

Substantive response of the Local Highway Authority to a planning consultation received under The Development Management Order.

Response provided under the delegated authority of the Director of Environment & Transport.

APPLICATION DETAILS:

Planning Application Number: 21/01600/OUT

Highway Reference Number: 2021/1600/03/H/R1

Application Address: Land Adj HM Prison Welland Avenue Gartree Lubenham Leicestershire

Application Type: Outline

Description of Application:

Re-consultation. 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

GENERAL DETAILS

Planning Case Officer: Mark Patterson

Applicant: Ministry Of Justice

County Councillor: Phil King

Parish: Lubenham

Road Classification: Unadopted / Private

Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:

The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in this report.

Advice to Local Planning Authority

Background

This is the Local Highway Authority's (LHA) second formal response to the planning application for a new Category B prison of up to 82,555sqm within a secure perimeter fence together with access, parking, landscaping and associated engineering works on land adjacent to the existing HM Prison, Welland Avenue, Gartree.

In the initial highway observations dated 4 October 2021 the LHA advised that given the volume of evidence submitted in support of the planning application the LHA needed more time than the statutory consultation period to formulate its substantive response.

The impact of the proposed development as set out in the Atkins Transport Assessment (TA) Version 2 (dated 12 August 2021) has now been reviewed and forms the basis of further formal observations along with the other highways and transport information referenced below:-

- Planning application form;
- Cushman and Wakefield covering letter dated 10 September 2021;
- Cushman and Wakefield document ref: 661277-0000-CUS-GTX0000-XX-RP-T-0001, 'Gartree 2 - Planning Statement ', Revision P02, dated 11 August 2021;
- Pick Everard, document ref: 'Gartree 2- Design and Access Statement ', Revision P09, dated 31 August 2021;
- Pick Everard drawing number: 61277-00-PEV-GTX0011-ZZ-DR-A-9000, 'Site Location Plan - Existing', Revision P04, dated 30 July 2021;
- Pick Everard, drawing number: 661277-0000-PEV-GTX0011-ZZ-DR-A-9002, ' Site Block Plan - Proposed Planning', Revision P06, dated 3 August 2021;
- Atkins document ref: 661277-0000-ATK-GTX0000-XX-RP-X-0002, 'Gartree 2 - Outline Travel Plan', Revision P06, dated 12 August 2021; and
- Atkins document ref: 661277-0000-ATK-GTX0000-XX-RP-X-0003, 'Gartree 2 - Framework Construction Traffic Management Plan', Revision P04, dated 10 August 2021.

Proposed Development

The LHA understands the proposed development will cover two parcels of land primarily to the north and south of Welland Avenue with a smaller parcel of land just south of Gallow Field Road and provide a range of buildings / facilities on land including:

- Seven new houseblocks each accommodating up to 245 prisoners (1,715 prisoners in total), totalling c.53,122 sqm GEA;
- Supporting development including kitchen, workshops, kennels, entrance resource hub, central services Hub and support buildings, totalling c. 29,433 sqm GEA; and
- Ancillary development including car parking (c. 523 spaces), internal road layout and perimeter fencing totalling 1463 linear meters enclosing a secure perimeter area of 11.69 ha; and

The Applicant anticipates that there will be up to 858 employees who will work in various shift patterns. Further details of the predicted number of trips the proposed development could generate can be found later on in these observations.

The location of the proposed development is shown in Figure 1 below:



Figure 1 - Site Location Plan reproduced from Figure 1 in Cushman and Wakefield Planning Statement

Site Access

Vehicular access to the proposed development is proposed to be taken from Welland Avenue which is private road before it joins the public highway at Gallow Field Road to the north and Foxton Road to the south. The Applicant has indicated that all traffic associated with the prison will be required to arrive / depart via Foxton Road to reduce the impact of the development on the residents of Welland Avenue.

The Applicant has submitted a traffic calming scheme for Welland Avenue (Appendix E of the TA) to encourage traffic associated with the prison to arrive and depart via Foxton Road. The Applicant has also submitted several swept path drawings for larger vehicles that will visit the site.

As Welland Avenue is a private road, the LHA understands that the Applicant has designed the vehicular access to meet their specific requirements and therefore has no further comments to make on the site access arrangements. However, the LHA does not consider that an agreement on the routing of development traffic avoiding the northern section of Welland Avenue can be secured by planning condition. This is a matter for the LPA to consider.

Highway Safety

The Applicant has undertaken a review of the Personal Injury Collision (PIC) data for a period of five years from 2016 to 2020. The study area reviewed covers the following links / junctions:

- Welland Avenue link between Gallow Field Road and Foxtan Road;
- Gallow Field Road link between B6047 Harborough Road and Welland Avenue;
- Gallow Field Road link between Welland Avenue and Foxtan Road;
- Foxtan Road link between Gallow Field Road and Welland Avenue;
- Foxtan Road link between Welland Avenue and A4304 Lubenham;
- Gallow Field Road / B6047 Harborough Road junction;
- Gallow Field Road / Welland Avenue junction;
- Gallow Field Road / Foxtan Road junction;
- Foxtan Road / Welland Avenue junction; and
- Foxtan Road / A4304 Lubenham junction.

The Applicant has included the study area in Figure 3.5 of the TA which is reproduced below in Figure 2. Full details of the PIC data are in Appendix B of the TA.

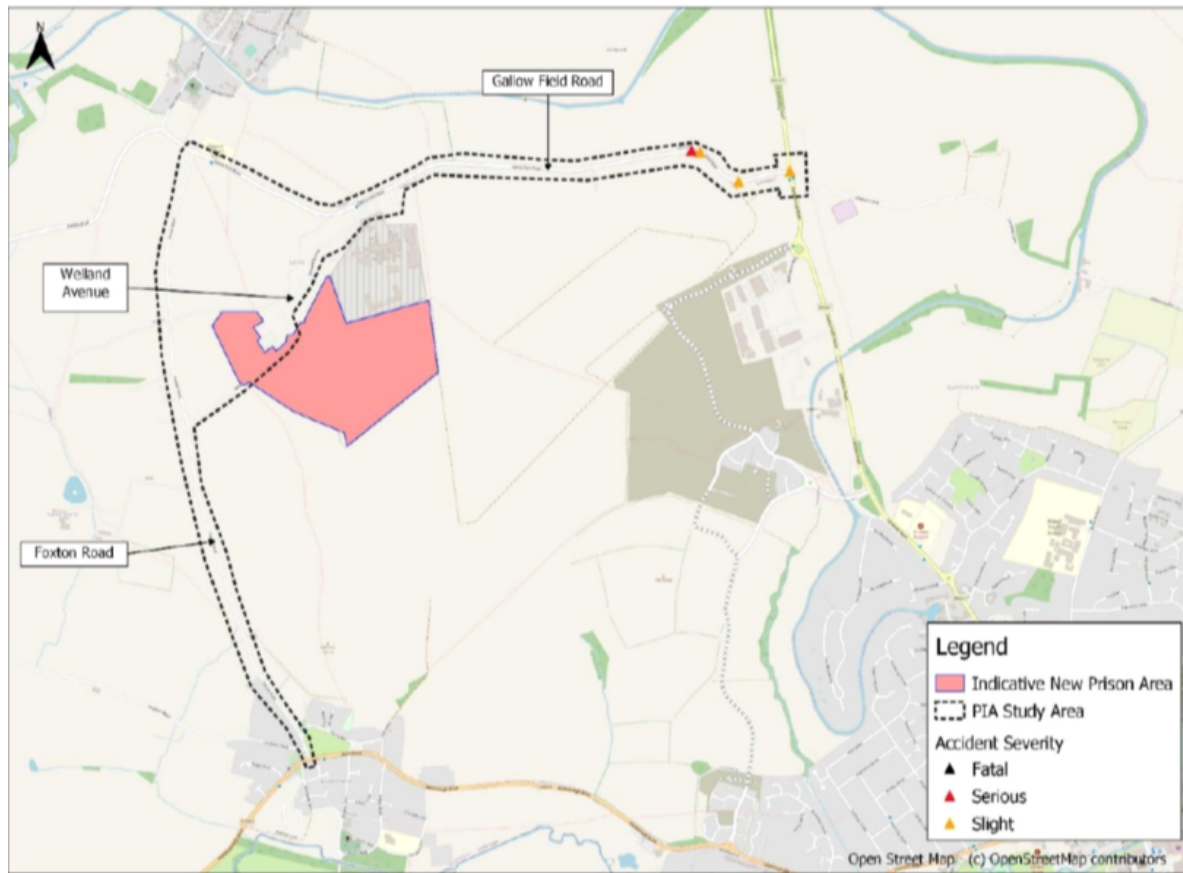


Figure 2 - Personal Injury Collision study area reproduced from Figure 3.5 of the TA

To ensure the latest PIC data has been reviewed the LHA has checked its own database for the period 1 January 2016 to 30 August 2021. This shows that there were six PICs during period under consideration. The key findings of the LHA's review are detailed below:-

- Four slight and two serious collisions in the study area during period under consideration; and

- One collision in 2016 and 2017, two collisions in 2018 and two collisions in 2021. There were no personal injury collisions in 2019 and 2020.

The LHA note that four of the PICs included motorcycles, however further analysis of the details of the collisions does not indicate any pattern and given there is only predicted to be 10 (two-way trips) motorcycle trips per day from the proposed development a scheme of mitigation cannot be justified.

The LHA are aware of local concerns with the Gallow Field Road / B6047 Harborough Road junction and therefore the LHA advised the Applicant to pay particular attention to this junction in their assessment. The PIC data shows that there has been just one collision in the last 5-year period. This occurred in October 2017, and was classified as slight. The collision involved a turning movement from Leicester Lane right onto the B6047. Therefore, it cannot be demonstrated that there is an accident pattern that the proposed development exacerbate.

Based on their review of the PIC data the Applicant has concluded that there are no existing spatial clustering or trends that the proposed development would exacerbate. Following its own analysis of the PIC data, the LHA agrees with this conclusion.

Trip Generation

Given the bespoke nature of this planning application the Applicant has based the trip generation on information used for planning applications for HMP sites elsewhere in the country. The LHA accept that this is a reasonable, evidence-based approach.

The LHA understands that uniform and non-uniformed staff will work a variety of shift patterns. The uniformed staff work in four shifts with the majority of uniformed staff (48%) arriving at the site before 08:00 and finishing at 17:30. The split for non-uniformed staff is approximately 50/50 between 08:30 to 16:30 or 09:30 to 17:00. Further details of the shift patterns for the proposed development are shown in Table 5.1 of the TA.

Based on the shift patterns the Applicant has then compared the network peak hour and the development peak hour trip generation at the Harborough Road/ Gallow Field Road/ Leicester Lane junction and the Gallow Field Road/ Foxton Road junction. The analysis demonstrated that the development peak occurs outside of the network peak at both locations. However the Applicant has considered the impact of the proposed development in two separate time periods; AM (07:00-08:00) and PM (17:00 - 18:00).

The Applicant has analysed the Journey to Work data from the 2011 Census to understand likely travel modes of staff and visitors. Whilst the Applicant has split the staff trips by mode the visitor and legal visits have been based purely on car trips due to the location of the proposed development and the fact these trips are from all over the country, which reduces the travel options available. This approach is considered to be robust.

Vehicles per hour

	AM Peak (07:00 to 08:00)		PM Peak (17:00 to 18:00)		Daily	
	IN	OUT	IN	OUT	IN	OUT
Staff	205	21	0	240	538	538
Visitors	0	0	0	17	134	134
Total	205	21	0	257	672	672

Table 1: Details of trip generation for proposed development

Trip Distribution

After establishing the number and mode of trips predicted to be generated by the proposed development, the Applicant has also considered the origin and destinations for these trips. The trips have then been assigned to the network. Details of the trip distribution are reproduced in Table 2 below:

Route	Distribution
A – A4302 Theddingworth Road (West)	19%
B – A4304 Harborough Road (East)	25%
C – B6047 Harborough Road (South)	17%
D – B6047 Harborough Road (North)	38%
Total	100%

Table 2: Estimated Vehicle Trip Distribution

Whilst there is the possibility of some of the northbound trips (to Leicester) going through the village of Foxton, the Applicant has predicted that this would only equate to 22 trips in the AM peak hour and 18 in the PM peak hour. Based on these figures the LHA cannot justify any mitigation within the village of Foxton on grounds of highway safety or capacity when considering the tests set out in the National Planning Policy Framework (NPPF).

Given the proposed routing of traffic is via the classified road network the LHA is satisfied with the trip distribution.

Highway Impact

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.

Traffic Surveys

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 / Foxton Road;
4. Foxton Road / Welland Avenue;
5. A4304 / Foxton Road;
6. Gallow Field Road;
7. Foxton 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 is shown in Figure 7.2 of the TA and reproduced in Figure 3 below:

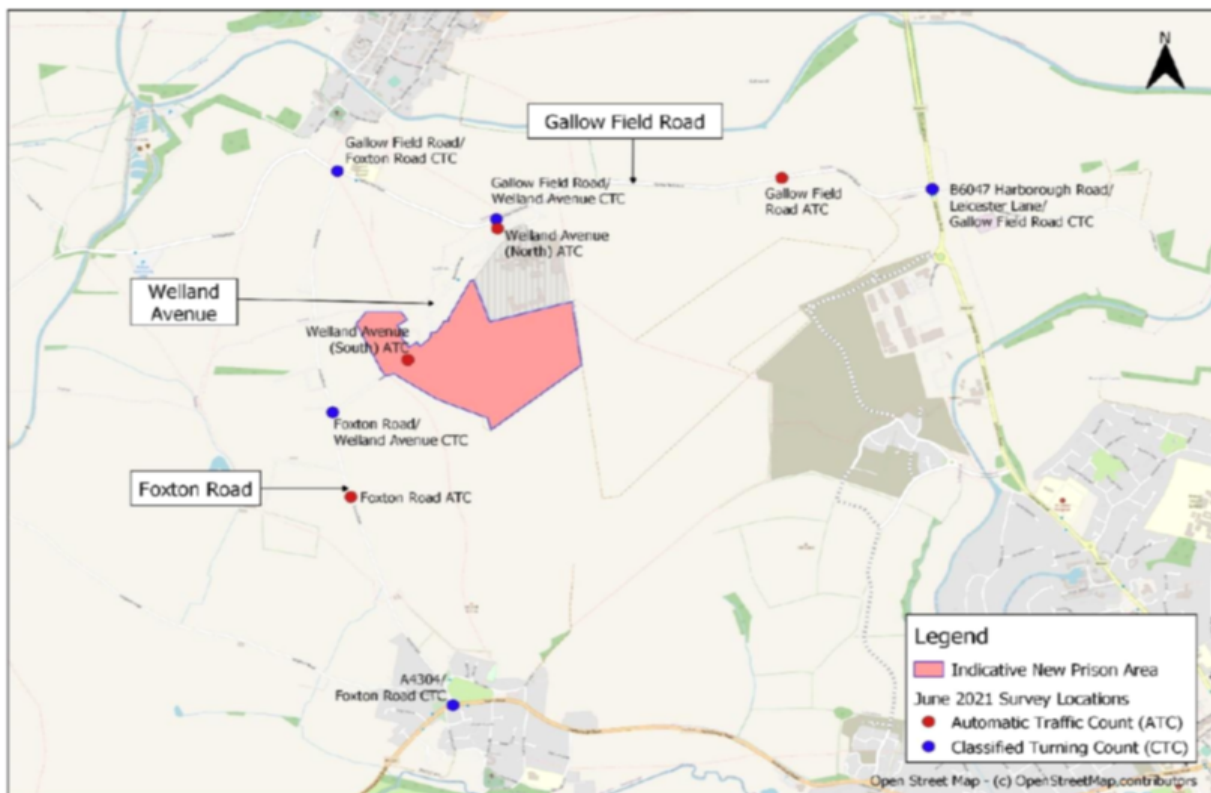


Figure 3 - Location of traffic surveys reproduced from Figure 7.2 of the TA

Future Scenarios

The Applicant has applied a growth factor calculated from TEMPRO to the 2021 traffic surveys to create a 2025 baseline scenario ie without the proposed development. The growth factors, which have been checked and are acceptable, are reproduced below:

2021 to 2025: AM Peak = 1.0721; and

2021 to 2025: PM Peak = 1.0729

Junction Capacity Assessments

The following junctions were identified for further, detailed assessment using industry standard junction assessment software and the flows from the traffic diagrams in Appendix I of the TA:

1. Proposed Site Access/ Welland Avenue junction;
2. B6047 Harborough Road / Leicester Lane / Gallow Field Road junction;
3. A4304 / Foxtan Road junction; and
4. Gallow Field Road / Foxtan Road junction.

As referenced above the Applicant has assessed the AM peak (07:00 - 08:00) and PM peak (17:00 - 18:00) for the following scenarios

- 2021 Baseline;
- 2025 Opening Year without development; and
- 2025 Opening Year with development.

Junctions 9 software allows a range of traffic flow profiles to be adopted when undertaking peak period model runs. Generally, an RFC (Ratio of Flow to Capacity) of below 0.85 (for roundabout and priority junctions) indicates that a junction operates within capacity for the assessed flows. An RFC of over 1.0 indicates that a junction operating over capacity.

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. The junction model outputs are contained in Appendices M - P of the TA.

Internal Layout

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 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.

Further details of the indicative layout and the methodology for the parking accumulation study can be found in Appendix C and J of the TA.

Transport Sustainability

The Applicant has investigated the opportunities for employees to access the site by sustainable modes of travel i.e. walking, cycling or public transport. There are only limited opportunities for walking to / from the site but the villages of Foxton and Lubenham are a 10 minute cycle journey to the site or Market Harborough is 20 minutes away by cycle.

The site is served by the number 44 bus service, which travels between Fleckney, Market Harborough, and Foxton. The service currently operates once every one to two hours Monday – Saturday, with no Sunday service. 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. The nearest bus stop to the proposed development is Gartree, located on Gallow Field Road which would allow employees just a 10 minute walk to the prison.

Travel Plan

In line with the scale and type of development the Applicant has submitted a Travel Plan (TP) which outlines how the Applicant will reduce the number of single occupancy car journeys and also encourage employees to use sustainable modes of travel where possible.

After a review of the TP the LHA would advise the Applicant 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. 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.

Public Right of Way

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 advised a condition below for submission of a scheme for the treatment of the PROW to be submitted and agreed.

Furthermore, the LHA would seek a contribution of £102,898 for improvement works to footpath A22 outside of the proposed development between Gallow Field Road and Swingbridge Street

Foxton. 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.

Framework Construction Traffic Management Plan (FCTMP)

The LHA understands the construction works are predicted to last 36 months and therefore the Applicant has submitted a 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.

Parking of Site Operatives / Visitors

The LHA welcomes the Applicants commitment to provide appropriate loading/unloading and parking areas for construction vehicles to eliminate the requirement for construction vehicles to park or wait on the public highway.

Furthermore the Applicant has confirmed that at no time will construction personnel, including contractors and suppliers, be authorised to park outside of the site boundary, including on the public highway, unless prior permission has been granted by either the relevant landowner or the LHA.

Given the location and size of the proposed development site the LHA considers it unlikely that any vehicles will be required to park on the public highway. The LHA would advise the Applicant to provide adequate parking for all site operatives within the site to ensure there is no overspill parking on the public highway on Gallow Field Road or Foxton Road.

Wheel Cleaning

The FCTMP confirms that deleterious material on the local highway network will be kept to a minimum. The Applicant is proposing that a wheel washing station be positioned within the compound to prevent unwanted mud and debris leaving the site and a road sweeper will be used as required.

The parking areas are proposed to be constructed with hard surfacing and the Applicant has confirmed that all vehicles working within the site that accumulate mud and debris will not exit the site until they have been sufficiently washed down beforehand.

The LHA welcome the approach to wheel cleaning and note that any construction vehicles will exit via Welland Avenue before they join the public highway. Nevertheless, the LHA would remind the Applicant that it is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and they should make every effort to prevent this occurring.

Construction Hours and Delivery Times

The Applicant has confirmed that they will consider programming the timing of deliveries to reduce the impact on the local highway network. Typical working hours will be during daylight periods, although some deliveries may be programmed outside of the traditional network peak hours.

Nevertheless, the LHA would advise the Applicant that whenever possible deliveries should be scheduled to take place outside the network peak hours.

There will be no construction works undertaken out of hours, on a Sunday or on a Bank Holiday, without prior consultation with the relevant stakeholders.

Notwithstanding the above the operational hours of the site is also an amenity issue for further consideration by the LPA.

Routing of Construction Traffic

Following discussions with the LHA the Applicant has confirmed that construction vehicles and deliveries will come from the south and will route from the A4304 then Foxton Road and Welland Avenue to the site. The Applicant has stated that construction vehicles will not be permitted to use the northern section of Welland Avenue or route north via the Gallow Field Road / Foxton Road junction.

The LHA considers the choice of routing using an A classified road to be appropriate.

Temporary Construction Access

The LHA understands the Applicant will require a temporary construction access which will be located along the southern section of Welland Avenue. The layout of the temporary construction access is shown in Appendix B of the TA. Once again this access is onto a private road so the LHA has no further comments on this element of the development and any necessary permissions should be sought by the Applicant.

Principles of Signage

The Applicant has provided a summary of the signing strategy that is proposed to be erected on the local highway and will apply throughout the construction phase of the project. The details of the signage can be agreed at a later date should the Applicant secure planning permission for the proposed development. Nevertheless, the LHA would advise the Applicant to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works and location of temporary signage. The team can be contacted at: networkmanagement@leics.gov.uk

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.

Closing

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.

Conditions

1. Construction traffic management arrangements shall be implemented in accordance with the 'Gartree 2 - Framework Construction Traffic Management Plan', Revision P04, dated 10 August 2021 prepared by Atkins and submitted to the Local Planning Authority on 20 September 2021.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not lead to on-street parking problems in the area.

2. The development hereby permitted shall be brought into use in accordance with the targets and measures contained in the Atkins, 'Gartree 2 - Outline Travel Plan', Revision P06, dated 12 August 2021 and submitted to the Local Planning Authority on 20 September 2021.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2021).

3. Notwithstanding the submitted plans no development shall take place until a scheme and timetable for delivery for the treatment of Public Right of Way (PROW) A22 through the proposed development site to Welland Avenue has been submitted and approved in writing by the Local Planning Authority. This scheme shall include provision for the management of the PROW during construction (including any arrangements for a temporary diversion) fencing, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the approved scheme and timetable.

Reason: To protect and enhance Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (2021).

4. The development hereby permitted shall not commence unless and until:
 - i. A pre-development condition survey of Foxtan Road between A4304 Lubenham and the application site (the route for HGVs as set out in the Framework Construction Traffic Management Plan) has been carried out and submitted to the Local Planning Authority and approved in writing.
 - ii. A post development condition survey of Foxtan Road between A4304 Lubenham and the application site (the route for HGVs as set out in the Framework Construction Traffic Management Plan) has been carried out and submitted to the Local Planning Authority within three months of the completion of the development hereby approved.
 - iii. A method statement has been submitted to the Local Planning Authority and approved in writing identifying how any damage to the carriageway or highway verge, which may be inadvertently caused as a result of the development, will be made safe and remediated in full by the developer at their cost.

Reason: To ensure any significant impacts on the highway network, or on highway safety from construction vehicles associated with the development, can be cost effectively mitigated to an acceptable degree in accordance with the National Planning Policy Framework (2021).

Contributions

To comply with Government guidance in the NPPF and commensurate with Leicestershire County Council Planning Obligations Policy, the following contributions are required:

1. Construction traffic routeing arrangements shall be implemented in accordance with the details included in the 'Gartree 2 - Framework Construction Traffic Management Plan', Revision P04, dated 10 August 2021 prepared by Atkins and submitted to the Local Planning Authority on 20 September 2021. During the period of construction, all traffic to and from the site shall always use the agreed route.

Justification: To ensure that all construction traffic associated with the development does not use unsatisfactory roads to and from the site.

2. Prior to commencement of the development a contribution of £102,898.00 towards improvements to the Public Right of Way (A22) linking Gallow Field Road and Swingbridge Street shall be paid to Leicestershire County Council.

Justification: To protect and enhance Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework 2021.

3. Appointment of a Travel Plan Co-ordinator from commencement of development until 5 years after the occupation of the last unit. The Travel Plan Co-ordinator shall be responsible for the implementation of measures as well as monitoring and implementation of remedial measures.

Justification: To ensure effective implementation and monitoring of the Travel Plan submitted in support of the Planning Application.

4. Prior to first use of the development hereby permitted a Travel Plan monitoring fee of £6,000 shall be paid to Leicestershire County Council for the use of Leicestershire County Council's Travel Plan Monitoring System.

Justification: To enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement.

Informative

A Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.

If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.

Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Local Highway Authority.

The Applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: networkmanagement@leics.gov.uk

Date Received
4 October 2021

Case Officer
David Hunt

Reviewer
RH

Date issued
1 November 2021