological; the fabric of the hall and its surroundings will contain evidence of its use and changes to the building over time.
- Artistic/Architectural interest resides with the design, construction and craftsmanship of this property, including its ‘slate roof with central ridge stack’, ‘west gable wall (with) unglazed basement window set in plinth’, and ‘cottage adjoining east gable’.
- Inherent historic interest resides in the property’s 1730’s origins and subsequent evolution, including a later lean-to addition

6.1.29 Church of St Andrews – The immediate setting of this heritage asset has remained relatively unaltered. However, the wider landscape – predominantly that found to the south – has been subject to extensive redevelopment in the form of RAF Market Harborough in 1942 and subsequent partial redevelopment of this to form HMP Gartree. The building lies outside the site and within the Foxton Conservation Area. The building dates to the 13th Century. The development would not have any direct effect on the physical fabric of the building. Likewise, by virtue of the intervening “modern” development at HMP Gartree, the development will not affect its setting. The significance of the property is assessed against the NPPF glossary definition of significance with reference to heritage assets and the guidance on “significance” contained in the Planning Practice Guidance. Regard has also been had to Historic England’s Good Practice Advice notes.

- Archaeological; the fabric of the Church and its surroundings will contain evidence of its use and changes to the building over time.
- Artistic/Architectural interest resides with the design, construction and craftsmanship of this property, including its ‘*west tower with 5 stages, lower 3 are C13 with chamfered plinth and 4 stringcourses dividing the stages*’, ‘*Diagonal buttress with set-offs at north-east corner*’ and ‘*5 bays with 4-centred arch 3-light windows with concave moulded frames and hoodmoulds*’
- Inherent historic interest resides in the property’s 13th Century origins and subsequent evolution, and its social relevance to the village and surrounding area

6.1.30 Manor Farm – The immediate setting of this heritage asset has remained relatively unaltered. However, the wider landscape – predominantly that found to the north – has been subject to extensive redevelopment in the form of RAF Market Harborough in 1942 and subsequent partial redevelopment of this to form HMP Gartree resulting in a number of utilitarian structures being constructed within an otherwise agricultural setting. The building lies outside the site and within the Lubenham Conservation Area. The building dates to Mid C18. The development would not have any direct effect on the physical fabric of the building. Likewise, by virtue of the intervening “modern” development at HMP Gartree, the development will not affect its setting. The significance of the property is assessed against the NPPF glossary definition of significance with reference to heritage assets and the guidance on “significance” contained in the Planning Practice Guidance. Regard has also been had to Historic England’s Good Practice Advice notes.

- Archaeological; the fabric of the property and its surroundings will contain evidence of its use and changes to the building over time.
- Artistic / Architectural interest can be found across the property's '*house with barn attached*' construction, in conjunction with aspects such as '*brick and ashlar stone dressings*', '*all windows retain early C18 sashes with thick glazing bars*', and '*shallow-pitched hipped roof with graded Swithland slates*' at the barn
- Historic interest can be seen in the structure's early 18th century origins and subsequent evolution, being subject to alteration throughout the early 19th and 20th centuries.

6.1.31 Old Vicarage – The immediate setting of this heritage asset has remained relatively unaltered. However, the wider landscape – predominantly that found to the north – has been subject to extensive redevelopment in the form of the construction of RAF Market Harborough in 1942 and subsequent, partial redevelopment of this to form HMP Gartree. Any remaining features constituting the airfield have fallen into disrepair, again forming negative features within the wider agricultural narrative. The property lies outside the site and within the Lubenham Conservation Area. The building dates to Late C17. The development would not have any direct effect on the physical fabric of the building. No impact upon significance would result following the implementation of proposals. New built form is at a significant distance from this heritage asset and will form a relatively minor component of a much wider vista. Proposed built form will therefore be seen as a logical continuation of existing structures already present across the HMP Gartree site. Proposed development will therefore be seen within the existing, established utilitarian context, if this is perceptible at all. The significance of the property is assessed against the NPPF glossary definition of significance with reference to heritage assets and the guidance on "significance" contained in the Planning Practice Guidance. Regard has also been had to Historic England's Good Practice Advice notes.

- Archaeological; the fabric of the hall and its surroundings will contain evidence of its use and changes to the building over time.
- Artistic / Architectural interest resides with aspects such as craftsmanship and construction across this property illustrate its inherent interest, including '*L-plan*', '*C17 mullioned window*', and '*stone ridge stack finished in brick*'
- Historic interest is readily identifiable given the property's late 17th century origins and associated evolution and narrative following 18th and 20th century alterations

Impacts of development upon Significance of Setting (Listed Buildings)

6.1.32 Foxton Lodge – No impact upon significance would result following the implementation of proposals. The proposed new built form is a significant distance from this heritage asset and will form a relatively minor component of a much wider vista. Proposed built form will therefore be seen in conjunction with other structures already present across the site, in particular those within the foreground comprising HMP Gartree. The proposed development will therefore be seen in the context of the existing prison site and its utilitarian narrative more generally

6.1.33 Langton Farmhouse – Inter-visibility and therefore the inter-relationship between the heritage asset and application site is not considered of relevance with respect to proposals and their potential impact upon significance. The surrounding topography; intervening built form; and distance, prevent any changes to the way in which this heritage asset would be appreciated following their implementation. The ability to appreciate this heritage asset will also remain unaffected were Proposed Development to be constructed, particularly when considered in conjunction with existing built form at HMP Gartree.

- 6.1.34 Church of St Andrews – Inter-visibility and therefore the inter-relationship between the heritage asset and application site is not considered of relevance with respect to proposals and their potential impact upon significance. The surrounding topography; intervening built form; and distance, prevent any changes to the way in which this heritage asset would be appreciated following their implementation. The ability to appreciate this heritage asset will also remain unaffected were Proposed Development to be constructed, particularly when considered in conjunction with existing built form at HMP Gartree.
- 6.1.35 Manor Farm – Inter-visibility and therefore the interrelationship between the heritage asset and proposed site is limited due to intervening vegetation and (more predominantly) the surrounding, undulating topography. Given the screened nature of the farmhouse, beyond aforementioned features proposals are unlikely to affect (either negatively or positively) the ability to appreciate this asset. Furthermore, proposed built form will not unduly impinge upon setting, particularly where this will be appreciated within the context of the already established prison site.
- 6.1.36 Old Vicarage – No impact upon significance would result following the implementation of proposals. The proposed new built form is a significant distance from this heritage asset and will form a relatively minor component of a much wider vista. Proposed built form will therefore be seen in conjunction with other structures already present across the site, in particular those within the foreground comprising HMP Gartree. The proposed development will therefore be seen in the context of the existing prison site and its utilitarian narrative more generally

Analysis – Listed Buildings

- 6.1.37 First to deal with the broad impact of the development on the setting of the 5 identified Listed Buildings. All four properties will be physically unaffected by the proposed development. Furthermore, due to the relative distance between the application site and the four designated heritage assets, there will be no impact upon their setting, or the significance of their setting. Whilst in its broadest setting the character of the wider surrounding area will change, because of the close proximity of the surrounding buildings to the listed buildings, and in the case of the Church of St Andrews, Langton Farmhouse and Foxton Lodge, the presence of the existing HMP Gartree, the proposed development will not affect the immediate setting of the building.
- 6.1.38 With respect to the relevant tests of the NPPF, 2021 (paragraph 199 etc.) it is not considered that any harm would accrue via the implementation of proposals. However, it is considered that there would be numerous public benefits - in both the short and long term. Economic benefit would clearly result from the construction phase – principally due to the provision of employment – whilst long term social benefit would arise via the provision of a prison site in the form of new, modern, efficient prisons developed in accordance with the Prime Minister’s announcement in August 2019.
- 6.1.39 The proposal complies with the requirements of the adopted policy. The public benefits of the development are the delivery of much needed new prison spaces and the economic advantages arising from the proposal.

Analysis – The Foxton Conservation Area

- 6.1.40 The Foxton conservation area was originally designated in 1975 its boundary was revised in 2006, see **Figure 24**. The conservation area lies approximately 700m to the north of the application site.

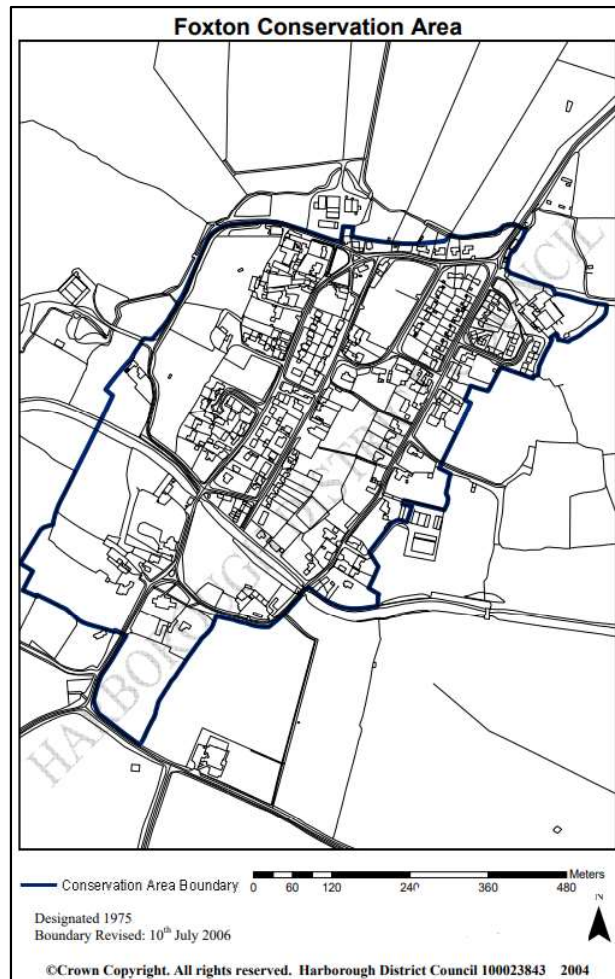


Figure 24: Foxton Conservation Area

6.1.41 No development is proposed within the conservation area boundary. The matters for consideration are concerned with the impact of the development on the setting of the conservation area. Within the Character Statement for Foxton Conservation Area it is noted that *'the existence of the canal has affected the character of the area and its development, with the area to the south of the canal differing from that to the north.'* The character and appearance of this conservation area is therefore derived from the fact that *'land south of the canal is less densely developed than the remainder of the village and rises noticeably'*. It is important to note that the Character Statement also sets out that *'the village of Foxton is set in agricultural land'*. Given 20th century redevelopment of land to the south to form RAF Market Harborough, in conjunction with subsequent degradation due to disuse and partial redevelopment to form HMP Gartree, the setting of the Foxton Conservation Area has demonstrably already been significantly impacted upon.

6.1.42 Inter-visibility and thus the interrelationship between the heritage asset and application site is not considered relevant with respect to proposals and their potential to impact upon significance. Surrounding topography, intervening built form and distance would prevent any changes to the way in which this heritage asset is appreciated following their implementation. Neither would the ability to appreciate this heritage asset be affected following the implementation of proposals.

6.1.43 Analysis – The Lubenham Conservation Area

The Lubenham conservation area was originally designated in 1975 its boundary was revised in 2006, see **Figure 25**. The conservation area lies approximately 1km to the south of the application site.

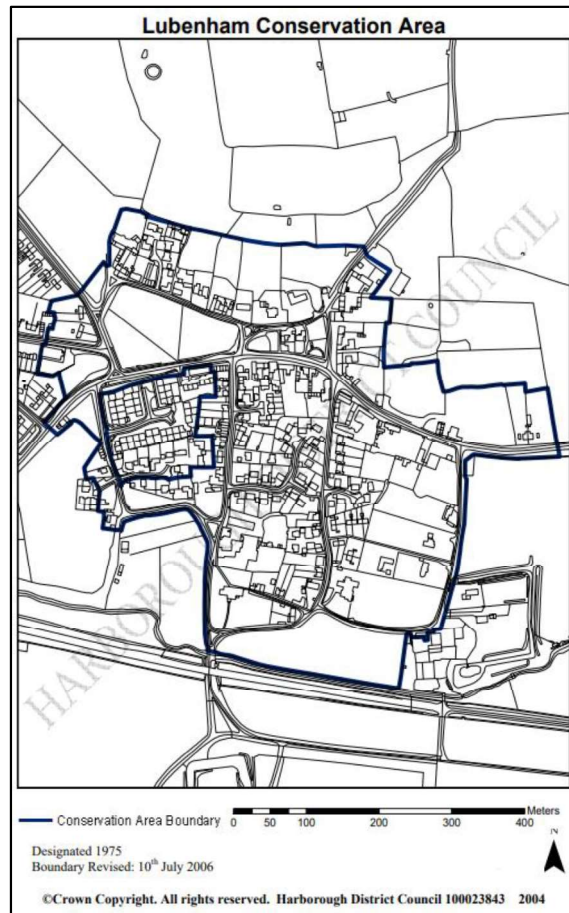


Figure 25: Lubenham Conservation Area

6.1.44 Within the Character Statement for Lubenham Conservation Area it is stated that this area is divided into *'two distinct parts: that around the large green adjacent to and north of the main road, and the loop roads leading south from the main road to the church and River Welland'*. That in closest proximity to the application site is located to the north and described within the character statement as follows: *'the northern area consists of the Main Street (A4304) and the large green with fringing buildings to the north'*. The wider landscape to the north of this conservation area has been subject to extensive redevelopment in the form of the construction of RAF Market Harborough and associated air traffic, in 1942. This, in conjunction with disuse and subsequent partial redevelopment to form HMP Gartree has resulted in negative impact upon an otherwise agricultural setting.

6.1.45 No impact upon significance would result following the implementation of proposals. New built form is at a significant distance from this heritage asset and will form a relatively minor component of a much wider vista. Proposed built form will therefore be seen as a logical continuation of existing structures already present across the HMP Gartree site. The proposed development will therefore be seen in the existing, established utilitarian context, if perceptible at all from the setting of the Lubenham Conservation Area.

Analysis – The Grand Union Canal Conservation Area (including the Foxton Locks Conservation Area)

6.1.46 The Grand Union conservation area was designated in 2000 by Leicestershire county Council. The conservation area lies approximately 770m to the north of the application site at its closest point, and also 1.2km to the north-west of the site. A further specifically designated area is the Foxton Locks conservation area which was also designated in 2000 (but by Harborough District Council), see **Figure 26**. The Foxton Locks conservation area lies approximately 900m to the north-west of the application site.



Figure 26: Foxton Locks Conservation Area

6.1.47 The interest of this conservation area predominantly resides in its evidential value. The Grand Union Canal is essentially a narrow linear waterway controlled in height by locks. It was built between 1793 and 1814 as part of a pre-railway national transport link. The immediate setting of this heritage asset has been subject to extensive change during the 20th century. Works associated with the construction of RAF Market Harborough and subsequent air traffic would have impinged upon the ability to appreciate the historic narrative and engineering accomplishment of this section of the canal. Following the closure of the airfield, subsequent development - i.e. utilitarian buildings at HMP Gartree - has resulted in perceptible change within an otherwise agricultural setting. It should, however, be noted that this conservation area spans an extensive, yet linear, length. Therefore, the application site only forms a minor, component part of a much wider setting.

6.1.48 Inter-visibility and therefore the interrelationship between the heritage asset and application site is limited due to topography and intervening built form associated with the existing prison (see **Figure 27**), particularly in light of the fact that the application site sits at a lower elevation than the existing prison site. As such, proposals are unlikely

to affect in any way (either negatively or positively) the manner in which this is appreciated. Where proposed taller structures are visible this will be limited to glimpsed rooftops above existing, utilitarian structures that have already significantly altered the immediate setting of the heritage asset.



Figure 27: View towards HMP Gartree from Grand Union Canal

- 6.1.49 The interest of the specific Foxton Locks conservation area again predominantly resides in its evidential value. Foxton Locks are the most significant complex of the Grand Union Canal Conservation Area in Harborough District and a major lock complex in the whole canal system. They are situated on the junction of the Leicester line of the Grand Union Canal and the Market Harborough Arm which terminates at Market Harborough Canal Basin. Here the Conservation Area broadens to encompass not only the flight of ten locks, which are listed Grade II*, but also the associated side ponds, two Grade II listed lock keeper's cottages, the Bridge 61 Public House, Foxton Locks Public House and the site of Foxton Inclined Plane (now a Scheduled Ancient Monument).
- 6.1.50 The locks themselves were originally constructed in engineering brick between 1811 and 1813. There are ten in all descending 75ft south to north. Built in two staircases of five, the chambers are operated by a system of side ponds and underground culverts. Between the two flights of five locks is a large pond allowing boats to pass. On the site of the former boiler house is a new building in a late nineteenth century industrial style (re-using contemporary materials) with cast iron windows which opened as a museum in 1989. The two nineteenth century lock keepers' cottages are positioned at top lock and bottom lock. Around the site are a number of original nineteenth century buildings. These include buildings formerly used as a carpenter's shop, blacksmith's forge, canal company offices and parts of Bridge 61 Public House, as well as Bridge 61 which, along with Bridge 60, is contemporary with the building of the original canal. The main group being at the foot of the lock flight.
- 6.1.51 The character of the Foxton Locks area is dominated by the flight of locks, the black and white balance beams and lock bridges, the towpath on the West side and the ponds on the East. The various canal structures, buildings and bridges, the canal museum (on the site of the Inclined Plane boiler house) and the high land of the summit of the

Inclined Plane all contribute to the concentration of features related to canal transport on this site.



Figure 28: View across Foxton Locks towards the application site from the Top Lock

6.1.52 The immediate setting of this heritage asset has remained largely unaltered, apart from the provision of car parking and associated access works to facilitate the growing influence of tourism generated by the Locks. The wider setting has been subject to extensive change during the 20th century, predominantly through works associated with the construction of RAF Market Harborough. Following the closure of the airfield, subsequent development - i.e. utilitarian buildings at HMP Gartree - has resulted in perceptible change within an otherwise agricultural setting.

6.1.53 Inter-visibility and therefore the interrelationship between the heritage asset and application site is limited due to the topography and landscaping of the surrounding area (see **Figures 28 and 29**). As such, proposals are unlikely to affect in any way (either negatively or positively) the manner in which this asset is appreciated. Where proposed taller structures are visible this will be limited to glimpsed rooftops above existing, utilitarian structures that have already significantly altered the immediate setting of the heritage asset.



Figure 29: View across Conservation Area towards Application Site from Bridge 62

Analysis – Scheduled Monument's

- 6.1.54 There are no scheduled ancient monuments within the site. A desk based assessment was carried out to establish known features within a 2km radius of the site and on nationally designated features within 5km of the site. The nearest scheduled monument is Foxton Locks inclined Plane which is approx. 1.2km north-west of the main development area of the application site with Gumley medieval settlement remains and field systems approximately 1.7km from the site, also to the north-west.
- 6.1.55 The difficulties and time delays of negotiating the ten stairs led to the construction of the Foxton Inclined Plane Boat Lift (completed in 1900). This engineering construction enabled the flight to be by-passed by counter balanced boat-holding troughs being winched up and down the plane in one operation between the highest and lowest points of the canal. The locks were reinstated in 1909 and the Inclined Plane had ceased operation by 1912. The plane remains as a grassy slope rising from the lower water-filled arm. Some foundations of associated buildings remain.
- 6.1.56 The significance of the Foxton Locks Inclined Plane Scheduled Ancient Monument is clearly set out within the Historic Record entry: *'The remains of the inclined plane at Foxton represent an exceptionally rare and complete example of late Victorian canal engineering which have remained free of subsequent development. The location of the inclined plane in close proximity to the staircase flight of locks, themselves a tourist attraction, considerably enhances its potential as a public amenity. Opportunities for the interpretation of the site are further supplemented by the large amount of contemporary documentary and photographic material relating to its construction and use'*
- 6.1.57 The immediate setting of this heritage asset has remained relatively unaltered. However, the wider landscape – predominantly that found to the north – has been subject to extensive redevelopment in the form of the construction of RAF Market Harborough in 1942 and subsequent, partial redevelopment of this to form HMP Gartree. Any remaining features constituting the airfield have fallen into disrepair, again forming negative features within the wider agricultural narrative. The property lies outside the site and within the Lubenham Conservation Area. The building dates to Late C17. The development would not have any direct effect on the physical fabric of the building. No impact upon significance would result following the implementation of proposals. New built form is at a significant distance from this heritage asset and will form a relatively minor component of a much wider vista. Proposed built form will therefore be seen as a logical continuation of existing structures already present across the HMP Gartree site. Proposed development will therefore be seen within the existing, established utilitarian context, if this is perceptible at all. The significance of the property is assessed against the NPPF glossary definition of significance with reference to heritage assets and the guidance on "significance" contained in the Planning Practice Guidance. Regard has also been had to Historic England's Good Practice Advice notes.
- Archaeological; the fabric of the hall and its surroundings will contain evidence of its use and changes to the building over time.
 - Artistic / Architectural interest is clearly discernible due to the presence of a standing earthwork and buried remains of the inclined plane, the canal arm linking the plane with the canal summit, and the bottom lift basin. Additional interest resides in the craftsmanship and construction methods employed here with the use of steel, rather than the cast or wrought iron used on earlier designs, and weights of up to 240 tons to be lifted; three times that of any of its predecessors.

- Historic interest is apparent given the locks readily identifiable historic narrative. As such, it forms a component part of the wider Grand Union Canal which was in use for 124 years. It is also associated with Foxton Locks, the last and most sophisticated incline to be built in England.



Figure 30: View of Foxton Inclined Plane from viewing platform

6.1.58 Inter-visibility and/or any interrelationship between the heritage asset and application site is extremely limited due to intervening built form associated with the prison. Given the highly screened nature of the heritage asset, proposals are unlikely to affect in any way (either negatively or positively) the manner in which this is appreciated (see **Figures 30 & 31**). Where taller, more visible structures are proposed, associated views will be limited to glimpsed over the rooftops of existing, utilitarian structures that have already significantly impinged upon the immediate setting of the heritage asset. That impacts upon significance would be minor is reinforced within relevant information contained in the Landscape and Visual Impact Assessment (Pegasus Group, July 2021) submitted as part of this application (and assessed later in this report at **Section 6c4** whereby it is stated that *'the scale of change is considered to be very small as a result and the proportion of the view affected will be very limited.'* Having visited the Inclined Plane site, Officers do not contend these findings.



Figure 31: View towards site from Foxtan Inclined Plane viewing platform

6.1.59 The significance of the Gumley medieval settlement remains and field systems Scheduled Ancient Monument is clearly set out within the Historic Record entry:

“Gumley medieval and later settlement remains and the adjoining field systems 620m south east of the Church of St Helen survive particularly well as a series of earthworks and buried deposits. The areas of settlement have remained largely undisturbed since their abandonment and the survival of archaeological deposits relating to their occupation and use is likely to be good. These deposits will contain information about the dating, layout and economy of the settlement. Together with contemporary documents relating to the village, this will provide a good opportunity to understand the relationship between settlement and agriculture, and the mechanisms behind the development, decline and eventual contraction of the village”

○ *Non-Designated Heritage Assets (Built Heritage)*

6.1.60 Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets. HDC have recently initiated their “Local List” of non-designated heritage assets, which has been initially populated with 16 buildings and structures, none of which are in the vicinity of the application site. Neighbourhood Plans are also a forum for identifying Non-Designated Heritage Assets.

6.1.61 Lubenham Neighbourhood Plan does not include a specific list of Heritage Assets that they would seek to protect, however, it does say that *“Features such as the Village Green, Playing Field, All Saints Church, All Saint’s School and Public House (Coach and Horses) together with footpaths surrounding the village are well used and add significantly to the character and heritage of the Neighbourhood Plan area and require continuing protection. These Lubenham heritage assets including listed buildings and the Scheduled Ancient Monument in Old Hall Lane are very important and great weight should be given to the protection of these village assets and surroundings.”*

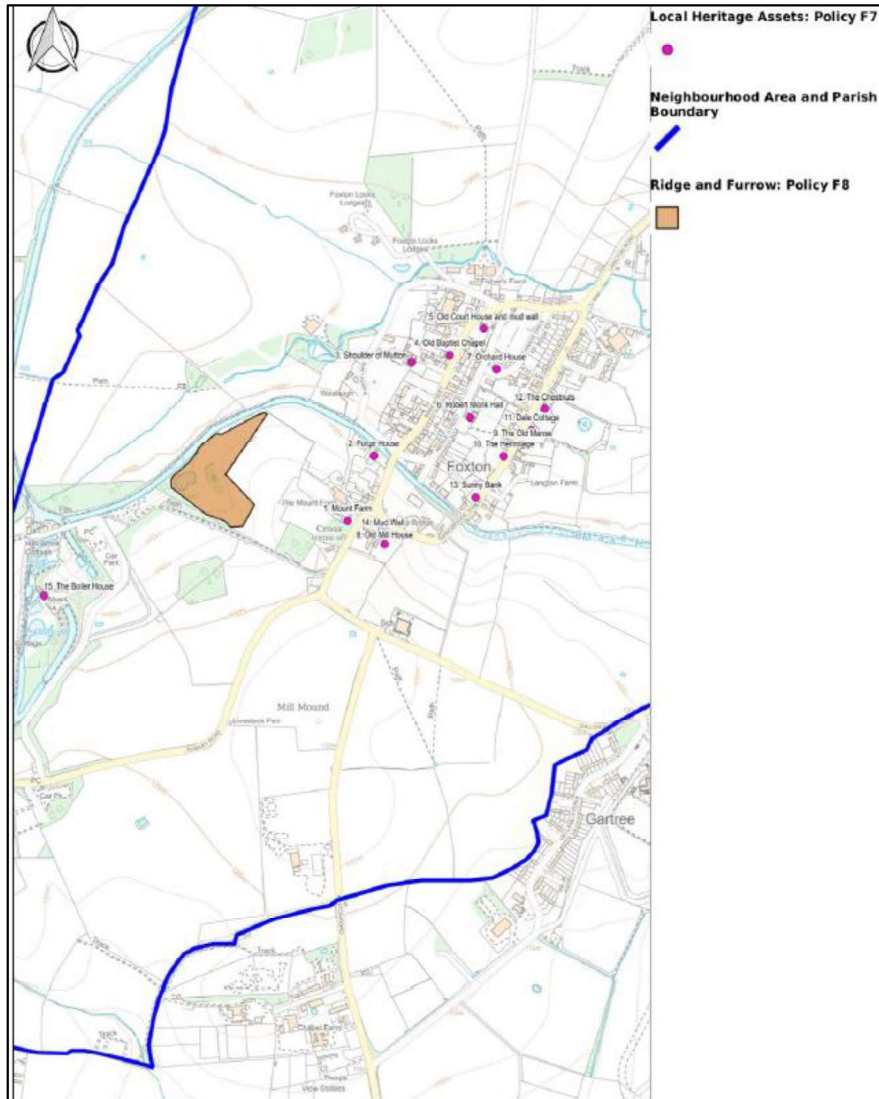


Figure 32: Foxton Neighbourhood Plan Map 5 – Local Heritage Assets

6.1.62 Foxton Neighbourhood Plan does include a defined list of assets which are considered to be Non-Designated Heritage Assets. These are identified at **Figure 32** and in Policy F7⁴³ as:

1. *Mount Farm, Main Street*
2. Forge House, Main Street
3. The Shoulder of Mutton Inn, Main Street
4. Old Baptist Chapel, Main Street
5. Old Court House and mud wall, Main Street
6. Robert Monk Hall, Middle Street
7. Orchard House, Vicarage Drive
8. *Old Mill House, Swingbridge Street*
9. The Old Manse, Swingbridge Street
10. The Hermitage, Swingbridge Street
11. Dale Cottage, Swingbridge Street
12. The Chestnuts, Swingbridge Street
13. *Sunny Bank, Swingbridge Street*
14. *Mud Wall near St Andrew's Church*

⁴³ Those assets which have been *italicised and underlined* are considered to be the assets which could potentially be affected

15. The Boiler House, Foxton Locks

Assessment of impact on non-designated heritage assets

6.1.63 Of the assets located in Lubenham, the Village Green and the Playing Field are most closely related to the Proposed Development. Lubenham village green (see **Figure 33**) is located just to the north of the A4304 at the heart of the village. It is surrounded by hedgerows with roads on all four sides. The village Playing Field is located just to the north of the village green, and is accessed via a narrow green strip between two properties with the play area opening out behind the properties. The play area is located at the base of Mill Hill which is located to the north of the village. As set out in relation to The Old Vicarage – which is closely related to both of these assets – due to the relative distance between the application site and the aforementioned assets, there will be no impact upon their setting, or the significance of their setting.

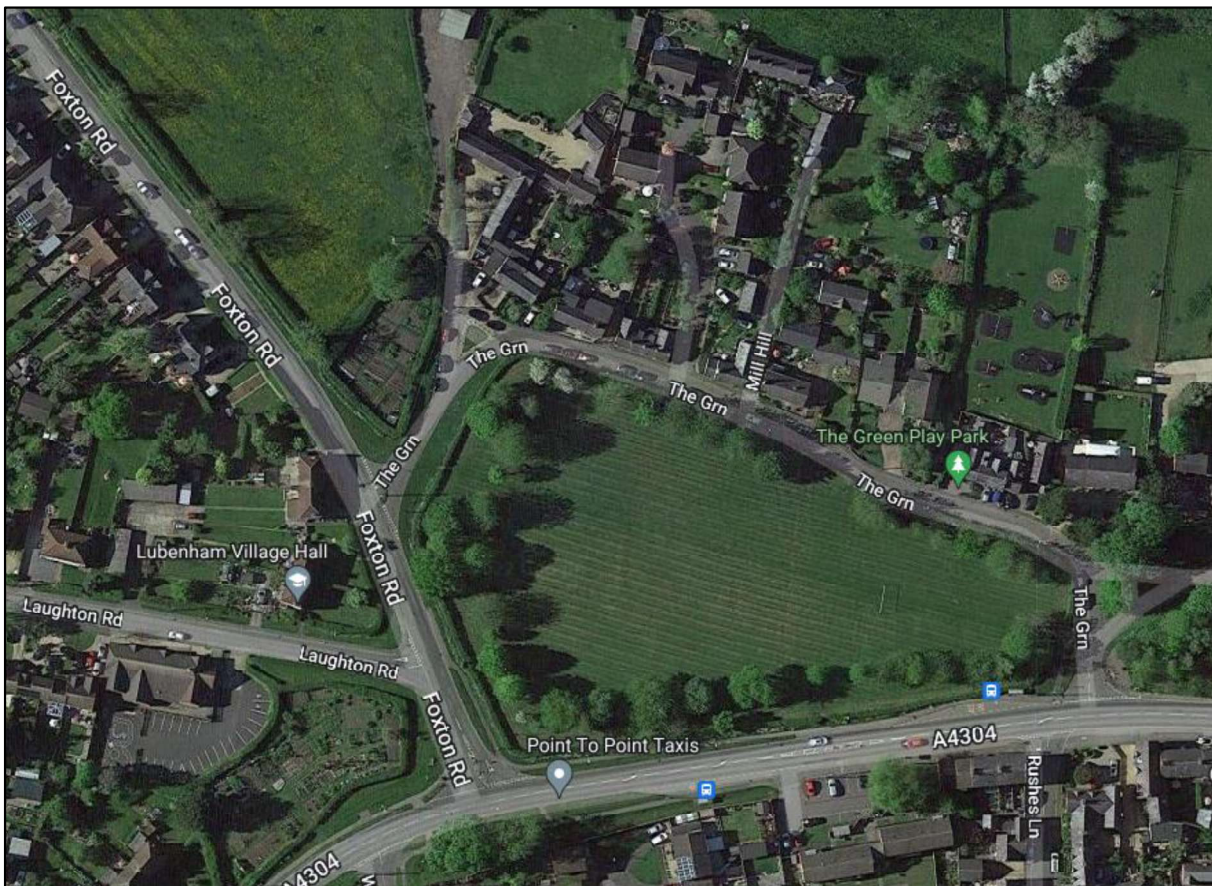


Figure 33: Lubenham Village Green and Playing Field

6.1.64 In terms of the defined non-designated heritage assets located within Foxton (see **Figure 32**), the below are considered to be the assets which are most likely to be the recipients of any potential impact arising from the Proposed Development:

1. Mount Farm, Main Street
 - Dates from 1892
 - The Poor House was in the present driveway.
8. Old Mill House, Swingbridge Street
 - Dates from 1750
 - Was the millers cottage
13. Sunny Bank, Swingbridge Street
14. Mud Wall near St Andrew's Church

The above list also includes the comments associated to the asset in Appendix 2 of the

Foxton Neighbourhood Plan. As set out in relation to The Church of St Andrew, Foxton Lodge and Langton Farmhouse – which are all closely related to these assets – due to the relative distance, topography and existing built form between the application site and the aforementioned assets, there will be no impact upon their setting, or the significance of their setting.

Assessment of impact on non-designated buried heritage assets (Archaeology)

6.1.65 The application contains an assessment of the impact of the development on archaeology. Following consultation with the Leicestershire County Council Archaeologist a programme of trial trenching was carried out. The sensitivity of different forms of archaeology to development are set out in the table at **Figure 34**.

High	<ol style="list-style-type: none"> 1. Nationally designated archaeological areas including scheduled monuments. 2. Nationally designated historic landscapes, including and designated areas associated with globally important activities, innovations or people. World Heritage Sites
Medium	<ul style="list-style-type: none"> • Designated or non-designated historic assets that have exceptional qualities or associations. • Designated special historic landscapes and areas on local registers for their regional or local significance. • Archaeological remains and areas on local registers for their regional or local significance.
Low	<ul style="list-style-type: none"> • Designated or undesignated assets of local importance poorly preserved with limited value. • Unlisted buildings of modest quality in their fabric, townscape of limited historic integrity, and robust undesignated historic landscapes that have intangible cultural heritage associations of local significance.

Figure 34: Sensitivity of Archaeology

6.1.66 Two large prehistoric ditch features were identified; one an Iron Age subcircular enclosure with good potential for further enclosing ditches to the immediate east and southeast, and an area demarcated by a substantial north northeast by south southwest oriented ditch with a “V”-shaped profile, a continuation of, with two westwards aligned spurs at each end – at least one of which deliberately ended with a terminus. That the feature is associated with ironworking nearby, and dates to the Iron Age, is significant and raises the potential of nearby anomalies with the same strong geophysical signature that lie within the ecological exclusions zone to the immediate north of two trenches.

6.1.67 Agricultural features across the site were typically represented by shallow and wide furrows. All the furrows that were surveyed and excavated were orientated in the directions suggested by the geophysical survey. Dating evidence suggest the ridge and furrow was active well into the post-medieval period.

6.1.68 Between the brook and the dispersal strip the undisturbed natural horizon only survived in limited areas. The signals mapped by the geophysical survey in this area were explained by modern features, typically land drains containing tarmacadam crush, but also a modern ditch and some cables. The made ground showed clear signs that ground reduction had taken place in many areas. The made ground between the brook and the dispersal strip appeared to be redeposited geology and may have come from areas beneath the runways.

6.1.69 A small brick feature, was found to be associated with the concrete dispersal strip and is probably the foundations of a square drain, light or communications point – a metal cable was discovered in the same trench, but this was inconclusive.

- 6.1.70 Whilst the majority of the site identified limited potential for archaeological deposits or features, an apparently contained but significant area of archaeological survival was recorded within the area east of the dispersal strip focused on Trenches 12 to 16. Middle Iron Age ditches, possibly including an enclosure, and associated pottery and ironworking waste have been recorded. The evaluation and preceding geophysical survey indicate that this activity is limited in extent to Trench 16 to the south and west, up to approximately 20m to the east of Trench 12, but may also extend to the geophysical anomalies to the north of Trenches 12 and 13 in the current badger exclusion zone. Whilst this area has not been subject to truncation associated with the airfield infrastructure and later 20th century activity, the features are relatively close to the present ground level and would be impacted by the groundworks proposed within this area of the site. It is therefore anticipated that further archaeological mitigation will be required within this zone.
- 6.1.71 LCC Archaeology have assessed the submissions, and concur that this significant area of archaeological survival with limited potential for archaeological deposits is a material consideration which the LPA is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. LCC Archaeology go on to say that it is recommended that prior to the impact of development upon the identified heritage asset(s) the applicant must make arrangements for and implement an appropriate programme of archaeological investigation. This will involve archaeological mitigation in the form of open area(s) investigation.
- 6.1.72 HDC Officers consider that the loss of these assets would result in significant harm to the non-designated heritage asset. This is a consideration which will have to be weighed in the Planning Balance against the Public Benefits of the Proposed Development. Notwithstanding this, the recording of the deposits will ensure that their presence is recorded in perpetuity, and this is a significant benefit which will also have to be weighed in the Planning Balance.
- 6.1.73 On the basis of the above, Officers consider that the outline planning application has demonstrated that the proposed development will protect the importance of heritage assets in the vicinity of the site. It is therefore considered that – due to the national importance afforded to heritage and by virtue of the significant benefits attributed to the recording of deposits – the proposals will have a moderate beneficial impact upon Heritage and Archaeology and would therefore accord with the Policy HC1 of the Harborough District Local Plan in this respect.

2. Ecology (Flora & Fauna) and Biodiversity

- 6.2.1 CGO Ecology Ltd was instructed by Mace Ltd, on behalf of the MoJ, to conduct an Ecological Impact Assessment on the Application Site. A Preliminary Ecological Appraisal was conducted by Ramboll. Phase 2 ecology surveys were conducted by CGO Ecology and Ramboll in 2021. The Ecological Impact Assessment report presents and evaluates the existing 'baseline condition' of the site; assesses the potential impacts of the development within the Zone of Influence; sets out the proposed mitigation and compensation measures; identifies any residual impacts, and proposes suitable enhancements.
- 6 *Ecology and Biodiversity Legislation / Policy*
- 6.2.2 **National policy** sets out that planning should provide biodiversity net gains where possible. Paragraphs 170(d), 174(b) and 175(d) of The Framework refer to this policy requirement and the Natural Environment Planning Practice Guidance

(PPG)⁴⁴ provides further explanation on how this should be done. Delivering net gain is also referred to in the National Infrastructure Commission's Design Principles⁴⁵, National Policy Statements⁴⁶ and the National design guide⁴⁷. The Government's 25 Year Environment Plan⁴⁸ sets out the aspiration to mainstream biodiversity net gain in the planning system and move towards approaches that integrate natural capital benefits.

6.2.3 The Government announced it would mandate net gains for biodiversity in the Environment Bill⁴⁹ in the 2019 Spring Statement. This followed a consultation on net gain⁵⁰ from December 2018. Defra's response to the consultation was published in July 2019. An impact assessment⁵¹ on biodiversity net gain and Local Nature Recovery Strategies was published in late 2019. The Environment Bill received Royal Assent on 9 November 2021, meaning it is now an Act of Parliament⁵².

6.2.4 Mandatory biodiversity net gain as set out in the Environment Act⁵³ applies in England only by amending the Town & Country Planning Act (TCPA) and is likely to become law in 2023. The Act sets out the following key components to mandatory BNG:

- **Minimum 10% gain required calculated using Biodiversity Metric & approval of net gain plan**
- **Habitat secured for at least 30 years** via obligations/ conservation covenant
- Habitat can be delivered on-site, off-site or via statutory biodiversity credits
- There will be a national register for net gain delivery sites
- The mitigation hierarchy still applies of avoidance, mitigation and compensation for biodiversity loss
- Will also apply to Nationally Significant Infrastructure Projects (NSIPs)
- Does not apply to marine development
- Does not change existing legal environmental and wildlife protections

⁴⁴ [Natural environment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/natural-environment)

(<https://www.gov.uk/guidance/natural-environment>)

⁴⁵ [NIC-Design-Principles.pdf](https://nic.org.uk/app/uploads/NIC-Design-Principles.pdf)

(<https://nic.org.uk/app/uploads/NIC-Design-Principles.pdf>

⁴⁶ [National Policy Statements | National Infrastructure Planning \(planninginspectorate.gov.uk\)](https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/national-policy-statements/)

(<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/national-policy-statements/>)

⁴⁷ [National design guide.pdf \(publishing.service.gov.uk\)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/962113/National_design_guide.pdf)

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/962113/National_design_guide.pdf)

⁴⁸ [25-year-environment-plan.pdf \(publishing.service.gov.uk\)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf)

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf)

⁴⁹ [Environment Bill 2020 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/environment-bill-2020)

(<https://www.gov.uk/government/publications/environment-bill-2020>)

⁵⁰ [Net gain - Defra - Citizen Space](https://consult.defra.gov.uk/land-use/net-gain/)

(<https://consult.defra.gov.uk/land-use/net-gain/>)

⁵¹ [Net gain impact assessment \(publishing.service.gov.uk\)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839610/net-gain-ia.pdf)

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839610/net-gain-ia.pdf)

⁵² [World-leading Environment Act becomes law - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/world-leading-environment-act-becomes-law)

(<https://www.gov.uk/government/news/world-leading-environment-act-becomes-law>)

⁵³ [Environment Act 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

(<https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>)

- 6.2.5 Chapter 15 of The Framework is concerned with “Conserving and enhancing the natural environment”. Paragraph 174 establishes some general principles of particular note are the following sub-sections;
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- 6.2.6 Paragraph 179 of The Framework states plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.
- 6.2.7 Paragraph 180 sets out the principles to be applied when making planning decisions. Of particular relevance are sub-sections b and d:
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*
- 6.2.8 The NPPG offers guidance on the natural environment with reference to inter alia “Biodiversity, geodiversity and ecosystems”. The guidance states
- “Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its 25 Year Environment Plan. Guidance on the law concerning designated sites and protected species is published separately because its application is wider than planning. In applying this, the aim should be to fulfil statutory obligations in a way that minimises delays and burdens.*
- 6.2.9 The guidance makes reference to specific questions to be considered when applying the NPPF. The questions relate to the following areas:
- Information, including ES and its contents;
 - Avoidance, avoiding significant harm;
 - Mitigation, the minimisation of significant harm; and
 - Compensation, where significant harm cannot be avoided can it be minimised.
- The NPPG goes on to make reference to net gain which refers to measurable improvements.
- 6.2.10 The relevant parts of Policy GI5 of the Harborough Local Plan state:

2. *Development will be permitted where:*
 - a. *there is no adverse impact on:*
 - i. *the conservation of priority species;*
 - ii. *irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;*
 - iii. *nationally designated sites;*
 - iv. *locally designated sites;*

unless, in all cases, the need for, and benefits of, the development in that location clearly outweigh the impact.
 - d. *opportunities for improving habitats and for improving the water quality of local water courses to improve the aquatic habitat are incorporated;*
 - e. *unavoidable loss or damage to habitats, sites or features is addressed through mitigation, relocation, or as a last resort compensation to ensure there is no net loss of environmental value.*
3. *Development should contribute towards protecting and improving biodiversity and geodiversity through, as relevant:*
 - a. *protecting and enhancing habitats and populations of priority species;*
 - b. *protecting and enhancing the strategic biodiversity network and wildlife corridors, particularly river and canal corridors, disused railways and all watercourses;*
 - c. *maintaining biodiversity during construction;*
 - d. *providing contributions to wider biodiversity improvements in the vicinity of the development;*
 - e. *including measures aimed at allowing the District's flora and fauna to adapt to climate change;*
 - f. *including measures to improve the water quality of any water body as required by the Water Framework Directive; and*
 - g. *protecting features and areas of geodiversity value and enhancing them to improve connectivity of habitats, amenity use, education and interpretation.*

7 Existing Ecological conditions

- 6.2.11 The Application Site measures 11.69ha, with the proposed prison occupying around 9.78ha of this. The Application Site is currently grassland used as sheep pasture, with areas of hardstanding including a World War II taxiway, hedgerows, ditches, small areas of woodland, and a small complex of farm buildings. Included in the red line boundary are additional areas of grassland, woodland, and hedgerow to the north-west (on the opposite side of Welland Avenue), a triangular field immediately southwest of HMP Gartree, and an isolated parcel on the northwest edge of the Gartree residential estate. The wider landscape is a mixture of arable and pasture farmland, with Market Harborough centred to the southeast. The North-West Market Harborough SDA is moving the edge of Market Harborough closer to the site, eventually to within 800m. Characteristic seminatural habitats are lowland seasonally-wet pastures and woodlands. Modern land uses are mainly arable and grassland, with some woodland.
- 6.2.12 There are no protected site designations within 2km, and only three protected sites within 5km. Great Bowden Borrowpit SSSI (Site of Special Scientific Interest) is 2.5km to the east; Kilby-Foxton Canal SSSI is 2.7km to the north; Saddington Reservoir SSSI is 3.8km to the northwest. There are no international designations within 5km. The Impact Risk Zones for SSSIs within 5km require Natural England consultation for aviation, farm, and quarry developments, but not for the proposed prison development.

6.2.13 Seven Local Wildlife Site (LWS) designations exist within 2km (see **Figure 35**). These have no statutory protection, but they benefit from de facto protection through the local planning process.

LWS name	Dist (m)	Type	Grid ref	Description
Grand Union Canal Harborough Arm	627	Canal	SP694898	Canal with stands of emergent vegetation.
Lubenham, south of Foxton Rd	749	Mesotrophic grassland	SP700876	Two grazed fields, with ridge and furrow and moderately species-rich grassland (8 indicator species) along the banks of a stream, plus three pollarded white willows <i>Salix alba</i> (girth not known) along the stream to the south of the field.
Orchard House Ash 1	869	Mature tree	SP704875	Mature ash <i>Fraxinus excelsior</i> tree.
Orchard House Ash 2	870	Mature tree	SP703875	Mature ash tree
Foxton Lock pounds, disused canal and inclined plane	903	Standing water	SP692895	Series of open water lock pounds with carr, reedbeds and <i>Carex</i> swamps; disused canal with species-rich aquatic vegetation, incl. <i>Potamogeton natans</i> ; semi-improved grassland on inclined plane, associated scrub woodland, public access.
Market Harborough, Leicester Road Verges	1562	Mesotrophic grassland	SP724883	Roadside verges on both sides of the road, eight LWS indicator species.
River Welland	1887	Large river	SP740872	Large river

Figure 35: Local Wildlife Sites within 2km of the Application Site

8 Assessment of Impacts

6.2.14 Mitigation has been embedded into the scheme by the Applicants throughout its design process. The instruction of ecological surveys was sufficiently early to allow baseline data-gathering, and incorporation of the ecological evidence into the design process. The scheme was designed to minimise the amount of hedgerow lost, and to avoid the areas west of Welland Avenue where the most valuable seminatural habitats are.

6.2.15 Habitat compensation has also been embedded into the scheme's design, in order to meet the aspirational 10% BNG target. Species mitigation and compensation has affected the design of the landscaping provisions, as it was concluded that at least two main setts would need to be created around the southern/eastern perimeter of the site, with a continuous band of new woodland to provide habitat continuity for badgers displaced from the site. It was also identified as important that the badgers continued to have access to maize fields to the east and southeast. A Construction Environmental Management Plan (CEMP) will be in place throughout the development (see **Appendix A - Condition 35**). A Habitat Management Plan will be in place for 30 years for all retained, created, and enhanced habitats (see **Appendix A - Condition 23 and Appendix B**).

6.2.16 The following section of the report assessing the impacts on different ecological assets considers the impact, mitigation and any required compensation for each asset, with a separate for each of these elements. **Figure 36** identifies the potential impacts and the proposed mitigation measures in tabular form. Following the Assessment of impacts and mitigation, a brief assessment of residual impacts (ie after the implementation of mitigation) and the proposed enhancements designed to off-set these. It is through this process that Biodiversity Net Gain is achieved. This is set out in tabular form at **Figure 37**.

Ecological features	Importance	Potential impacts	Mitigation
Habitats	Site	Moderate. Construction loss of poor semi-improved grassland, woodland, ditches, pond	Woodland, pond, and hedgerow creation. Grassland enhancement. BNG 26.29% area, 25.26% hedgerows.
Bats	Site	Moderate. Loss of commuting/foraging habitat for at least five species, light pollution.	Habitat enhancement in other areas. New roosts (batboxes) to encourage use of different areas. No new lighting of Welland Ave.
Badger	Local	Major. Construction loss of five setts (including two main setts) and much foraging territory.	Create at least two new main setts on south/east perimeter. New woodland belt around south/east edge of site, providing habitat connectivity and continued access to maize fields.
Other mammals	Site	Moderate. Construction killing, injury, loss and fragmentation of habitat.	Hedgehog checks during enabling works, especially clearance of debris and scrub. Provide hedgehog homes as alternative shelter in retained woodland and hedgerows.
Barn owl	Site	Minor. Disturbance of roosts and/or nest site. Loss of foraging habitat.	Safeguard roost trees. No lighting near roosts. Enhancement of grassland northwest of Welland Ave to offset losses. Installation of nestbox.
Other birds	Site	Minor. Loss of nesting and foraging habitat. Loss of wintering habitat.	Enabling works to avoid March-August nesting season. Compensatory nestboxes for common passerines. New woodland, nestboxes, and other habitat provisions will provide BNG for a range of birds.
Great crested newt	Site	Moderate. Low population on site, moderate population 150m east. Construction killing and injury. Permanent loss of breeding place (P1), resting places around P1 and east edge of site.	Traditional mitigation or DLL scheme to mitigate impacts. Significant net gain of breeding and terrestrial habitat through pond creation and grassland enhancement west of Welland Ave.
Other amphibians	Site	Minor. Construction killing, loss of breeding and terrestrial habitat.	Significant net gain of breeding and terrestrial habitat through pond creation and grassland enhancement.
Invertebrates	Site	Minor. Construction loss of habitat.	No direct mitigation. Compensation and enhancement through habitat creation, improvements on wider site, installation of 20 bee-bricks in new builds, and new ponds.
INNS	Site	Minor. Construction and operational accidental infestation, continued spread.	Biosecurity Plan in place. Eradication programme for cotoneaster prior to works.

Figure 36: Ecological Impacts and Mitigations

6.2.17 Designated sites

There will be no direct or indirect local construction or operational impacts on any local protected sites. There are no protected sites within 2km and no Local Wildlife Sites within 500m. As such, no mitigation or compensation is required

6.2.18 Habitats

Potential Impacts – All of the significant impacts on habitats will be during the construction phase. There are not likely to be any negative effects on retained habitats during the operational phase. The development will cause direct permanent loss of 18.85ha of poor semi-improved grassland, 0.63ha woodland, 1.45ha of buildings and hardstanding, and small areas of other habitats. Of the linear habitats present, all hedgerows will be retained, but 644m of wet and dry ditch will be lost. Temporary sound, light, and dust disturbance of hedgerows and trees along Welland Avenue could occur.

6.2.19 Mitigation Measures – Following the mitigation hierarchy, any loss of seminatural habitats must be fully compensated by replacement planting on-site, and/or off-site offsetting. All important features must be identified, and the potential impacts on them must be understood. The proposed mitigation and compensation must be appropriate,

and secured by effective means. The geographical scale of importance and impacts must be clear. The likely residual impacts must be clearly stated, and the potential cumulative impacts when considering this development alongside others in the area. Loss of habitats will be compensated by on-site creation and enhancement, achieving 26.29% BNG for habitats, and 25.26% BNG for hedgerows. New broadleaved woodland planting around the south and east edge of the new prison will significantly increase connectivity of woodland around the site perimeter. New grassland within the prison will offset much of the loss of existing grassland. Two new ponds to the northwest of Welland Avenue will offset the loss of a pond and ditches. There will be a net gain in hedgerow. The CEMP will minimise impacts on retained habitats. The HMP will ensure favourable management of the retained, enhanced, and created habitats for a 30-year period.

6.2.20 Compensation – Inevitably the development site will be less green than it is now, and BNG habitat trading complicates the concept of habitat mitigation, compensation, and enhancement. Landscaping associated with the new prison (to be agreed via condition (see **Appendix A – Condition 5**)) will mitigate the loss of some habitats, but compensatory provisions will also be needed. These are included within the red line boundary and therefore on-site. Loss of habitats will be compensated by on-site creation and enhancement, achieving 26.29% BNG for habitats, and 25.26% BNG for hedgerows. LCC Ecology have confirmed that this level of BNG is achievable, and that the implementation of the measures should be secured via a planning condition (see **Appendix A – Condition 22**) New broadleaved woodland planting around the south and east edge of the new prison (2.03ha) will replace that lost to the development (0.67ha). Two new ponds to the northwest of Welland Avenue (0.04ha) will offset the loss of a pond (0.02ha). No hedgerow compensation is needed. The loss of 18.85ha poor-quality pasture will be compensated by enhancement (seeding) of 5.17ha of retained pasture to achieve a species-rich neutral grassland, equivalent to semi-improved in Phase 1 terms, and ‘good’ condition modified grassland. This will be achieved by cutting hard, scarifying, and seeding with native species-rich grass and herb mix, with introduction of a suitable grazing regime. The two new ponds are proposed will be partly compensation, and partly enhancements.

6.2.21 Bats

Potential Impacts – No roosts will be affected by construction or operational activities, but significant commuting and foraging habitat will be lost permanently. Activity surveys and roost surveys have so far identified at least five bat species using the site. These are low numbers of common pipistrelle, noctule, soprano pipistrelle, Nathusius’ pipistrelle, and Myotis. It is likely that the number of bats using the development area at any one time is fewer than 10. Construction activities could cause an increase in noise, lighting and other effects along Welland Avenue, commuting routes and foraging areas. If new permanent lighting is proposed on Welland Avenue as part of any subsequent reserved Matters submission, this would cause a significant operational impact.

6.2.22 Mitigation Measures – Permanent lighting must be avoided on Welland Avenue, and a sensitive lighting plan be used during construction (this will be secured as part of the CEMP (see **Appendix A – Condition 35**)). New habitat provisions (especially woodland on south/east perimeter) will offset the loss of foraging habitat in due course, but there will be a reduction in available habitats in the short to medium term. New batbox provisions in land northwest of Welland Avenue will be used to encourage use of that area. Grassland enhancement will provide better foraging habitat than at present. The final results of the monthly activity surveys will inform impact assessment of the development on bat commuting routes and foraging areas, and may require additional mitigation.

6.2.23 Compensation – No compensation need for roosts has been identified as being necessary, but loss of foraging and commuting habitat will need to be compensated by new batboxes. These should be installed on suitable trees, buildings and/or woodland edges, especially northwest of Welland Avenue where enhanced grassland is being provided (this will be secured as part of the CEMP (see **Appendix A – Condition 35**)). The new woodland provisions to the south and east will take decades to reach maturity and provide natural roosts; hence the need for artificial alternatives in the interim. The numbers and types of batboxes will be decided upon completion of the bat activity surveys, once a full picture is known of commuting and foraging routes through the whole April-October season, these will inform the CEMP.

6.2.24 Badger

Potential impacts – Around 20ha of territory will be permanently lost, including two main setts, a subsidiary, and an outlier sett. Two outlier setts on the southern site margin and on the proposed BNG enhancement land to the northwest of Welland Avenue will be retained.

6.2.25 Mitigation measures – Licensed sett closure will be used to evict badgers from four setts within the Application Site. This will be conducted in the appropriate July - November period. Replacement setts have been constructed, with video trapping to be carried out to establish whether or not they have been occupied. Following the grant of Planning Permission (if this is forthcoming), and proof of the occupation of the replacement sett, the Applicants will apply to Natural England for a license to carry out authorised closure of the existing sett. As previously mentioned, two outlier setts have been retained.

6.2.26 Compensation – Two artificial main setts have been constructed around the south and east edge of the development site. This peripheral area will subsequently be planted with 2.03ha of new woodland to provide an extensive belt of connected habitat that will in time provide a net gain in foraging habitat. The badger clan will continue to have access to the maize fields to the east and southeast.

6.2.27 Other mammals

Potential impacts – During construction, hedgehogs could be killed and/or displaced if no safeguards are put in place. Hedgehog habitat will be permanently fragmented. No operational impacts are likely.

6.2.28 Mitigation measures – Hedgehog checks will need to be carried out when clearing vegetation, debris, or other locations where they may shelter. Planting of new woodland, and pasture reversion to meadows, will enhance habitat and connectivity in the south and east of the new prison, and northwest of Welland Avenue. This can be secured via planning condition (see **Appendix A – Condition 23**).

6.2.29 Compensation – The applicants have proposed to install 10 artificial hedgehog homes in undeveloped parts of the red line boundary, to offset the loss of current shelter habitat. This can be secured via planning condition (see **Appendix A – Condition 23**).

6.2.30 Barn owl

Potential impacts – Construction will cause the permanent loss of grassland on part of the site that could be used occasionally as foraging habitat. However, no barn owls have been recorded in the development area, and therefore this loss is considered to be theoretical and minor. Increased lighting and construction activity along Welland Avenue could disturb existing tree roosts to the north of Welland Avenue.

6.2.31 Mitigation measures - No nocturnal lighting of Welland Avenue will occur during construction, and no permanent new lighting along Welland Avenue (see **Appendix A – Condition 23**)).

6.2.32 Compensation – A barn owl nestbox will be erected in a suitable tree as far north of Welland Avenue as possible, to encourage roosting/nesting away from Welland Avenue. This can be secured via planning condition (see **Appendix A – Condition 23**).

6.2.33 Other birds

Potential impacts – Construction will cause permanent loss of nesting and foraging habitat for a range of common birds, although probably no more than 10 pairs. It could also cause destruction of nests, and killing and injury of chicks in the absence of mitigation. Possible effects on overwintering birds are unknown, but not expected to be significant. There is much similar pasture on farmland in all directions; therefore, it is unlikely that this site provides an important overwintering resource. The construction of the new prison will have a positive impact by creating new nesting habitat for Red List and Amber List gulls.

6.2.34 Mitigation measures – Demolition, tree felling, shrub/scrub removal, and commencement of other enabling works, such as cutting or driving over long grass, infilling ponds, or clearing debris, must avoid the March-August nesting season. If any work must commence within the nesting season, it must be preceded by an ecologist nest check leading to an all clear. This can be controlled via planning condition (see **Appendix A – Condition 23**). Any active nests must be safeguarded with a 5m stand-off using road pins and hazard tape or fencing.

6.2.35 Compensation – Breeding habitat compensation by installation of suitable nestboxes in other areas of the site (to provide alternatives in the short term). The number and types must reflect the species and estimated numbers of territories affected. Also, habitat creation (woodland, shrubs, hedgerows, ponds) and enhancements (pasture seeding/reversion) within and outside the development. This can be secured via planning condition (see **Appendix A – Condition 23**).

6.2.36 Great crested newt

Potential impacts – One breeding pond with a small population (peak count of eight GCN) will be lost, as well as terrestrial habitat used by low numbers of GCN around the above pond and around the southeast corner of the site, near to the Airfield Farm mitigation area. The number of GCN around the above pond is likely to be in the low tens. The number of GCN that have immigrated from the Airfield Farm ponds is likely to be fewer than 10. The intervening habitat is relatively unfavourable for GCN, and there is no woodland to attract hibernating newts in their terrestrial phase.

6.2.37 Mitigation measures – Loss of breeding and resting places is likely to occur. Any potential legal offences under the Habitats Regulations 2017 (as amended) will require a Natural England mitigation licence or a District Level Licensing (DLL) scheme alternative. Planning consent is a prerequisite for both. No mitigation is proposed as such, as a DLL will be used to compensate the impacts. The Applicants Ecologist has been in liaison with Natural England and LCC to identify the preferred route. LCC Ecology have advised that the DLL route is preferable.

6.2.38 Compensation – once DLL is engaged, it will offset the impacts. This involves a financial contribution to an off-site habitat-creation scheme run by a Leicestershire partnership, with long-term safeguard and management of a network of ponds and terrestrial habitat. In return, a licence is granted to commence work on site.

6.2.39 Other amphibians

Potential impacts – Low numbers of smooth newt could be harmed, and their breeding and terrestrial habitat will be lost permanently during construction. No operational effects have been identified.

6.2.40 Mitigation measures – There is no requirement to mitigate for loss of widespread amphibians.

6.2.41 Compensation – New compensatory habitat (pond creation, grassland enhancement, woodland planting) will fully offset the loss of existing amphibian habitats. DLL mitigation for GCN will benefit smooth newts.

6.2.42 Invertebrates

6.2.43 Potential impacts – Generally there will be a permanent loss of habitat due to construction. Construction and landscaping will also create new opportunities for invertebrates, though likely a different spectrum of species. No operational effects are anticipated.

6.2.44 Mitigation measures - No direct mitigation has been considered necessary by the applicants.

6.2.45 Compensation – No targeted compensation has been considered necessary by the applicants, however, general habitat creation as set out above will offset the loss of habitat.

6.2.46 Invasive Non-Native Species (INNS)

Potential impacts – Impacts most likely during enabling works and construction, but there is an ongoing risk during operation. Accidental import or spread of INNS plants, aquatic and soil invertebrates, and fungal and bacterial pathogens are most likely. This can occur on vehicle wheels, digger buckets, chainsaws, clothing, boots, and other equipment, especially those coming from another site. Also, soil around trees and plants from nurseries can import invertebrates (and occasionally vertebrates) from other sites, including INNS.

6.2.47 Mitigation measures – The MoJ has confirmed it will conduct an Eradication Plan for the existing cotoneaster stands prior to development commencing. This will be by hand-cutting/pulling and safe disposal of the arisings. All arisings from INNS removal must be transported by registered carrier to a controlled waste site, this can be secured via planning condition (see **Appendix A – Condition 34**). A Biosecurity Plan will be implemented throughout the development, from enabling works to construction and landscaping. This must be posted prominently in site cabins and on fences. All contractors and visitors must be given a toolbox talk on the dangers of INNS, and the measures to prevent their spread. A strict check-clean-dry policy will be enacted, to ensure no INNS are imported or spread on equipment, vehicles, materials, clothing, or boots. INNS identification posters will be shared and posted prominently, including the most common conspicuous INNS plants. Any new infestations or potential biosecurity breaches must be reported to the site manager, who will call an ecologist immediately. INNS monitoring will take place at monthly intervals (this will be secured as part of the CEMP (see **Appendix A – Condition 34**)).

Ecological features	Residual impacts	Cumulative effects	Enhancements
Designated sites	None	None	None
Habitats	No net loss of important habitats.	None	26.29% net gain in seminatural habitats by area. 25.26% net gain in hedgerow.
Bats	Net loss of commuting and foraging habitat.	None	Net increase in roost availability by installation of batboxes in trees.
Badger	Net loss of foraging habitat.	None	None
Hedgehog	None	None	None
Barn owl	None	None	New nestbox in land northwest of Welland Ave.
Other birds	Net loss of foraging and nesting habitat.	None	Nestboxes and new woodland planting.
Great crested newt	Net loss of breeding and terrestrial habitat.	None	Net gain in pond numbers and connectivity northwest of Welland Ave. Increased woodland connectivity along southeast edge of new prison.
Other amphibians	None	None	Net gain in pond numbers and connectivity northwest of Welland Ave. Increased woodland connectivity along southeast edge of new prison.
Invertebrates	None	None	Bee-bricks in new buildings. Net gain in aquatic habitat area and diversity.
INNS	None	None	Eradication of existing stands.

Figure 37: Residual impacts, cumulative effects and proposed enhancement measure

○ *Biodiversity Net Gain*

6.2.48 BNG is a process whereby development leaves biodiversity in a better state than before. Para 180(d) states that:

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."

BNG is measured using a recognised biodiversity metric (Natural England's Biodiversity Metric 3.0, July 2021⁵⁴) - which calculates biodiversity value (in units) before and after development.

6.2.49 To be compliant with current NPPF policy and DEFRA's methodology for assessing net gains and losses, both the linear and non-linear assessments should be in net gain; these two habitat categories have to be considered separately. Under the Environment Act, there will be a mandatory requirement for 10% net-gain in both these areas, but the legislation is not yet fully in force (expected 2023), and therefore the policy requirement under Policy GI5 is to be in net-gain, with no specified percentage.

6.2.50 The proposed scheme will provide 26.29% net gain in habitat units, and 25.26% net gain in hedgerow units. There are no running waterways on site. The main baseline habitat loss will be 18.85ha of UKHab classification⁵⁵ 'modified grassland' in 'fairly poor' condition, translated from Phase 1 habitat type 'poor semi-improved grassland' following the HLS FEP grassland guidance⁵⁶. Small areas of woodland and scrub will

⁵⁴ [The Biodiversity Metric 3.0 - JP039 \(naturalengland.org.uk\)](http://publications.naturalengland.org.uk/publication/6049804846366720) (<http://publications.naturalengland.org.uk/publication/6049804846366720>)

⁵⁵ [ukhab – UK Habitat Classification https://ukhab.org/](https://ukhab.org/)

⁵⁶ [Natural England Technical Information Note TIN050 - Selecting indicators of success for grassland enhancement \(magnificentmeadows.org.uk\)](http://www.magnificentmeadows.org.uk/assets/pdfs/TIN050_Setting_indicators_of_success.pdf) (http://www.magnificentmeadows.org.uk/assets/pdfs/TIN050_Setting_indicators_of_success.pdf)

be lost, including planted non-natives. Habitat creation will be primarily within the new prison, dictated by design and security considerations. Native planting and seed mixes will be used as far as possible. A belt of native broadleaved woodland will be planted around the entire southern and eastern perimeter of the new prison (2.03ha). Together with 0.73km of new hedgerow, this presents a significant gain in linear habitat connectivity. Two ponds will be created in the area northwest of Welland Avenue. Habitat enhancement will be conducted on two areas of land northwest of Welland Avenue, and north of the prison. This will involve 4.56ha of fairly-poor modified grassland enhanced to 'other neutral grassland' by cutting hard, scarifying, and seeding with a biodiverse, native, location-appropriate mix. LCC Ecology have confirmed that the Metric's habitat trading rules are satisfied. The BNG enhancement must be provided within one year of the commencement of the development, this will be secured via an appropriately worded condition (see **Appendix A – Condition 22**) and via the S106 (see **Appendix B**)

- *Summary*

- 6.2.51 The proposed scheme involves construction of a new prison on existing agricultural land. The impacts on habitats will be fully compensated, with a net gain of 26.29% by area, and 25.26% by length. Embedded mitigation will be conducted for bats, badger, hedgehog, barn owl, other birds, and GCN. The surveys and proposed mitigation adhere to standard mitigation guidance for bats, badger, other mammals, barn owl, birds, GCN, and other species groups. The CEMP will minimise impacts during construction. The HMP will ensure favourable management of the retained, enhanced, and created habitats in the long term
- 6.2.52 On the basis of the above, Officers consider that the outline planning application has demonstrated that the development can be designed to minimise the impact on ecology and biodiversity and the mitigation proposed would have long term benefits – far in excess of the forthcoming statutory requirements – through habitat creation, improvement and appropriate management of the green infrastructure. It is therefore considered that the proposals will have a major beneficial impact upon ecology and bio-diversity and would therefore accord with the Environment Act and Policy GI5 of the Harborough District Local Plan in this respect.

3. Highways

- 6.3.1 The Planning Statement submitted in support of the planning application includes a section on Transport, which was informed by a Transport Assessment (hereafter referred to as a 'TA') and a Travel Plan (hereafter referred to as 'TP') both undertaken by Atkins.

- *Highways Policy*

- 6.3.2 Relevant Highways Policy and Guidance is set out in **Section 5** of this report.

- *Existing Highways Network*

- 6.3.3 The location of the proposed development in the context of the surrounding highway network is illustrated on **Figure 38**. The Application Site is accessed via Welland Avenue, a private road subject to a 15mph speed limit. Welland Avenue also provides access to a number of residential properties in Gartree as well as the existing HMP Gartree. Welland Avenue is accessed from Gallow Field Road via a priority controlled junction to the north and Foxton Road via a priority controlled junction to the south. Welland Avenue is approximately 5.7m wide.

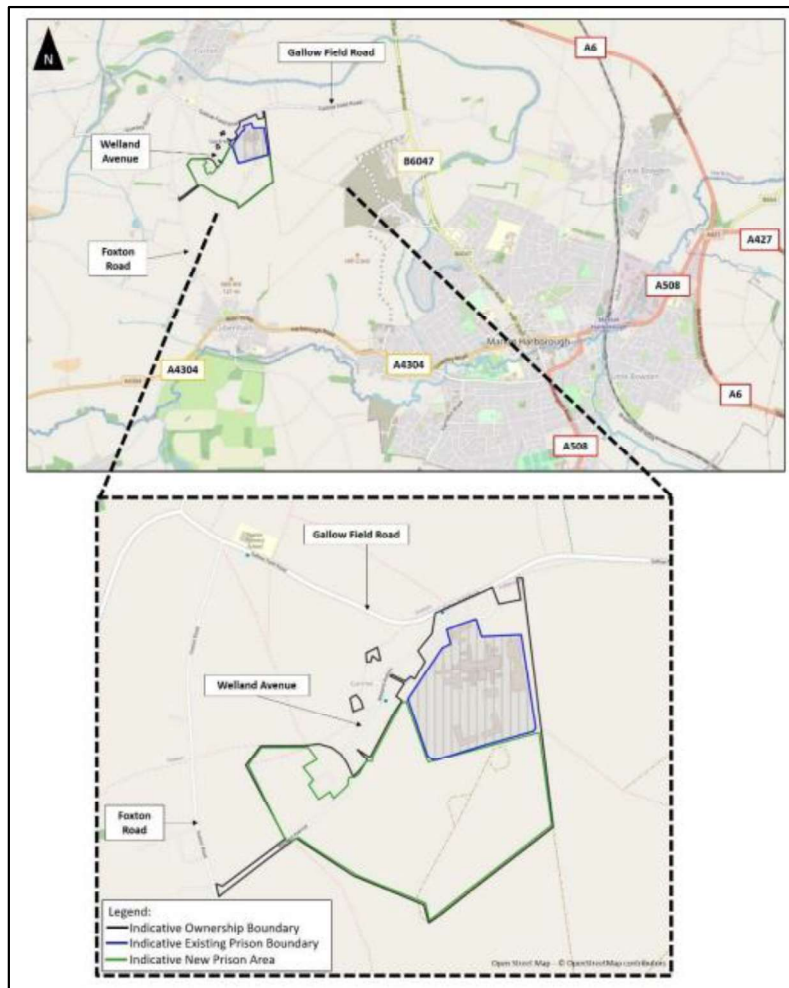


Figure 38: Local Highway Network

- 6.3.4 Gallow Field Road is a single carriageway road which runs east to west and is subject to the national speed limit. Gallow Field Road provides access between the village of Foxton to the west, and the B6047 Harborough Road to the east. On the approach to Foxton Primary School from both directions, there is a school safety zone in place which restricts vehicle speeds to 20mph and is operational during the AM and PM School Peaks. Gallow Field Road is subject to a 7.5 tonne weight limit restriction except for loading vehicles. There is no pedestrian infrastructure provision located along Gallow Field Road between Welland Avenue and the B6047 Harborough Road. There is an unlit footway located to the west of Welland Avenue along the westbound side of the carriageway, which provides pedestrian access to the village of Foxton and Foxton Primary School.
- 6.3.5 Foxton Road is a single carriageway road which provides access between the village of Foxton to the north and the village of Lubenham to the south. Foxton Road is subject to national speed limit between the Gallow Field Road/ Foxton Road junction and the village of Lubenham. Foxton Road is subject to a 30mph speed limit between Lubenham and the A4304. Welland Avenue, which provides access to HMP Gartree, forms a priority controlled junction with Foxton Road. Foxton Road is subject to a 7.5 tonne weight limit restriction except for loading vehicles. There is no pedestrian infrastructure located along Foxton Road between Foxton and Lubenham.

- 6.3.6 The A4304 Harborough Road is a single carriageway which provides access between Market Harborough to the east and M1 Junction 20 to the west. The A4304 is subject to a 30mph speed limit through the village of Lubenham.
- 6.3.7 The B6047 is a single carriageway which runs north to south and provides access between Market Harborough to the south and the A6 to the north. The A6 and A4304 provide access to the wider Strategic Road Network (SRN) around Market Harborough, including the A508 and A427. The B6047 is subject to a 50mph speed limit in the vicinity of the B6047/ Leicester Lane / Gallow Field Road junction.
- *Existing Pedestrian Access*
- 6.3.8 Pedestrian access to local amenities within the vicinity of the proposed development is limited. **Figure 39** demonstrates that within a 10-minute walk of the development site, based on a walking speed of 1.4m/s, pedestrians can reach the bus stop located on Gallow Field Road. In terms of footway provision in the vicinity of the proposed development, footways are shown on **Figure 39**. There is footway provision along Welland Avenue between the Gallow Field Road / Welland Avenue junction and the southern end of the residential properties on Welland Avenue. There are also footways along the westbound carriageway of Gallow Field Road providing pedestrian access between the Gallow Field Road / Welland Avenue junction to Foxton Primary School and Foxton Village. However, there are no footways along Foxton Road, Gallow Field Road to the east of the Gallow Field Road / Welland Avenue junction, or Welland Avenue between the Foxton Road / Welland Avenue junction and the start of the residential properties.
- *Existing Public Transport facilities*
- 6.3.9 The site is served by the number 44 bus service, which travels between Fleckney, Market Harborough, and Foxton. The service operates once every one to two hours Monday – Saturday, with no Sunday service. It is important to note that the existing 44 bus route operates a one-way loop from the B6047 Harborough Road/ Gallow Field Road/ Leicester Lane junction around Foxton and Gartree. The service from Market Harborough towards Foxton routes via Langton Road, and does not route via Gartree (see **Figure 40**). The nearest bus stop to the proposed development is Gartree, located on Gallow Field Road, as shown on **Figure 39**.
- 6.3.10 The nearest Railway Station to the proposed development is Market Harborough Railway Station as shown in Figure 3-5. The Railway Station is located in excess of a 20-minute cycle from the proposed development. However, the number 44 bus service serves Market Harborough Railway Station. Market Harborough Railway Station is well served by regular train services operated by East Midlands Railway to London St Pancras International, Nottingham, Leicester, Kettering, and Bedford. The station is managed by East Midlands Railway and has 219 parking spaces within the Railway Station car park. The station also has 36 cycle parking spaces.



Figure 39: Walking Accessibility

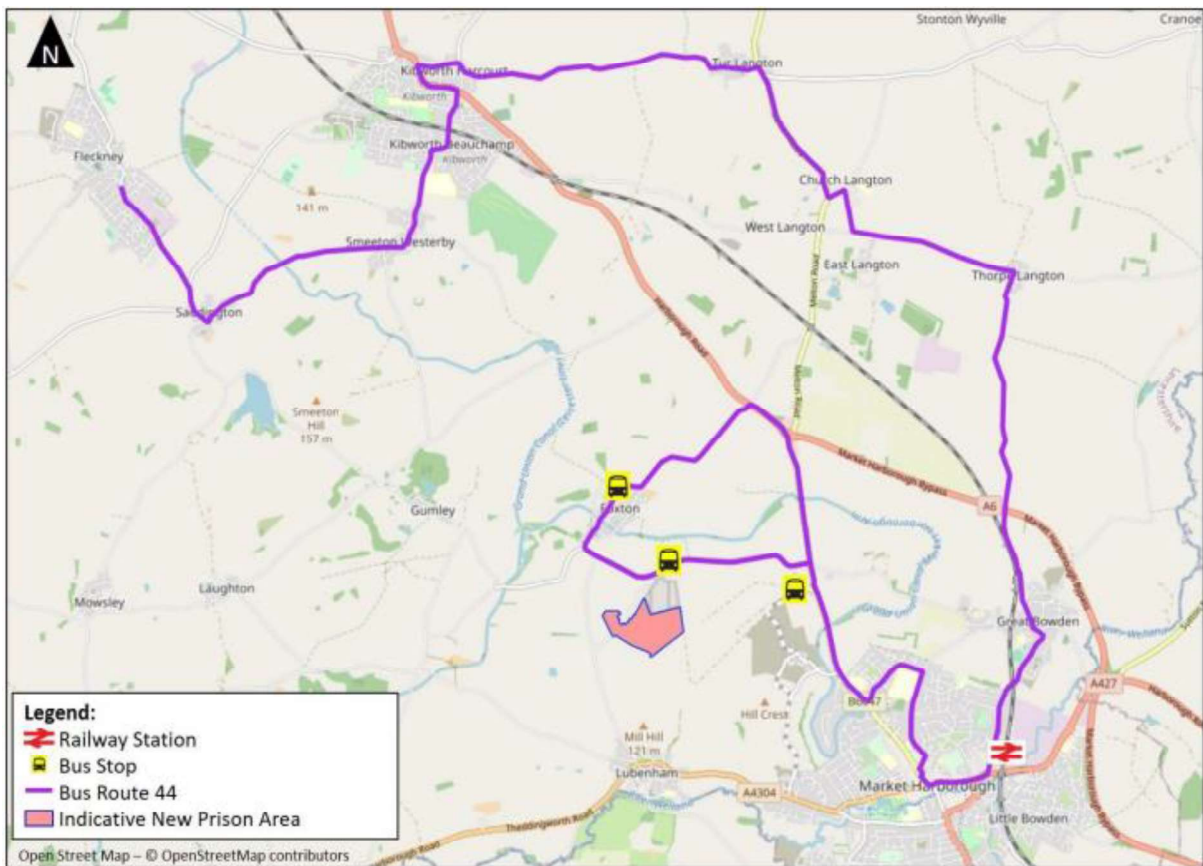


Figure 40: Public Transport Provision

- Existing cycle facilities

6.3.11 **Figure 41** shows that based on a cycling speed of 4.4m/s, a cyclist would be able to reach the villages of Foxton and Lubenham within a 10-minute cycle of the site, and Market Harborough within a 20-minute cycle of the site. However, there is limited formal cycle infrastructure on the immediate highway network and therefore cyclists would be required to use the existing local highway network. National Cycle Route (NCR) 6 is a long-distance route running from London to the Lake District, with a mixture of on-road and off-road cycle provision. From Market Harborough, NCR 6 routes along the Grand Union Canal to reach Foxton Locks. The NCR provides on-road provision from Foxton Locks to south Leicester. NCR 6 can be accessed from the proposed development at the junction of Gallow Field Road/ Gumley Road/ Main Street within a 10-minute cycle of the site

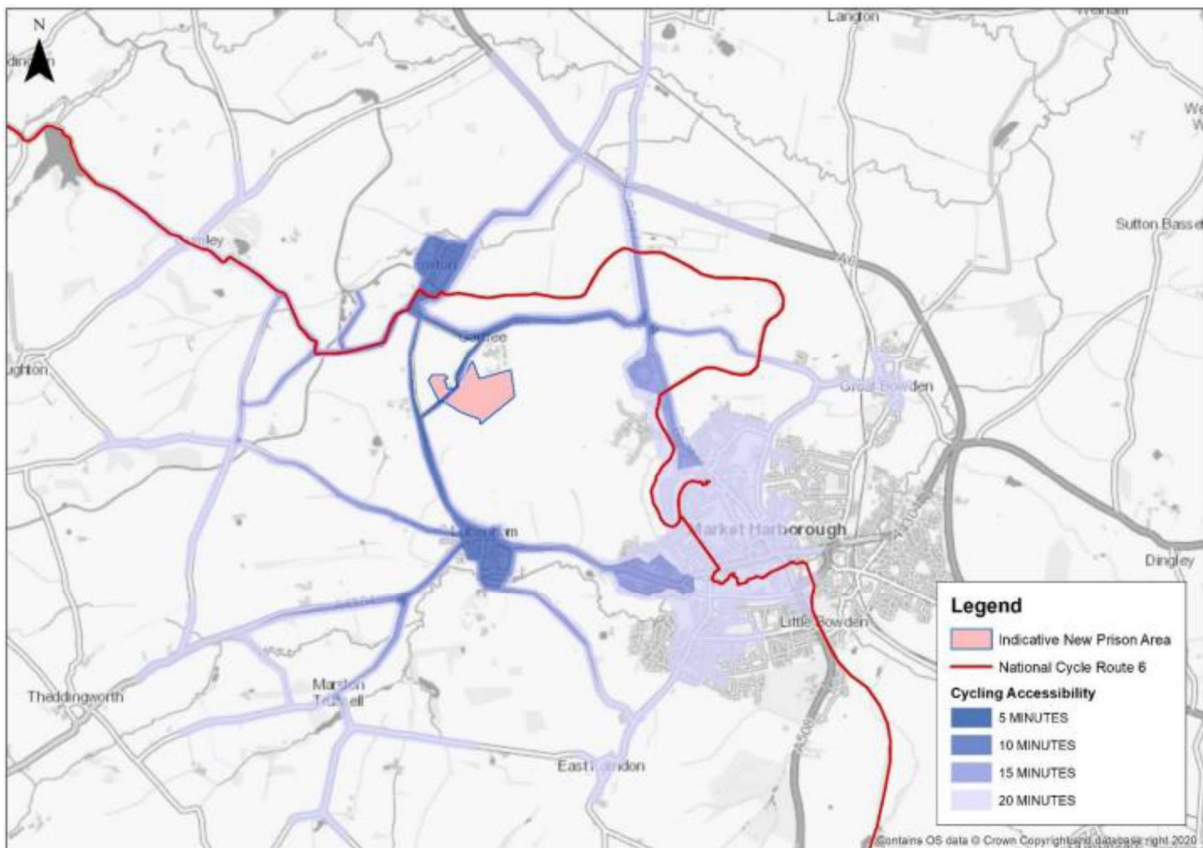


Figure 41: Cycling Accessibility

- Access proposals

6.3.12 HMP Gartree is accessed off Welland Avenue, a private access road. The application site is proposed to be accessed via a new priority controlled junction located along the southern section of Welland Avenue. The layout of the operational access is shown in **Figure 42**. Vehicular access to the application site will be taken from the southern section of Welland Avenue via Foxton Road. All vehicular traffic associated with the proposed development will be managed through directional signage along Welland Avenue. In addition to directional signage along Welland Avenue, it is proposed to introduce a highway improvement scheme along the southern section of Welland Avenue to further ensure that all traffic associated with the Prison arrives and departs via Foxton Road. The proposed highway improvement scheme is shown in **Figure 43**. The scheme will include new centre line carriageway markings, repeater speed limit signs, carriageway narrowing with a priority give way arrangement, speed cushions either side of the proposed road narrowing, and the construction of new pedestrian footways.

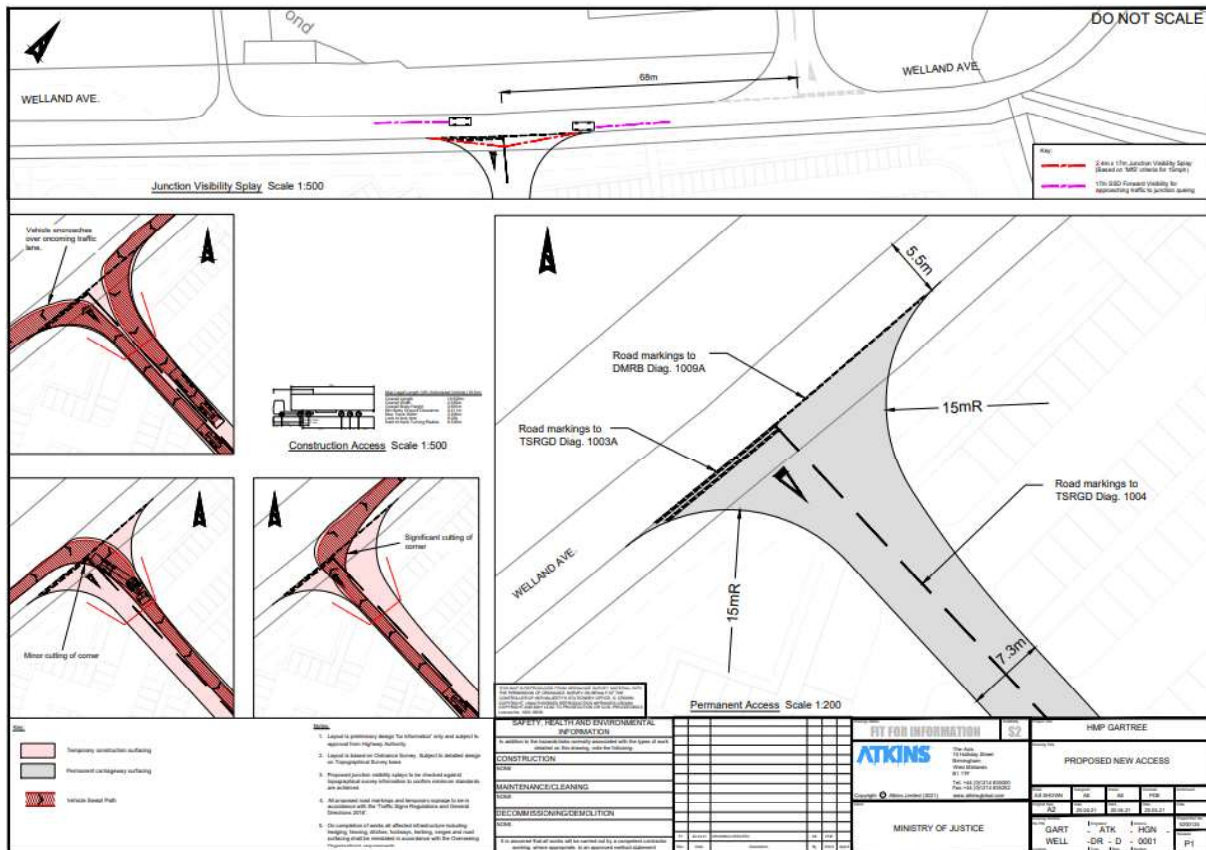


Figure 42: Site Access Preliminary Design

6.3.13 The applicants propose that all staff will receive instructions on how to access the new facility during the induction process, whilst travel information for visitors will also be added to the prison's visitor information page on the Justice website. In addition, a visitor transport information board will be located in a communal area to disseminate up to date public transport timetables for use by visitors.

6.3.14 It is proposed to provide 523 on-site car parking spaces for use by staff and visitors to the development. Of the 523 spaces, 16 disabled parking spaces will be provided in close proximity to the main entrance of the prison for use by disabled users of the site. This has been determined in line with guidance within the Leicestershire Highway Design Guide.

6.3.15 In accordance with BREEAM, electric charging stations of a minimum of 3kW will be provided for 10% of the total car parking capacity, this equates to 53 electric vehicle charging spaces. Furthermore, BREEAM requires 5% of the total car parking capacity to be allocated for car sharers. Therefore, it is proposed to provide 27 car sharing spaces.

6.3.16 In terms of servicing arrangements, the proposed operational access will be used to undertake all servicing and deliveries. These activities will typically occur outside of the network peak hours. All servicing vehicles associated with the proposed development will route to the site via the A4304 and access Welland Avenue via Foxton Road.

- *Proposed Off-site Highways works*

6.3.17 During pre-application scoping discussions, HDC Officers raised concerns regarding the additional vehicle trips generated by the proposed development travelling along the

northern section of Welland Avenue via Gartree. As outlined above, vehicular access to the proposed development will be taken from the southern section of Welland Avenue via Foxtan Road. All vehicular traffic associated with the proposed development will be managed through directional signage along Welland Avenue, whilst all staff will receive instructions on how to access the facility during the induction process and travel information for visitors will also be added to the prison's visitor information page on the Justice website.

6.3.18 In addition, it is proposed to introduce a highway improvement scheme along the southern section of Welland Avenue to further ensure that all traffic associated with the Prison arrives and departs via Foxtan Road. The proposed highway improvement scheme is shown in **Figure 43**. The scheme will include new centre line carriageway markings, repeater speed limit signs, carriageway narrowing with a priority give way arrangement, speed cushions either side of the proposed road narrowing, and the construction of new pedestrian footways. In addition to these measures, the MoJ have committed to undertaking monitoring surveys along Welland Avenue every 6 months and share the results with the Gartree residents to ensure that staff and visitors are accessing the Proposed Development via Foxtan Road. It will be the responsibility of the Travel Plan Coordinator (TPC) to manage the monitoring surveys. Over and above this, no off-site Highways works are proposed as part of the development.

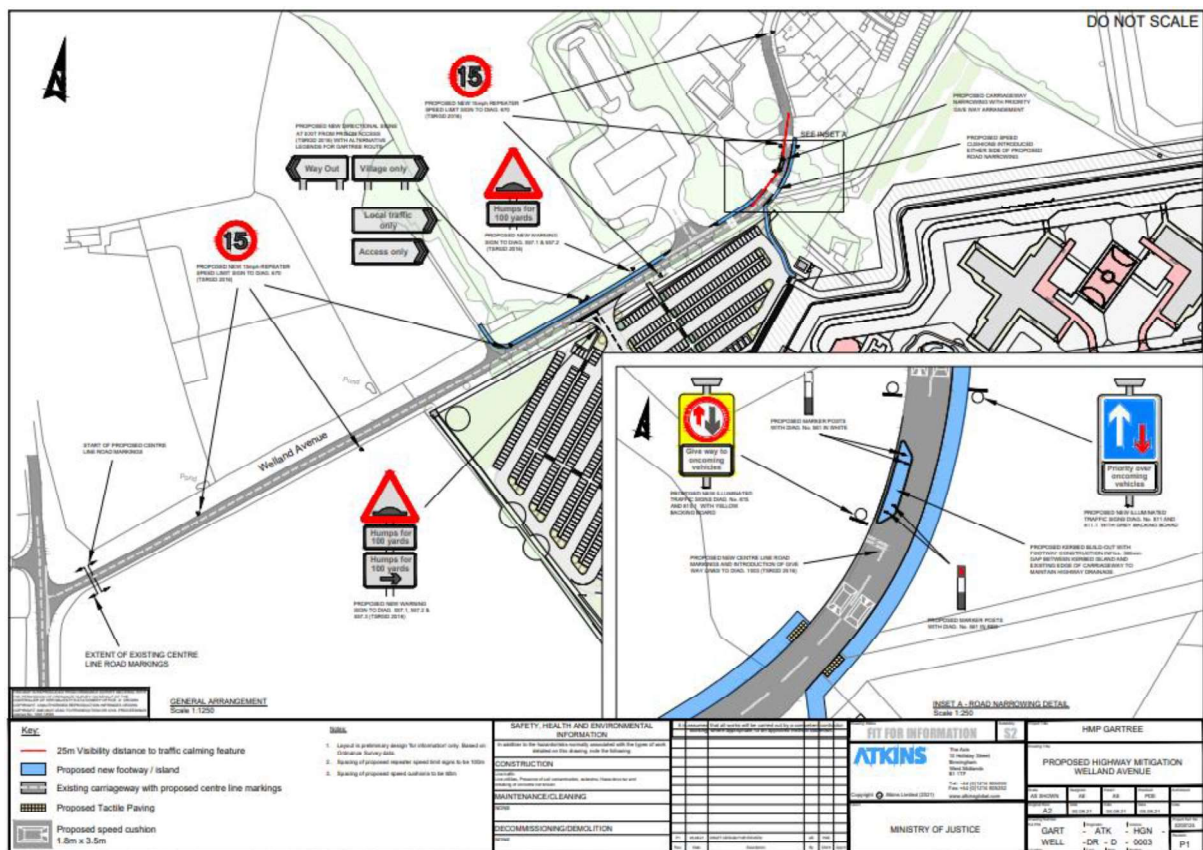


Figure 43: Proposed Highway Mitigation on Welland Avenue

o *Proposed Pedestrian Access*

6.3.19 Public footpath A22 runs through the proposed development site. Whilst further details of how the existing PROW is to be treated will emerge through any subsequent Reserved Matters submission, the LHA has recommended a condition be imposed on any consent requiring the submission of a scheme for the treatment of the PROW to be submitted and agreed prior to the first use of the facility (see **Appendix A – Condition 20**). Furthermore, both HDC and LCC Officers raised the issue that

improvements to the surface of the section of A22 that passes from Foxtan School to Swingbridge Street (see **Figure 44**) could increase pedestrian movements between the village and the school, whilst also providing access to a safer parking area, therefore reducing the requirement for on street parking at the Foxtan Road / Gallow Field Road junction. The LHA have requested a contribution of £102,898 for improvement works to this stretch of footpath A22. This contribution will cover the cost of re-laying 300 metres of pathway to a 2m width in standard tarmac and associated works e.g. timber edgings etc. to improve the route to school, noting the additional traffic that the proposed development would generate to the frontage of the primary school.

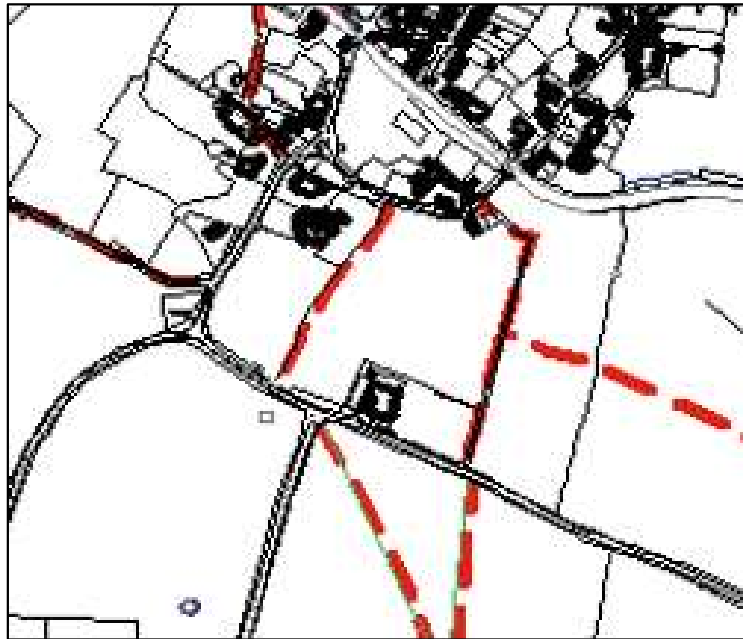


Figure 44: Footpath A22 (including stretch from Swingbridge Street to Foxtan School)

6.3.20 Through representations, the potential for linkages between the PRow to the east of the site leading to north west Market Harborough and A22 has been raised. Due to the access to the proposed Prison being gained via Welland Avenue, such a link would involve 3rd party land, and such provision has not been identified as being necessary by the LHA.

- *Proposed Public Transport facilities*

6.3.21 There are no proposals to provide additional Public Transport facilities as part of the development

- *Proposed cycle facilities*

6.3.22 In the absence of detailed guidance on cycle parking specific to this land use within the Leicestershire Highway Design Guide, a cycling accumulation exercise has been undertaken to estimate the number of cycle parking spaces required on site. The maximum cycle parking accumulation for the site based on the number of cycle trips is 14 bicycles. This value has been determined by considering the availability of public transport, and the existing travel characteristics at this location. However, to encourage a modal shift towards sustainable transport and to meet BREEAM criteria it is proposed to provide 51 cycle parking spaces on site.

- *Assessment of Impact on the Strategic Highway Network*

6.3.23 In relation to the proposed development National Highways fulfil the role of safeguarding the Strategic Highway Network, which, in this case, relates to the M1

which routes approximately 11 miles to the west and the A14 which routes approximately 10 miles to the south. In terms of the impact from this proposal, and considering the proposed level and distribution of traffic, not to mention the distance from the Strategic Road Network, National Highways consider that there would be no severe traffic impact upon the network.

○ *Assessment of Impact on the Local Highway Network*

6.3.24 As part of the TA, the impact of the development upon the junction capacity of individual identified junctions has been assessed and is set out below:

• Gallow Field Road / Foxtton Road

The results from the standalone junction capacity modelling indicate that the Gallow Field Road / Foxtton Road junction is forecast to operate within acceptable thresholds of capacity in all the assessment scenarios.

The Gallow Field Road / Foxtton Road junction is forecast to operate within acceptable thresholds of capacity. In addition:

- There have been zero PIAs recorded at this location within the latest five year period (2016 – 2020);
- There is an existing school safety zone in place which restricts vehicle speeds to 20mph during the AM and PM School Peaks; and
- The proposed development peak occurs outside of the network peak hour and the Foxtton Primary School operational hours.

Therefore, it is not considered that the additional vehicle trips at this location would require any mitigation as a result of the development proposals.

• B6047 Harborough Road / Leicester Lane / Gallow Field Road

The results from the standalone junction capacity modelling indicate that the B6047 Harborough Road / Leicester Lane / Gallow Field Road junction is forecast to operate within acceptable thresholds of capacity in all the assessment scenarios.

The B6047 Harborough Road / Leicester Lane / Gallow Field Road junction is forecast to operate within acceptable thresholds of capacity. During pre-application scoping discussions with LCC, the Highway Authority requested that Atkins give consideration of this junction as they have received feedback from local stakeholders regarding potential safety concerns at this location. Atkins obtained the latest PIA data for the B6047 Harborough Road / Leicester Lane/ Gallow Field Road junction from LCC. The PIA data confirms that there has only been one 'slight' PIA recorded at this location within the latest five year period (2016 – 2020). The severity and frequency of the PIAs at this location is not considered to be a significant highway safety concern. In addition, the proposed development peak occurs outside of the network peak at this location. The development proposals would generate an additional 69 vehicle trips during the AM network peak (a 5.1% increase) and an additional 57 vehicle trips during the PM network peak (a 4.1% increase) in the 2025 Opening Year with Development scenario. It is not considered that this would result in an unacceptable risk to the overall highway safety at this location.

• A4304 / Foxtton Road

The results from the standalone junction capacity modelling indicate that the A4304/ Foxtton Road junction is forecast to operate within acceptable thresholds of capacity in all the assessment scenarios.

6.3.25 The LHA have provided a substantive response to this application and a copy of their full comments is attached at **Appendix C** which have been accepted in informing the recommendation in this report. However, a summary of their comments is provided below.

6.3.26 To understand the impact of the proposed development on the public highway the Applicant has considered the baseline situation in 2021 and then the future scenario when the prison is due to open in 2025. To establish the baseline position the Applicant undertook several traffic surveys (classified turning counts and automatic traffic counters) in June 2021 at the following key locations in the vicinity of the proposed development:

1. B6047 Harborough Road / Leicester Lane / Gallow Field Road;
2. Gallow Field Road / Welland Avenue;
3. Gallow Field Road / Foxtan Road;
4. Foxtan Road / Welland Avenue;
5. A4304 / Foxtan Road;
6. Gallow Field Road;
7. Foxtan Road;
8. Welland Avenue (North); and
9. Welland Avenue (South).

Due to changes in traffic as a result of the Covid-19 pandemic the LHA advised the Applicant that traffic surveys conducted in June 2021 would need to have a factor applied to increase these flows to pre-pandemic levels. The Applicant has confirmed that "Covid factors" have been applied by the survey company prior to submission of the traffic flow data. The location of the traffic surveys can be seen at **Figure 45**.

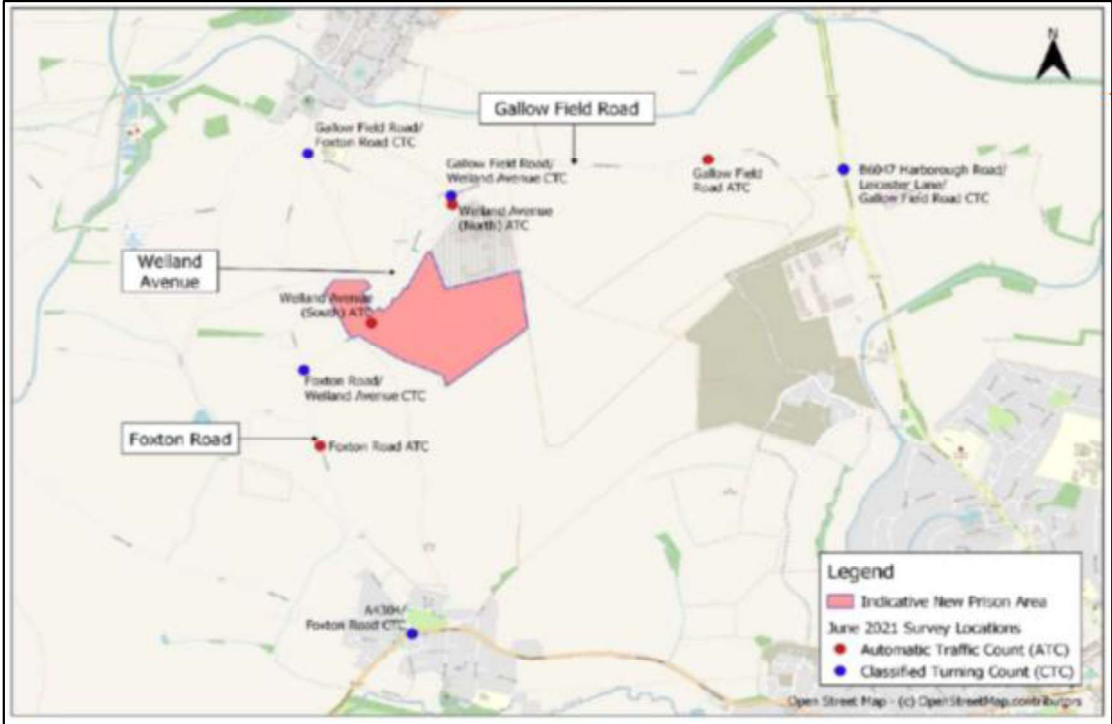


Figure 45: Traffic Survey Locations

6.3.27 The LHA has fully reviewed junction models and results of the junction capacity assessments and is satisfied that there are no capacity issues with any of the junctions that would justify a scheme of mitigation in accordance with the tests set out in the NPPF.

- 6.3.28 The Applicant has indicated that there will be 523 parking spaces which includes 16 accessible parking spaces, 53 electric vehicle charging spaces and 27 car sharing users. The LHA also welcome the Applicants intention to provide 51 cycle parking spaces as part of the proposed development. The LHA would advise the Applicant that the cycle parking should be secure and undercover. The LHA have no standards in the Leicestershire Highway Design Guide (LHDG) for prisons so the parking provision is based on end user requirements. Chapter 6 of the submitted TA provides further analysis and justification of the level of parking being provided. This assessment indicates that based on staff/visitor arrivals at the site and considering shift patterns and accumulation there will be a maximum of 506 vehicles on the site at any time. Notwithstanding the above, the planning application is in outline with all matters reserved except for means of access and scale, so the LHA will review the internal layout of the proposed development at the Reserved Matters stage in the event that planning permission is granted.
- 6.3.29 After a review of the TP the LHA have advised the LPA that the general principles of the TP are acceptable. The existing travel behaviours have been calculated from the 2011 Census data and not the existing prison staff and visitor travel patterns. The Applicant has confirmed to the LHA that this approach has been used primarily due to sensitivities/security issues around the origin/destination data for staff/visitors at the existing prison which is confidential. Based on the assessment, measures and targets included in the TP, and the fact the LHA has received clarification on the approach taken by the Applicant, the LHA is satisfied that this document can be secured by way of a planning condition (see **Appendix A – Condition 19**). To ensure the travel plan is monitored for a period of five years post occupation, the LHA will require a monitoring fee of £6,000 to be paid prior to first use of the development to be included in the Section 106 agreement.
- 6.3.30 The construction works are predicted to last 36 months and therefore the Applicant has submitted a draft Framework Construction Traffic Management Plan (FCTMP) which outlines the systems and procedures which will be put in place to manage these works. The LHA has now had the opportunity to review the FCTMP and offers comments on the highway elements of the plan below. The LHA considers the FCTMP to be acceptable, however the LHA would advise the Applicant to continue to monitor the content of the FCTMP and amend if required as any construction works progress.
- *Independent Reviews*
- 6.3.31 HDC have commissioned Systra to carry out a review of the Highways advice received from Leicestershire County Council. A summary of the review can be seen at in **Section 5** of this report with the report available to read at **Appendix D**. Furthermore, Lubenham and Foxton Parish Council's have commissioned Edwards & Edwards to carry out a high level review of the planning application, the Transport Assessment prepared by Atkins and their further Technical Note, the various Local Highway Authority responses and the Systra Highway Review. The review is available to read at **Appendix H**.
- 6.3.32 In the interest of transparency, HDC offered both the Applicant's technical advisors (Atkins) and LCC Highways the opportunity to review these reports. Atkins' response to the Systra Report can be seen at **Appendix E** this this report, whilst LCC Highways response to the Systra Report can be seen at **Appendix F** of this report. Due to the late stage at which the Edwards & Edwards report was received (24/03/22), any response from Atkins or LCC Highways will be reported via the Supplementary Information List.

6.3.33 Notwithstanding the advice contained within the Systra report which is contrary to the advice of the Highways Authority, the Systra review was commissioned by HDC, and therefore – by virtue of this fact – this report is a material consideration in the determination of the planning application. Additionally, the advice from LCC Highways – the relevant Highways Authority and guardian of the Highways Network in Leicestershire – is the advice of a Statutory Consultee. In this regard, Officers consider that more significant weight should be afforded to the advice received from the LHA than that of Systra, however, this is a factor that the decision-makers will need to form their own opinion on and give due weight to accordingly in the Planning Balance.

○ *Cumulative Highway Network Effects*

6.3.34 Due to the fact that the proposals do not constitute EIA development, there is no requirement for the application submission to include a formal cumulative impact assessment. Notwithstanding this, the cumulative impact of any committed development⁵⁷ sites in the vicinity of the proposed development have been accounted for within the TEMPro v7.2 modelling which has been carried out in support of the submitted TA. This includes the Airfield Farm Business Park development (21/00545/OUT) – which was considered and approved (subject to S106) by Planning Committee in February 2022 – due to the fact that this site is allocated in the Local plan, and therefore constitutes committed development.

○ *Summary*

6.3.35 The submitted TA has provided a summary of the relevant local and national transport policy context, and review of the existing transport conditions within the vicinity of the proposed development. Based on a prisoner to staff ration of 0.5, the proposed development will support up to 858 staff (uniformed and non-uniformed). It is proposed to take vehicular access via a new priority-controlled junction off Welland Avenue. The submitted report has demonstrated that the majority of trips forecast to be generated by the proposed development would be undertaken by car. It is forecast that the proposed development would generate up to 226 and 257 two-way car trips during the development AM and PM peak hours. The trip generation has been estimated using operational information about staff numbers and shift patterns and takes into account the current travel characteristics for the area. The estimated traffic flows for the AM and PM peak trip generation hours were distributed onto the local network based on 2011 census Journey to Work data and online journey planning software.

6.3.36 The traffic impact assessment has demonstrated that:

- The Proposed Site Access / Welland Avenue priority junction is forecast to operate within acceptable thresholds of capacity across all scenarios and time periods assessed.
- The Gallow Field Road / Foxton Road junction is forecast to operate within acceptable thresholds of capacity. In addition, there has been zero PIAs recorded at this location within the latest five-year period (2016 – 2020) and there is an existing school safety zone in place which restricts vehicle speeds to 20mph during the AM and PM School Peaks. In addition, the proposed development peak occurs outside of the network peak hour and the Foxton Primary School operational hours. Therefore, it is not considered that the additional vehicle trips at this location would require any mitigation as a result of the development proposals.
- The B6047 Harborough Road / Leicester Lane / Gallow Field Road junction is forecast to operate within acceptable thresholds of capacity. However, during

⁵⁷ Committed Development includes all existing development and land uses (including the Showground and its associated events), any partly completed developments, any consented but not yet built development and any development which is allocated in the Local Plan

pre-application scoping discussions with LCC, the highway authority identified a perceived highway safety issue at this location. Therefore, Atkins have obtained the latest PIA data for the B6047 Harborough Road / Leicester Lane/ Gallow Field Road junction from LCC. The PIA data demonstrates that there has been one 'slight' accident recorded at this location within the latest five-year period (2016 – 2020). The severity and frequency of the PIAs at this location is not considered to be a significant highway safety concern.

- 6.3.37 The submitted TA has assessed the impact of the proposed development on the local transport network. The evidence presented within the TA has demonstrated that safe and suitable access to the site can be achieved for all users, and that the predicted impacts from the development on the transport network can be mitigated. It is concluded that there would not be an unacceptable impact on highway safety, and that the residual cumulative impacts on the road network would not be severe.
- 6.3.38 The benefits of the improvements to the public rights of way is a material consideration in the determination of the application. Whilst it is acknowledged that the proposal will inevitably result in increased traffic flows, the increased traffic flows would not result in a significant impact upon the surrounding highway network. It is therefore considered that the proposals will have a minor negative impact upon the highway network and would therefore accord with Policies GD8, IN2 and L1 of the Harborough District Local Plan in this respect.

4. Landscape and Visual Impact

- 6.4.1 The application submission includes a Landscape and Visual Impact Appraisal (LVIA).
- 6.4.2 The LVIA confirms that the Site does not lie within any nationally designated landscapes (e.g. Area of Outstanding Natural Beauty or National Park).
- *Landscape Policy*
- 6.4.3 Policy GD5 of the Harborough District Local Plan states:
1. *Development should be located and designed in such a way that it is sensitive to its landscape setting and landscape character area and will be permitted where it:*
 - a. *respects and, where possible, enhances local landscape, the landscape setting of settlements, and settlement distinctiveness;*
 - b. *avoids the loss of, or substantial harm to, features of landscape importance;*
 - c. *safeguards important public views, skylines and landmarks; and*
 - d. *restores or provides equivalent mitigation for damaged features and/or landscapes that would be damaged or degraded as a result of the development.*

Other relevant Landscape Policy and Guidance is set out in **Section 5** of this report.

- *Landscape Character*
- 6.4.4 The ES highlights that the Site falls within the "Welland Valley" landscape character area as identified by the Council's Landscape Character Assessment (prepared by The Landscape Partnership (hereafter referred to as 'TLP'), 2007) (see **Figures 46 and 47**).
- 6.4.5 The Welland Valley character area, is well defined in terms of topography and location, but has a number of landscape characteristics similar to the other character areas, particularly in and around the environs of Kibworth, in the centre of the District. The character area follows the wide shallow valley of the River Welland, which flows from west to east through Market Harborough. The River Welland itself forms the boundary between Leicestershire and Northamptonshire.

- 6.4.6 The area is mainly a mix of medium sized agricultural fields enclosed by mixed hedgerows with some evidence of hedgerow removal. There is little established woodland with most mature planting following the water courses. The area has extensive views across the valley but is enclosed by ridges of higher land from the adjoining character areas particularly to the north.
- 6.4.7 The topography of the Welland Valley is that of a wide flat river valley with sloping, shallow valley sides that stretch to the steeper ridges to the north which form the boundaries to adjacent character areas; High Leicestershire and the Laughton Hills. The character area covers the central valley to either side of the River Welland and runs to the base of slope of the ridges, at approximately 70 m AOD.

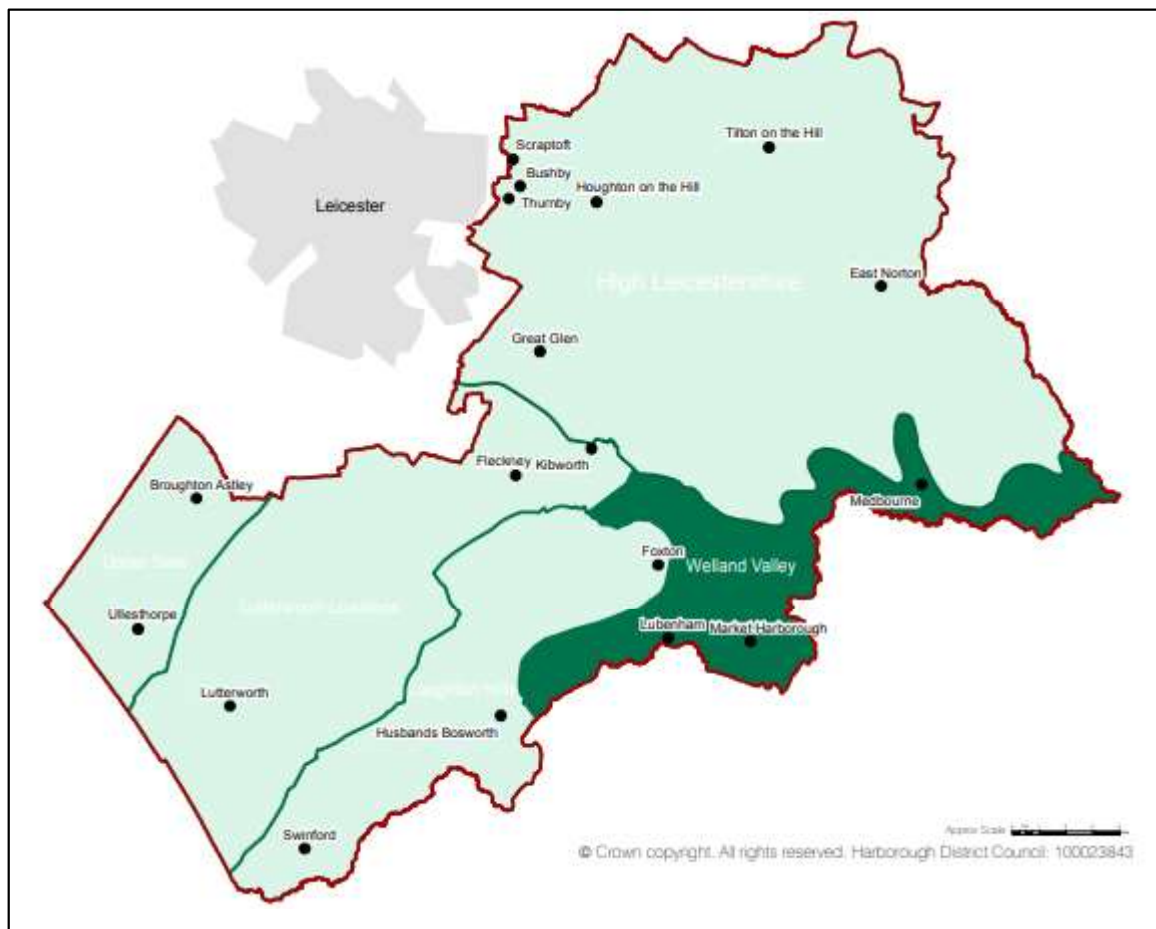


Figure 46: Landscape Character Assessment Map (District Wide)

- 6.4.8 The Welland Valley has little in the way of established woodland; the majority of mature vegetation is concentrated around the watercourses and disused rail line in the form of scattered copses of trees. Common species of trees in the area are ash, oak and field maple with some willows that follow the path of the River Welland in small cluster groups towards the east. The mature hedgerows in the area mainly consist of hawthorn with some field maple and dog rose. There is evidence of hedgerow removal to create larger sized fields to allow modern arable farming practices
- 6.4.9 The River Welland is known to support a range of bird species, small mammals and amphibians have been found in adjacent areas. White-clawed crayfish, water vole, reptiles and otters may also be present. Other protected/ notable fauna that may be present in this area include badger, bats, amphibians, reptiles and nesting birds

(including ground nesting bird species such as skylark and grey partridge in areas of arable land), brown hares may also be present in the arable fields.

6.4.10 The large floodplain of the Welland Valley supports arable farming and grazing. The techniques used in modern farming have led to the creation of larger fields and the loss of hedgerows. Market Harborough is the largest town within the Welland Valley; Lubenham to the south west and Great Bowden to the north east are other main settlements, within this character area.

6.4.11 The town of Market Harborough dominates the Welland Valley as a centre for both population and employment for the District. As a traditional market town it retains many of its historic buildings and features in its centre which have become mixed with some newer shopping developments such as St Mary's Place. The outskirts of Market Harborough have given way to newer predominantly residential, office and retail developments. Several major roads lead out of Market Harborough and through the Welland Valley including the B6047 to the north, A4304 towards Lutterworth and the A508 into Northamptonshire. The A6 provides an important road connection to Leicester to the north, and Kettering to the south east, Market Harborough is served by a mainline railway station

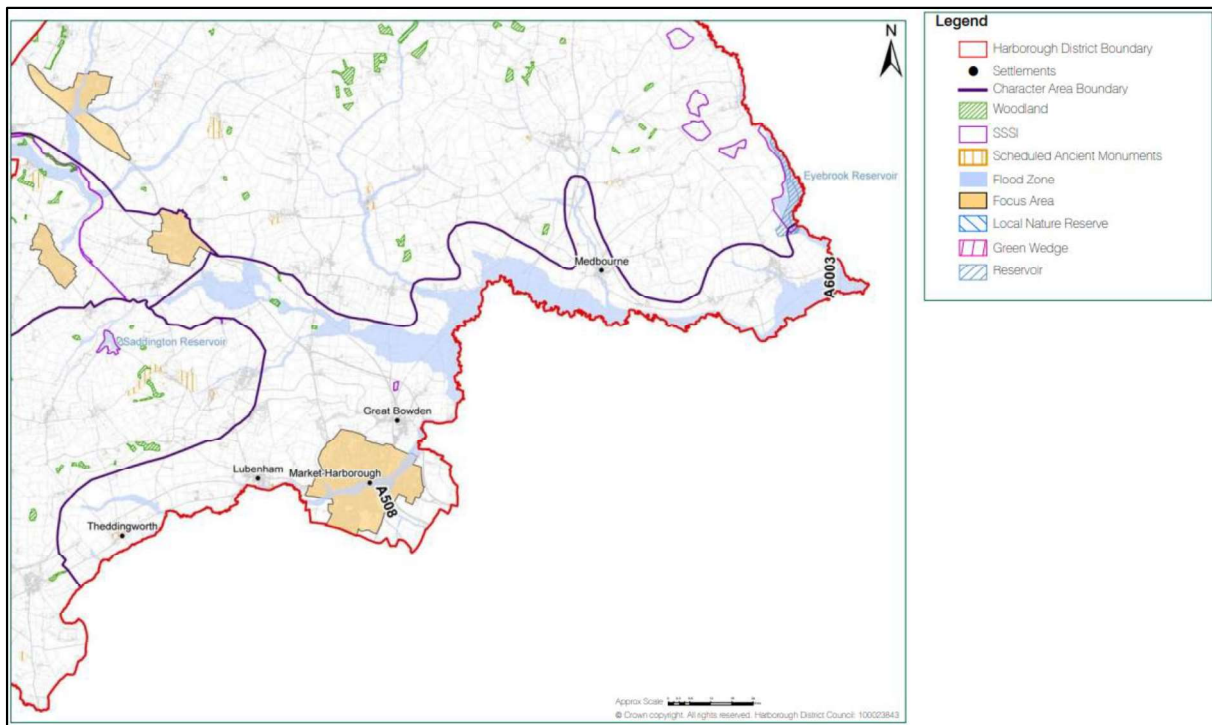


Figure 47: Landscape Character Assessment Map (Welland Valley)

6.4.12 The key characteristics of the Welland Valley LLCA are:

- Gently meandering river in wide and shallow valley
- Little tree cover
- Pasture on the floodplains
- Arable farming on the valley sides
- Market Harborough, operating as a traditional market town, is the dominant urban influence

6.4.13 The Key Issues in the Welland Valley were identified as being:

- The relatively flat and open landscape is vulnerable to adverse visual and landscape impacts of development.

- The immediate landscape setting to Market Harborough is very vulnerable to inappropriately sited development, both in the valley base to the east, above the ridgeline to the north and adjacent to enclosing landscape features to the west and south. It is important that care is taken to prevent further new development that impacts on the ridgeline and valley base, as well as views from the wider landscape setting of Market Harborough.
- The generalised lack of woodland cover across the landscape character area means that new development must be well mitigated to minimise impacts. Opportunities for new woodland screen planting should be encouraged alongside any new development proposals

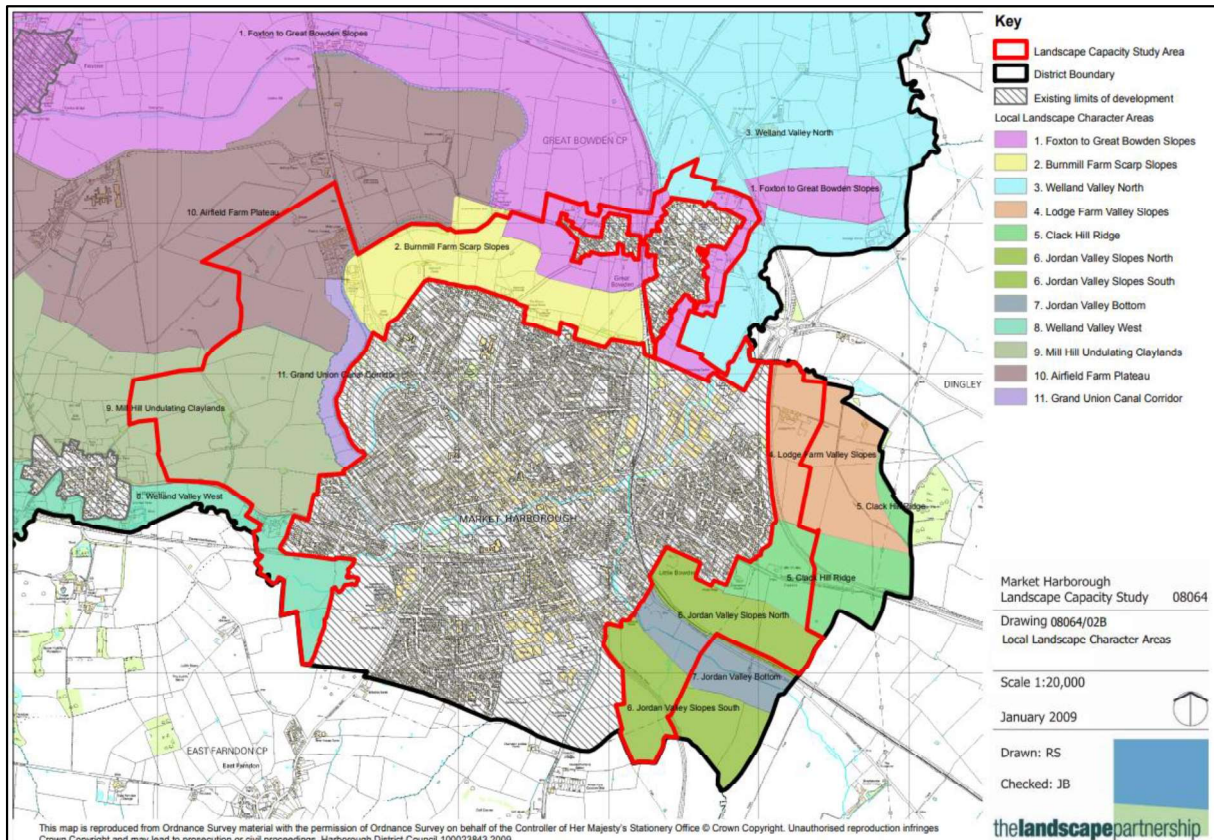


Figure 48: Market Harborough Local Landscape Character Areas

6.4.14 The 2009 Market Harborough Landscape Character Assessment and Landscape Capacity Study looked at the area in more detail. As part of this assessment, it was considered that the area within which the application site falls should be classed as the Airfield farm Plateau character area (see **Figure 48**). Within this it is stated that key characteristics of the area include:

- Large scale open plateau
 - Large arable fields with very few field boundaries
 - Site of former airfield
 - Intrusion of built development into rural landscape, particularly around Airfield Farm, HMP Gartree and White Lodge, including, poultry sheds, clay pigeon shooting, off-road track and caravan park
 - Extensive views towards area e.g. views of prison
- and that the distinctive features of the area are:
- HMP Gartree
 - Poultry sheds

Since 2009, due to development in the area, it is now considered that the distinctive features of the area are

- HMP Gartree
- Airfield Farm business park
- North West Market Harborough Strategic Distribution Area
- Sporadic agricultural style buildings

○ *Landscape Sensitivity*

6.4.15 With respect to the sensitivity of the landscape to accommodate development, the 2009 LCA states that the Airfield Farm Plateau area (see **Figure 49**) has a Moderate to Low sensitivity to development.

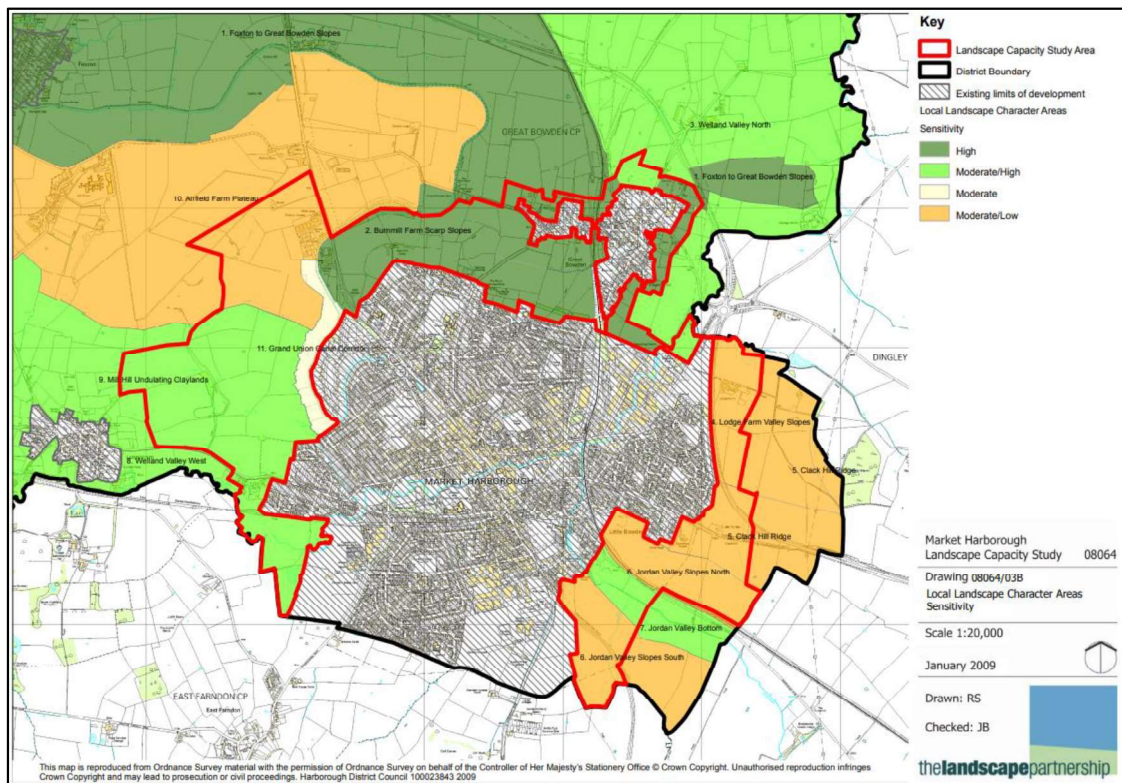


Figure 49: Market Harborough 2009 Land Parcel Capacity Assessments

○ *Landscape Susceptibility*

6.4.16 Landscape susceptibility is the ability of a landscape to accommodate change without undue consequences for the maintenance of the baseline situation. Different types of development can affect landscapes in different ways and consequently landscape susceptibility is specific to the type of development proposed (in this case, a new prison development).

6.4.17 Landscape susceptibility considers three broad elements to assess, both at LCA level and Local LCA level. The LVIA submitted in support of the application sets out a commentary against each of these criteria as set out in **Figures 50 and 51**.

Considerations	Welland Valley LCA
Scale of enclosure	There are mixed levels of enclosure across the LCA. The published landscape assessment notes the 'open landscape' due to a lack of tree cover/woodland, which is evident across the former airfield landscape. However, the ridge and valley landform and mature vegetation on valley slopes, including to the north of Lubenham, results in localised enclosure. Mature vegetation also runs alongside the majority of the Grand Union Canal which contributes to localised enclosure.
Nature of land use	The published landscape assessment states that there is a mix of pasture on the floodplains and arable farming on the valley sides. Existing development exists through the LCA, including the emerging edge of Market Harborough and settlement of Lubenham. The complex of HMP Gartree provides existing reference to the type of development proposed.
Nature of existing elements and features	The LCA contains some positive attributes in terms of open agricultural field enclosures with boundary vegetation that is easily replaced. HMP Gartree, located on the ridgeline, is a detracting feature in the landscape.

Figure 50: Welland Valley LCA Assessment

Considerations	LCA 10: Airfield Farmland Plateau
Scale of enclosure	Due to the large scale, open field pattern of Local LCA 10 and its previous land use as an airfield, the landscape is relatively exposed. There are no notable woodland blocks, and hedgerow boundaries are varied. There are some small copses within field enclosures and vegetation increase to the south of the LCA, which combined with the rising land associated with the Mill Hill undulating Claylands, helps provide some containment in this location.
Nature of land use	Land use across the LCA is predominantly arable with some smaller pockets of grazing pasture, punctuated by the existing and emerging settlement edge of Market Harborough and HMP Gartree, which provides extensive reference to the type of development proposed.
Nature of existing elements and features	The LCA contains some positive attributes in terms of the open rural farmland however, HMP Gartree and Airfield Business Park are detracting features in the landscape.

Figure 51: Airfield Farmland plateau LCA Assessment

6.4.18 The published landscape assessment determines the Welland Valley LCA as having a 'medium' landscape capacity for development. On balance, it is considered that in the context of the site and wider study area, Welland Valley LCA is of medium susceptibility in landscape terms. On balance, it is considered that in the context of the site and wider study area, Local LCA 10 is of low to medium susceptibility in landscape terms.

Considerations	Site and local landscape context
Scale of enclosure	The site is topographically lower than HMP Gartree to the north and beyond it a local ridgeline rises to ca. 130m AOD to the north-west, providing some containment from the wider landscape to the west and north. Vegetation to the north of Welland Avenue also serves to provide some localised enclosure. However, to the south-east and east, boundary vegetation is limited and as a result these areas of the site are more exposed. Further south, the rising topography of Mill Hill serves to provide some enclosure.
Nature of land use	Land use across the site itself is broadly agricultural with some reference to the areas previous use as an airfield. The site is dominated by the built form and infrastructure of HMP Gartree and as such there is extensive reference to the type of development proposed. Other urban/urban fringe land uses in the local area include the small residential area directly north-west of the site and Airfield Business Park to the east.
Nature of existing elements and features	Existing features on the site are limited to a stand of poplars along part of the eastern boundary and a group of crack willows in the centre of the site. Elements such as hedgerows are limited and to the south-east and east. In the immediate context to the north features include several institutional buildings, including the large-scale houseblocks of HMP Gartree.

Figure 52: LCA Assessment of application site

6.4.19 The LVIA then goes on to provide an assessment of the susceptibility of the site itself and its local context (as set out in **Figure 52**), and conclude that, on balance, it is considered that the site and its local landscape context, is of low to medium susceptibility in landscape terms. Officers have no reason to contest this, and – having

used the methodology within the LCA to assess Landscape Capacity – have concluded that the site has a Medium – High Landscape Capacity which would support the LVIA's assessment that the site has a low to medium susceptibility in landscape terms.

○ *Landscape and Visual Impact*

6.4.20 A Landscape and Visual Impact Assessment (LVIA) formed part of the application submission. The LVIA includes a methodology section, a description of the baseline, definitions for sensitivity, magnitude and then makes judgements of significance for impacts on both landscape and visual receptors arising from the proposals. It also includes measures to assess the nature of the effects i.e. whether they are positive or adverse.

○ *Assessment of Landscape Effects*

6.4.21 At a local level, the site lies within the 'Welland Valley' district landscape character area and the sub character area of 'Airfield Farm Plateau', characteristics of which are demonstrated across the site and the local landscape.

6.4.22 Across the site there will be direct impacts on the landform. These will be generated by the cut and fill operations associated with the formation of a series of practical, working areas for construction. Additional impacts will occur as a result of earthworks required for the implementation of the drainage strategy, which will include some excavations associated with diverting the existing drainage on site.

6.4.23 There will be a comprehensive change to the land use of the site. The existing field enclosures will be altered on a permanent basis. Although a large proportion of the site will become new prison buildings and infrastructure, there will also be a network of green infrastructure, including new structural planting and ecological enhancement features (refer to Appendix B: Comprehensive Landscape Masterplan, Pick Everard). In the context of the wider landscape, the current grassland field enclosures present on site are also represented in areas across the wider landscape, and therefore loss of this land use will be minimal in the wider context.

6.4.24 In the context of the site and the wider landscape, impacts on vegetation will include the removal of some trees and other vegetation. These losses will be balanced through a programme of replanting as part of the landscape strategy. Suitable native species that reflect local character will be utilised.

6.4.25 In summary, the direct changes will be restricted to the site itself. These will include:

- The removal of existing vegetation to allow for the construction of the new prison and associated access and car parking, balanced by the introduction of new planting and the retention of existing trees and hedgerows where possible.
- The introduction of new built prison infrastructure, including 7 no. four storey house blocks, an entrance hub, a central services hub, a workshop, kitchen and other support buildings.
- New areas of open space, including a sports pitch, horticultural area and new landscape planting.
- The diversion of the existing drainage ditch.

6.4.26 Overall, the physical landscape impacts are considered to be direct, there will be no additional direct impacts on the wider landscape context. The physical changes to the landscape elements and features described above give rise to changes in the perceived character of the landscape.

6.4.27 In terms of the Welland Valley LCA, the site forms a very small area of land within the context of the wider LCA, which extends across the agricultural landscape to the north

and south-west and also east to encompass Market Harborough. Furthermore, this part of the LCA is already influenced by the type of development proposed, as the site is located directly adjacent to the existing HMP Gartree. Overall, the magnitude of impact to the LCA will be **low**. Assessed alongside the medium sensitivity, this will result in a **minor adverse** effect upon the character of the Welland Valley LCA.

- 6.4.28 In terms of the Airfield Farm Plateau Local LCA, the site forms a small area of land within the western part of the Local LCA, which extends further east across the former airfield landscape to the Grand Union Canal and emerging built form on the north-western edge of Market Harborough. Furthermore, the Local LCA is already influenced by the type of development proposed, as HMP Gartree is located immediately to the north of the site.
- 6.4.29 The published Landscape Character Assessment states that HMP Gartree is a 'distinctive feature' within the Local LCA which represents an 'intrusion' into the rural landscape and there are 'extensive' views of the prison. The proposed development represents a significant extension of prison infrastructure to the south of HMP Gartree, which will be filtered visually by proposed landscape planting along its eastern and southern site boundaries and existing landscape along its western boundary, and will be obscured from views from the north by the existing Prison. This will influence the landscape at a local scale. Therefore, the size and scale of change is considered to be **moderate**. Overall, the magnitude of impact to the LCA will be **medium**. Assessed alongside the low to medium sensitivity, this will result in a **minor to moderate** adverse effect.
- 6.4.30 In terms of the site itself, the setting of the site within an area characterised by an existing prison which contains large-scale houseblocks similar to that proposed, and other nearby urbanising elements including the emerging extension on the north-western edge of Market Harborough, has an influence on the landscape's capacity to accommodate this type of development. One of the largest impacts will be related to the change in land use from existing field enclosures to an area of new prison development. In addition, large scale new built form will be visible along the ridgeline that the site and HMP Gartree are located upon, which forms the skyline from the lower lying landscape to the north and south. This will result in a large scale of change in terms of aesthetic of perceptual aspects at a local level, albeit this change will be somewhat reduced by proposed landscape planting along the eastern and southern site boundaries
- 6.4.31 On balance, the magnitude of impact on the landscape character of the site and its immediate context will be **high**. Assessed alongside the low to medium sensitivity of the site and its local landscape context, this will result in a **moderate adverse** effect. This would be significant locally, however, the magnitude of harm would reduce over time as the landscape mitigation works establish. On the basis of this, it is considered that the proposal accords with Policy GD5.
- *Assessment of Visual Effects*
- 6.4.32 The LVIA has assessed the effect on views within the area through the use of 16 viewpoints (see **Figure 53**) including along rights of way and roads and from locations within the visual influence of the application site. The range of viewpoints was discussed and agreed between the applicant and HDC Officers in advance of the application being submitted. The images and locations provide a comprehensive range of viewpoints to illustrate an appreciation of the main features of the site. Images are all taken in the winter months when the lack of foliage on trees allows more extensive and unrestricted views.

6.4.33 The local PROW network in the vicinity of the site and in the wider landscape is relatively extensive and includes public footpaths that pass directly adjacent or close to the site and HMP Gartree. The site is well contained at a local level from the north by the existing built form of HMP Gartree and from the wider landscape by combinations of landform and intervening vegetation.

6.4.34 Views from the PROW network towards the site are available from the local PROW network to the east, west and south at a similar topographical level as the site as can be seen in Viewpoints 1 and 9 (see **Figures 45 and 53**). These views are often open where field boundary vegetation is limited but also include the context of HMP Gartree. Further south, views are screened by the localised high point at Mill Hill on the southern edge of the ridgeline north of Lubenham as can be seen in viewpoint 8 (see **Figure 49**). More distant, filtered views are gained as the landscape rises south of Lubenham, including near to the 'Judith Stone', and even further north of the village of East Farndon as demonstrated in Viewpoint 16 (see **Figure 51**).

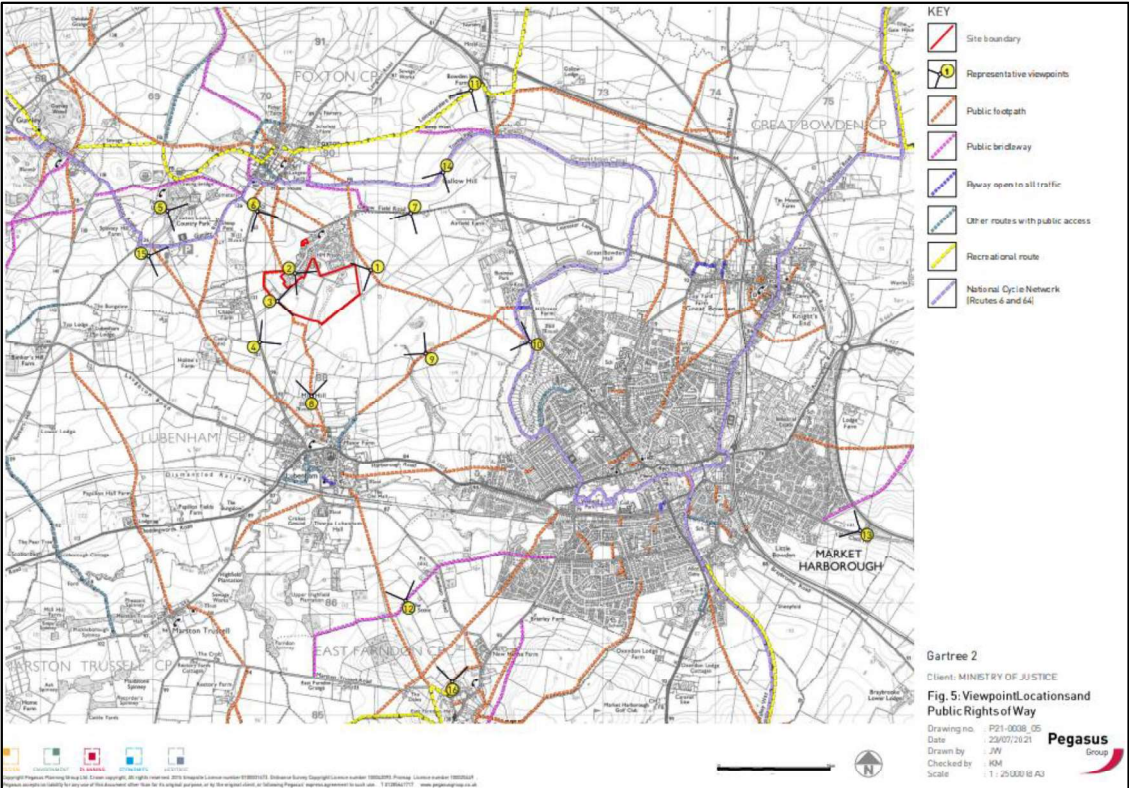


Figure 53: Photo Viewpoint Location Plan

6.4.35 Over time, the proposed landscape mitigation strategy, which comprises a woodland tree planting 'buffer' along the southern and eastern extent of the site, will become more established and further screen views of the proposed prison infrastructure. This is demonstrated through **Figures 54 – 57**).

6.4.36 Views from occupiers of residential properties close to the site include those from Welland Avenue to the north-west. Impacts on receptors on or close to the boundary of the site are to be expected as part of the development of any greenfield location. There will also be views of the proposed development from the emerging settlement edge of Market Harborough to the south-east (see **Figure 53**).