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**Our Ref**

29<sup>th</sup> March 2022

Dear Mark,

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

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

**Conflict with the Development Plan**

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

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

***Harborough Local Plan***

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

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

***Lubenham Neighbourhood Development Plan***

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

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

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

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

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

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

### **Highways Impact**

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

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

### **Site Selection Process**

The site selection process is addressed in Sections 7.29 -7:38 of the Planning Statement (pages 28 and 29). In this section it clearly states that whilst MoJ land was considered, an extensive site search of non MoJ owned land was also conducted by Cushman & Wakefield informed by a requirement circulated to over 600 agents, a desktop search over multiple online databases and contact with commercial property agents to identify potential options. This section of the Planning Statement also clearly delineates the site criteria for the new prisons. The selection of the site adjacent to HMP Gartree was therefore the subject of careful and considered analysis.

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

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

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

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

### **Perceptions of Safety**

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

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

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

### **Enhancement Measures**

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

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

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

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

Lubenham Village: £375K-£500K

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

Foxton Village: £375K - £500k

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

Public Transport Contribution: £500K

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

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

## Public Opinion

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

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


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

## Conclusions

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

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

Yours sincerely

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

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