

Consultee Comments for Planning Application 21/01600/OUT

Application Summary

Application Number: 21/01600/OUT

Address: Land Adj HM Prison Welland Avenue Gartree Lubenham Leicestershire

Proposal: Outline planning application (All Matters Reserved except for means of access and scale) for the construction of a new Category B prison of up to 82,555sqm within a secure perimeter fence, together with access, parking, landscaping and associated engineering works

Case Officer: Mr Mark Patterson

Consultee Details

Name: Org Lubenham Parish Council

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On Behalf Of: Lubenham Parish Council

Comments

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?

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. "

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.

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."

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.

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.

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.

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.

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.

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.

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.

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.

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 Gallowfield 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 Gallowfield Road. Improvements to the sewer system will also be necessary as will be flood mitigation.