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Our Ref

21st December 2021

Dear Mark,

**Land to the South of HMP Gartree – Outline Planning Application for a New Cat B Prison Gartree 2.
Reference: 21/01600/OUT
Lubenham Parish Council Consultation Response**

I write in respect of the consultation response provided by Lubenham Parish Council in respect of the above planning application. I would be grateful if you could forward a copy of this response to the clerk of Lubenham Parish Council.

I have also attached (for reference) a copy of a letter sent to the Gartree residents by MoJ advising that the planning application for the new houseblock at Gartree was to be submitted shortly.

For ease of reference this response follows the same structure as the consultation response.

Development Plan Policies

The planning application would be determined in accordance with the Development Plan which for this site is the Harborough Local Plan 2011-2031(adopted April 2019) and the Lubenham Neighbourhood Development Plan 2016 – 2031 (adopted March 2017). The purpose of the Development Plan is to provide a forecast for growth and a framework of policies to assess development proposals. The development has been assessed against the relevant development plan policies, details of this assessment are included within the Planning Statement submitted with the planning application.

The consultation response references some Harborough Local Plan Policies, namely Policy GD3 and BE1. The application site's compatibility with Policy GD3 is assessed in the Planning Statement submitted with the planning application.

In respect of Local Plan Policy BE1 it is always the case that some sites will come forward for development which are not allocated within a Local Plan. Where this is the case the planning officer must consider the 'planning balance' or case for the development. The planning balance is provided within Section 8 of the Planning Statement submitted with the planning application.

The response also references a number of Lubenham Neighbourhood Plan policies. As stated, the relevant development plan policies have been assessed as part of the Planning Statement submitted with the application.

Additional Matters

- **Insufficient Electricity Charging Points for Vehicles** – Leicestershire County Council (LCC) has assessed the plans for EVA charging points and has found them to be acceptable.
- **Recruitment of prison officers in respect of the location of the new prison** – this has been assessed by MoJ as part of their site search analysis. Details of the rationale and justification for this site are provided at Section 7 of the Planning Statement submitted with the application.
- **Evidence that this is the most appropriate site for the prison** – is provided at Section 7 of the Planning Statement (see above).
- **Potential for flood risk** – the risk of flooding will be minimised as part of this development. The site lies within Flood Zone 1 (an area of low flood risk). A surface water drainage strategy and foul water strategy have been submitted as part of the development proposals.
- **Use of an alternative access road:** The Parish Council suggest the use of an alternative access route. To be clear the proposed access to the new prison is from Welland Avenue (the non-residential section) via Foxton Road.

Developer Contributions

This section of the consultation response included suggestions for contributions to highway improvements and services. To be clear, in order to seek a developer contribution the Council must first assess it to consider whether it meets the tests identified at paragraph 57 of the National Planning Policy Framework (NPPF) i.e. that it is:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

LCC has confirmed (via their written consultation response dated 1st November 2021) that no off site highway improvements are required as part of the planning application, save for an off-site contribution to improve Footpath A22 outside of the proposed development between Gallow Field Road and Swingbridge Street Foxton, which will improve the route to Foxton School. 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.

The key concerns raised by Lubenham Parish Council are addressed below:

1. Flooding

Flood risk matters have been discussed with the Lead Local Flood Authority (LLFA). The development has been carefully designed to seek to minimise the risk of flooding elsewhere (including Lubenham). A Flood Risk Assessment, Surface Water Drainage Strategy and Foul Water Drainage Strategy has been submitted as part of the planning application.

2. Drainage and Flooding

The MoJ's project team is currently in discussions with Anglian Water about improvements to the facility at Lubenham. In addition to this a pumping station is proposed at the new prison site which will ensure that flow to the treatment centre is controlled.

3. Roads and Traffic

Highways matters have been discussed with LCC. The formal consultation response from LCC confirms that the Council is content with the proposed development (subject to planning conditions referenced within the consultation response).

- The cumulative impact of the development proposals was scoped with HDC and LCC as part of the scoping exercise for the Transport Assessment. MoJ is therefore confident that the proposals take into account the highways impacts of committed developments identified by HDC and LCC as part of the scoping process.
- The potential impact of the proposals on Foxton School has been the subject of discussions with LCC. The Highways Assessment submitted with the application included further survey work to assess this. LCC accepted this survey work.

4. Biodiversity

The proposed new prison will deliver a 26.29% net gain in habitat units, and 25.26% net gain in hedgerow units. The Biodiversity Net Gain Assessment has been submitted to the County Ecologist and accepted by her. The ecology consultation response states that the County Ecologist is content with the mitigation proposals proposed as part of the new development. Natural England has been consulted and had no comments on the application.

5. Health Facilities particularly A&E

The new prison would be largely self-sufficient with in-house medical facilities. However, as stated, there will (on occasion) be a requirement for prisoners to attend A&E. The MoJ is in discussions with all local blue light services (including medical providers) these discussions will continue into the detailed design stage.

6. Carbon Neutral Considerations

An Energy and Sustainability Statement has been submitted with the planning application together with a BREEAM pre assessment. The proposals are on track to meet BREEAM Excellent.

7. Light Pollution

The impact of light pollution is assessed as part of the Lighting Report and plans and the Landscape Visual Impact Assessment (LVIA) submitted with the planning application. The impact is not anticipated to be significant.

8. High Pressure Gas Main

The proximity of the high pressure gas main to the proposed development has been assessed. To be clear, the gas main is not part of the development site. The assessment has concluded that the gas main has a sufficient stand-off distance to the application site. The Health and Safety Executive has been consulted on the application and had no comments on this.

9. Gartree Estate Specific Issues

- **Amenity of residents of the Gartree Estate** – the proposals have been carefully designed to minimise the impact on amenity of the Gartree Estate residents as well as the wider area.

- **Welland Avenue** - MoJ own the non-residential part of Welland Avenue i.e. from the junction with Foxton Road to the first house. The residents of the Gartree Estate own the residential part of Welland Avenue. Traffic Calming is proposed on the part of Welland Avenue that MoJ owns to dissuade traffic from using the residential section of Welland Avenue.
- **Parking** – sufficient parking will be provided within the new site boundary to ensure delivery vehicles do not need to park on the access road.
- **Bus Stop** – discussions are ongoing with the bus operator to determine whether they would be open to relocating the bus stop to a more centrally located place.
- **Overlooking** – the nearest proposed houseblock will be over 100 metres away from the nearest house on the Gartree Estate. Therefore, it is unlikely that residents will have issues with overlooking.

I trust the above is helpful, however, should you have any questions or require any further information please don't hesitate to contact me.

Yours sincerely

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

Katharine Morgan MRTPI
Associate, Development and Planning