

Ref: GA/AM/02122/L0001am

22nd March 2022

Mr Mark Patterson
Harborough District Council
The Symington Building
Adam and Eve Street
Market Harborough
Leicestershire, LE16 7AG

Dear Mark

Response to Application Reference 21/01600/OUT on behalf of:

- 1. Lubenham Parish Council**
- 2. Foxton Parish Council**
- 3. East Farndon Parish Council**
- 4. Great Bowden Parish Council**
- 5. Gumley Parish Meeting**
- 6. Laughton Parish Meeting**
- 7. Gartree Action Group**

Re outline planning application (all matters reserved except means of access and scale) for the construction of a new Category B prison up to 82,555sqm within a secure perimeter fence, together with access, parking, landscaping and associated engineering works on land adjacent to HM Prison, Welland Avenue, Gartree

Following your recent conversation with my colleague Alex Munro I write to you on behalf of my joint clients who wish to **OBJECT** to the current prison proposals in the strongest possible terms.

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.

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.

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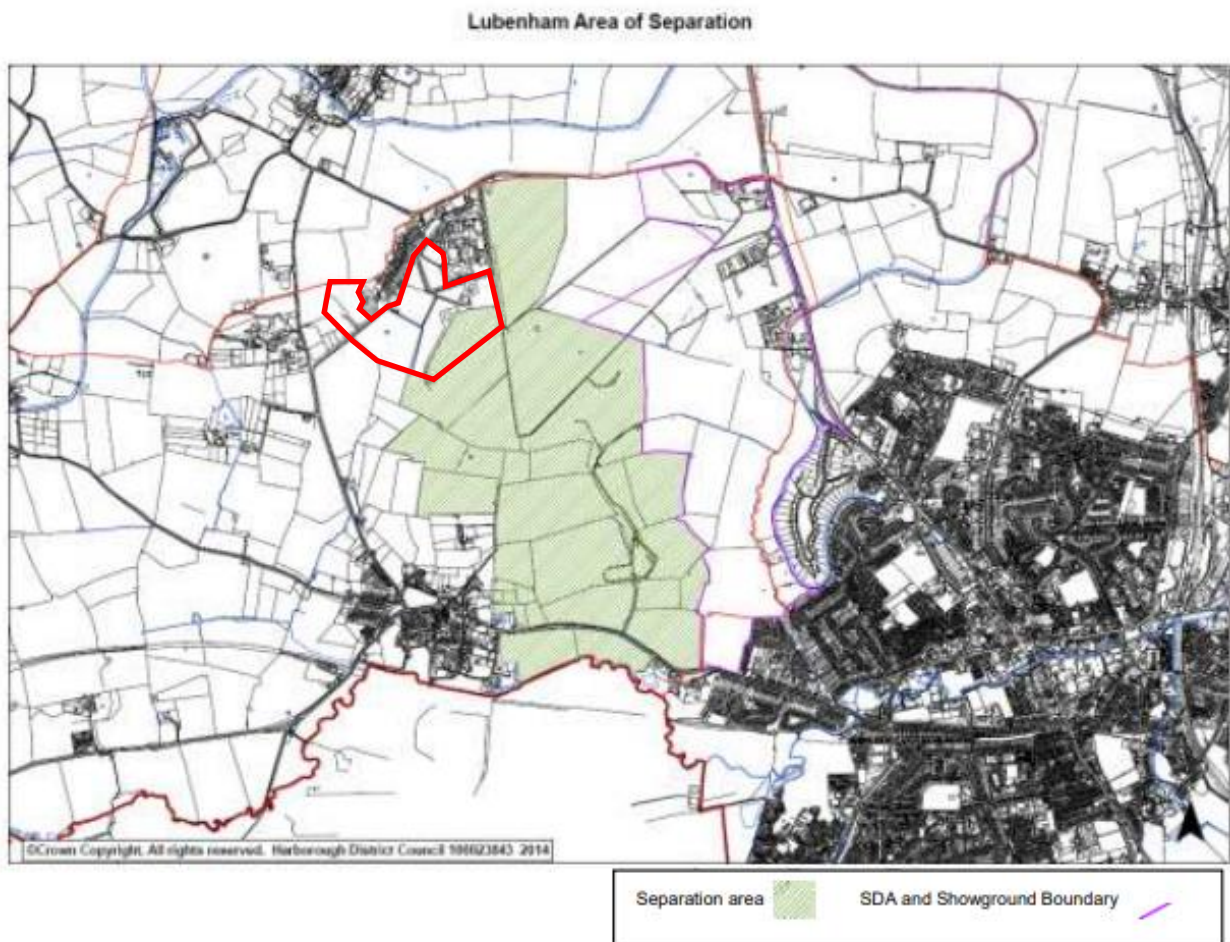
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Conflict with the development plan

As a start point, and most fundamentally, the application proposals are in clear conflict with the development plan which for this site comprises the Harborough Local Plan 2011-2031 (adopted April 2019) and the Lubenham Neighbourhood Plan (adopted May 2017). It is clear from reading the Planning Statement accompanying the application, prepared by Cushman and Wakefield, that this conflict is significantly downplayed.

It firstly lies outside any built-up area boundary identified in the Local Plan and therefore is at odds with **Policy GD3** 'Development in the countryside' which, whilst providing a lengthy list of exceptions of development types that may be appropriate in locations outside settlement boundaries, does not cover the proposed end use. Indeed, its catch-all criteria covering "*other uses*" (criteria I) only presents an exception if they both "*justify*" and "*are compatible with*" a countryside location. As will be explored throughout this letter a significant infrastructure proposal of this type passes neither of these tests.

Then, of particular concern to our clients, it lies in the 'Lubenham and Gartree Area of Separation' which was included as a new policy protection for the countryside between the two villages and Market Harborough in the Lubenham Neighbourhood Plan. The location of the application site and its contravention of this gap is shown below:



Corresponding **Policy LNP01** cites its intent to use the area of separation to preserve the "*distinctive character and separate identities of Lubenham and Gartree*" and does not envisage the erosion of the gap with a substantial proposal of the type offered by the current application. However, what is clearly demonstrated by the plan extract included above is that the proposal will more than double the build extent of the village of Gartree. This will result in a radical change to the character of the village whilst drawing the extent of built form almost half a kilometre

closer to Lubenham to the south, a village which currently only lies 1.3km from the current southern extent of the prison grounds.

This magnitude of change and erosion of the gap fundamentally conflicts with the intentions of **Policy LNP01** which seeks to ensure that development neither diminishes the physical or visual separation between settlements or compromises the effectiveness of the gap. On this basis the proposal is undeniably harmful and in contravention with both the intent and the wording of this policy.

Highways impact

What is then the most significant concern of most respondents to this application, and central to our clients' objection, is the highways impact of the proposal. We have fully reviewed the various submissions dealing with this matter and it is clear to us that at best there is significant confusion and disagreement between Harborough Council officers and Leicestershire County Council (LCC) in respect of likely impact. In reality it must be concluded that the applicant has failed to demonstrate that there will not be a significant and harmful effect on the local highways network, particularly on a cumulative basis, which should result in the refusal of this application under the terms of paragraph 111 of the National Planning Policy Framework (NPPF).

The assessment of the highways impact of the proposal to date presents a muddled and often contradictory picture. The initial response from LCC presented no objection. Clearly officers distrusted this advice and an independent review of both the Transport Assessment and LCC advice was commissioned, undertaken by Systra. This study found two clear deficiencies in the assessment:

- Firstly, the Systra review concluded that the B6047 Harborough Road / Leicester Lane / Gallow Field Road junction will be over capacity if both 21/01600/OUT (this application) and 21/00545/OUT, for a business park at Airfield Farm, are approved. You will of course be aware that the business park application received a resolution to grant permission at the council's Planning Committee on 15th February 2022 which, allied with the allocation, represents a firm and indeed vital commitment as the proposal seeks to deliver one of the council's key employment sites on the edge of Harborough subject of **Policy MH4** 'Land at Airfield Farm'. As such it must be treated in any assessment of highways impact as a site which has a clear presumption towards its delivery and will come forward.

The findings of the Systra report therefore present a dilemma to officers, that the approval of the current prison application may in fact place the delivery of a prominent employment site which forms a key component of both the local plan's economic strategy as well as an integral element of the proposals to grow Market Harborough itself at risk. The ability of the proposal to compromise the delivery of a recent adopted local plan, and its employment strategy, represents a material consideration of significant weight which must be weighed against the proposal in the overall planning balance.

- Secondly, the Systra review concludes that the expected traffic flow levels along the A4304 would suggest the existing pedestrian refuge crossing in Lubenham is insufficient provision for the increase in movement. Insufficient consideration has therefore been given to pedestrian safety in the highway and with no mitigation of this effect currently offered it is clear that this presents clear grounds to refuse the proposal under the guidance of paragraph 111.

We note that the applicant was then quick to respond to the findings of the Systra report with the issue of its own review (a review of the review) by its highway consultant Atkins. This seeks to refute the conclusion that the highway network has insufficient capacity and makes a vague offer of mitigation in respect of pedestrian safety. LCC has since issued its own support for Atkins position whilst criticising the independent Systra analysis. This was submitted to officers on 11th March 2022.

This redoubling of LCC's own position in the face of the Systra criticism results in a position where Harborough's own officers are essentially at odds with the Highway Authority. What is telling, however, is that the current position of the council is based on an entirely independent review of the Transport Assessment, undertaken by Systra. We can confirm that our clients are in the process of securing additional professional highways advice which will be made available to officers and members prior to the earliest likely committee date of 5th April 2022.

Modelling aside – what appears entirely clear to us and is at the heart of the objections from the long list of residents and interested parties, is that the fundamental intention of this application is to deliver a substantial infrastructure project in the heart of Harborough's open countryside and at a location poorly served by a largely rural highway network. Common sense alone would dictate that this is not an appropriate location for a development which will generate 778 new job positions, not to mention additional deliveries, visitors, prisoner transit, and the additional traffic flow that goes with this.

Site selection process

It is understood that the proposed provision of a new prison at Gartree comprises part of the Ministry of Justice's (MoJ) 'Four New Prisons' programme which seeks to meet both a regional but also nationwide need for new prison spaces. As part of this programme two new prisons are sought in the north and two in the south. Notably none are sought in the Midlands, where it could reasonably be described the application site lies.

Accordingly, the search for sites has been conducted on a national basis. On the selection criteria the Planning Statement confirms that *"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"*. This was one of the leading criteria that dictated the location of the new prisons. This, however, has likely skewed the site search and resulted in the identification of proposed locations that are less sustainable than other reasonable alternatives – including urban brownfield land.

Indeed, when referencing the comparable sequential test to be applied to retail uses described by the PPG land ownership is not a key consideration – instead, it is the availability of the land that should be assessed. This is designed to ensure that operators do not buy the intended development site first and then plan second as an apparent *fait accomplis*. There should be no special dispensation for public bodies. Indeed, the MoJ, as a ministry of government, is empowered more so than any private sector operator through access to compulsory purchase. Ownership of land should not be determining criteria. Instead, connectivity, local character, supporting infrastructure and access to a sufficient local skill base must represent far more compelling factors in identify sites for such significant infrastructure uses.

The additional 778 staff expected to be required by the prison will inevitably have to drive significant distances daily along a network of what are little more than country lanes once in the vicinity of the application site. Whilst the supporting socio-economic information suggests that most of these jobs will be drawn from a 40-mile radius this is still equivalent to driving to the prison site from Nottingham or Birmingham. Alternatively, it seems common sense that such a trip-intensive use be located adjacent to one of these cities rather than in a far-flung location such as Gartree. Indeed, the NPPF is strong on directing major traffic generating uses towards locations well served by public transport and other sustainable means. This would suggest more urban locations as a priority.

In any event we would anticipate far more focus is placed on securing investment and the delivery of infrastructure in the north of the country specifically due to the heavy focus the Government is placing on its 'levelling up' agenda. The very fact that it is anticipated that new jobs will be created across an area with an 80-mile spread north to south and east to west suggests that the pool of people out of work in this region of the country is small. Indeed, unemployment figures in the East Midland in December 2021 were at a record low of 3.4%. Conversely unemployment in the Northeast was 5.7% - the highest in the country. In any event 1,000 (net) new Category C prison spaces have recently been created at HMP Five Wells next to Wellingborough only 20 miles from the

application site with a similar number proposed at Glen Parva which itself is only 15 miles from Gartree. This means two things: firstly, there is significant additional prison capacity being created in the local catchment already calling into question the sense of also extending Gartree; and secondly the fact that these are two expanded prisons that Gartree must compete with to secure employees from the same already thin pool of talent and experience.

The very methodology used to identify Gartree as a preferred location for a new prison is therefore flawed on several fronts. Accordingly, this deficient site selection process adds further weight towards our conclusion that there is clear and harmful conflict with **Policy GD3** of the Local Plan.

Perceptions of safety and weight of public opinion

A more intangible issue but a relevant one nonetheless in respect of national planning policy – the NPPF confirms at two places that planning decisions should not lead to development *"where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience"*. It is difficult to argue against the likelihood of a prison the size of the new Gartree facility, and the transit of prisoners that goes with it through local villages and along country lanes, from providing a sense of deep unease amongst the residents of Foxton in particular. There is also the strong possibility that it will impact more generally on the attractiveness of the local area to tourists who regularly visit the nationally renowned Grade II Listed Foxton Locks which lie less than a mile from the site to the west.

It is then evident from the weight of response to the application that the proposal to deliver a new four-storey edifice at the heart of Harborough's countryside which is dedicated to housing Category C prisoners, a population which would still include the most violent offenders, is causing deep unease locally. To reiterate this site will represent a significant extension to an existing prison which is already considered by our clients to be detrimental to the day-to-day function of the local communities as well as people's perceptions of the area. Whilst various mitigation measures are offered within the community, including the upgrade of local footpaths, this modest level of infrastructure improvement is deeply insufficient to allay the concerns of the community.

Simply put our clients, comprising a list of seven public representative bodies local to the site, and the residents of the Parishes do not want this development on their doorstep. This sentiment is added to by the earlier individual objections of both Great Bowden and East Farndon Parish Councils who echo many of the points raised in this letter. As Parish Councils they are further represented by this submission. Irrespective, there are clear planning grounds to refuse this application including conflict with the development plan and detriment to highways safety.

Based on all of the above we urge officers to refuse this application under delegated powers. If the proposal is recommended for approval, we would wish to address members of the planning committee on behalf of our clients to restate their strong objections. In the meantime, if you would like to discuss any element of this objection in greater detail, please do not hesitate in contacting me via any of the means below.

Yours sincerely



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