



HM Prison & Probation Service

Annex A

Site search process

1. Introduction

- 1.1 Whilst the Ministry of Justice (MoJ) does not accept that it has to demonstrate that there are no alternative sites that could accommodate the Appeal Scheme, it is nonetheless relevant to note that the MoJ site search has shown that there are no other suitable sites. Set out below are details of the site searches conducted by the MoJ and by Cushman & Wakefield (C&W), on behalf of the MoJ.

2. Public sector site search

- 2.1 In November 2016 the then Justice Secretary, Liz Truss, released the Prison Safety and Reform White Paper. This included the Prison Estate Transformation Programme, which aimed to build 10,000 new prison places through disposing of old unsuitable prisons and using the money raised to part fund construction of new prisons. The programme ran for almost three years before it was superseded by an announcement by the then Prime Minister, Boris Johnson, on 11 August 2019 committing to create a further 10,000 prison places. In June 2020 the then Prisons Minister, Lucy Frazer, announced that around 6,500 of these places would be delivered through four new prisons¹.
- 2.2 The site selection process for the Prison Estates Transformation Programme in 2016 established a set of mandatory and secondary criteria to identify suitable sites for new prisons for that programme. The same process was used for the New Prisons Programme, although the mandatory criteria were adapted, and tertiary criteria added to reflect the different objectives of the New Prisons Programme as opposed to the Prison Estate Transformation Programme. The revised criteria used for the New Prisons Programme were as set out below:

Mandatory Requirements:

- Minimum 12ha developable area; and
- In the preferred area of search, and requirement for at least one location in each region (North West and South East).

Secondary Requirements:

- Sufficiently flat for prison development, not requiring significant levelling;
- Have good strategic access to public transport and the motorway/trunk road network;
- Accessible for construction without major enhancement of transport infrastructure;
- Not significantly overlooked so as not to compromise security;
- Capable of connection to utilities without unreasonable cost; and

¹ <https://www.gov.uk/government/news/four-new-prisons-boost-rehabilitation-and-support-economy>

- Outside floodplains.

Tertiary Requirements:

- Previously developed / brownfield;
- A suitable shape for prison development;
- Ease of recruitment for prison operatives;
- Manageable in terms of ground conditions / contamination;
- Not prejudiced by major ecological or historic designations; and
- Not affected by significant public rights of way or other similar issues.

2.3 A minimum site size of 12 ha is required for prisons between 1,400 and 1,900 places, in order for all of the living accommodation and ancillary buildings to be able to fit on the site. All prisons are effectively small village complexes providing the living accommodation for prisoners and additional ancillary facilities such as kitchens to provide food for the prisoners, education facilities, healthcare, a multi-faith centre, workshops, a visitors' centre and associated administrative functions. Smaller prisons whilst having less living accommodation still need to have the ancillary facilities. Therefore, smaller prisons, in terms of prisoner numbers, take up disproportionately more land than prisons with large populations.

2.4 MoJ first started to look for new prison sites in 2019. This work was carried out by MoJ Property² initially under the instruction of the Custodial Capacity Board (CCB)³ and latterly the New Prisons Programme Board. Initially, the search looked for sites in the North West and South East of England. This was because at this time the MoJ was forecasting that the greatest demand for new prison places would be for Category C resettlement places in the North West and South East.



² MoJ Property is responsible for the management and Maintenance of the MoJ Estates including Headquarters, Arm's Length Bodies, Prisons and Probation accommodation. It also provides property services on behalf of the Home Office.

³ The Custodial Capacity Board was the body responsible for the delivery of the Prison Estates Transformation Programme.

2.5 In order to identify suitable sites, in December 2019 the MoJ undertook a search of sites in its ownership which could be suitable for new Category C Resettlement Prisons and met the mandatory and some of the secondary and tertiary criteria. Initially the CCB considered 14 MoJ owned sites that had been previously considered for the Prison Estates Transformation Programme. These were:

Channings Wood	Isle of Sheppey
Full Sutton	Isle of Wight
Garth/Wymott	Kirkham
Gartree	Lindholm/Moorland
Glen Parva	Rochester
Grendon Springhill	Wethersfield 1
Hindley	Wethersfield 2

2.6 Of the 14 sites 10 were discounted as either they were sites not in the preferred locations, already had expansions to existing prisons planned, would require the existing prison to be demolished to make way for a new prison and therefore would not result in a significant increase in capacity, or new prisons were already planned for the site. The CCB agreed to explore four sites further, plus a reserve site for new prisons. The sites were:

- Full Sutton
- Grendon Springhill
- RAF Wethersfield 1 (Owned by the Ministry of Defence/Defence Infrastructure Organisation)
- Garth/Wymott
- Kirkham

2.7 In January 2020 the MoJ also wrote to other government departments and 58 local authorities to see if they had suitable sites for new prisons, which they would be willing to sell.

2.8 In February 2020 Cushman & Wakefield (C&W) were commissioned to undertake a search for privately owned sites (known as 'Project Emu') within the North West and South East Regions that would be suitable for new prisons and which the owner would be willing to sell for a prison development.

2.9 In March 2020 the New Prisons Programme Board agreed with the CCB decision to undertake further feasibility studies on the sites at Grendon/Springhill, Wethersfield and Garth/Wymott to assess their suitability for a Category C Resettlement prisons in the North West and South East of England.

2.10 In April 2020 the New Prisons Programme Board approved the Outline Business Case (OBC) for the New Prisons. This set out that two out of the four new prisons would be Category C Resettlement Prisons and that the role and function of the other two prisons (either Category B Training Prison or Category C Resettlement Prison) would be determined after further analysis of predicted population demand.

2.11 The MoJ's Data and Analytical Services Directorate undertook further analysis of the projected demand for places in September 2020 and in discussions with senior

officials in HMPPS/MoJ and HM Treasury at the Treasury Approval Process Panel⁴ meeting in October 2020, approval and additional funding was granted for one of the prisons to be a Category B Training Prison. The Programme Board therefore reconsidered the MoJ available sites to see which site would be suitable for a Category B Training prison. Category B Training Prisons are a national resource and therefore do not require a specific regional location.

- 2.12 In May 2020 the New Prisons Programme Board received an interim report on the Private Sector Site search conducted by C&W, to find suitable sites for Prison development in the North West and South East of England. That search looked at 17 potential sites in the South East and 10 in the North West and concluded that three of the South East Sites and two of the North West sites would be worthy of further examination and feasibility work to establish their suitability for new prisons. Further detail is provided in Section 3 of this paper below.
- 2.13 In June 2020 the Programme Board received a paper updating the Programme Board on the further studies it had requested into the feasibility of the four MoJ owned sites and the MOD site at Wethersfield. This work had been split into two tranches to enable the massing studies ('massing' is a term in architecture which refers to the perception of the general shape and form as well as size of a building) and architectural resource to be spread out, giving the MoJ more time to properly assess the viability of potential projects. Tranche One included Wethersfield, Grendon Springhill and Garth/Wymott, and Tranche Two included Wethersfield 2, Kirkham, Gartree and the Isle of Sheppey.
- 2.14 The update paper also identified that the private sector sites that had been identified by C&W in the South East were all in close proximity to the Isle of Sheppey and would therefore make justifying the site purchase difficult, due to the proximity of MoJ owned land. It would be difficult to justify spending taxpayers money to purchase land for a potential new prison, when the MoJ owned land nearby which it would not need to purchase.
- 2.15 In July 2020 the Programme Team recommended to the Programme Board to approve that the Tranche Two sites at Wethersfield 2, Gartree and Isle of Sheppey be taken through to the feasibility stage, which included the submission of a pre-application to the Local Planning Authority and the procurement of fully intrusive site surveys, including ground surveys, ecology surveys and heritage surveys. At that Board meeting the decision was taken to pause Project Emu (private sector site searches) as it was felt that the risk of not identifying suitable MoJ owned sites for prison development had been mitigated.
- 2.16 In September 2020 the Programme Board received a report from massing studies (of the shape and size of the proposed buildings) which identified that only the Gartree or Wethersfield sites were large enough for a Category B Training Prison.
- 2.17 In October 2020 the Programme Team recommended to the Programme Board that the Programme Team should:
 - Progress an Outline Planning Application (OPA) for Grendon Springhill;

⁴ TAP panels and MPRGs work with departments to improve the quality of proposals, through supportive, constructive and confidential meetings with project leadership teams. The meetings reflect this by fostering a two-way dialogue towards the common purpose of agreement of a robust proposal. The objective of TAP and MPRG panels is the same: to provide the necessary scrutiny of projects and programmes, which supports recommendations and advice to ministers.

- Continue with the feasibility works at Garth/Wymott, Isle of Sheppey and Gartree; and
- Proceed with the development of OPA documents for Wethersfield whilst continuing with discussions with the Local Planning Authority (LPA) and Defence Infrastructure Organisation.

2.18 That paper also reported that a negative response had been received from the LPA on proposals for a new prison at Kirkham, therefore the decision was taken not to pursue that site further.

2.19 In January 2021 the Programme Board received a report from the Programme Team recommending:

- Proceeding with development and submission of an Outline Planning Application (OPA) for Gartree, as a 1,680 capacity Category B Training prison;
- Proceeding with development and submission of an OPA for Garth/Wymott, as a 1,680 Category C Resettlement prison;
- No further action at Isle of Sheppey;
- Continue to pursue Wethersfield as a back-up site or a suitable site for a future programme. This includes proceeding with development of the Outline Planning Application package for the site.

2.20 In April 2021 the Programme Board received a report the Programme Team recommending the Full Business Case commences its Governance Review. The Governance Review process includes seeking approval for the project to progress to the next stage from the Programme Board, the Prison Supply Sub-Portfolio Board, the MoJ Investment Committee, the Prisons Minister and the Lord Chancellor and Secretary of State for Justice and seek approvals from the Cabinet Office and HM Treasury to the appointment of four construction contractors to an Alliance contract for the construction of the prisons and securing the necessary capital funding from HM Treasury. The report included a summary of the number of places being delivered and their respective locations as follows:

Prison	Category	No. of places
Full Sutton	C - Resettlement	1468
Gartree	B - Training	1715
Grendon Springhill	C - Resettlement	1468
Garth Wymott	C - Resettlement	1715
Total		6366

2.21 HM Treasury approved the Full Business Case in May 2021.

3. Private sector site search

- 3.1 The site search of private land interests was undertaken by the Industrial Agency teams at C&W. A list of search criteria had been drawn up by the MoJ and provided to C&W in February 2020. The parameters of the site search criteria are set out at para 2.2 above. If a site did not meet the mandatory requirements in terms of minimum site size and location, then the site would be rejected, even if it met some of the secondary and tertiary criteria.
- 3.2 The C&W agents circulated the site requirements to over 600 agents, contacting other commercial property agents and undertaking a desktop search of numerous online databases to identify land being marketed for sale in February and March 2020.
- 3.3 This was a general search for land suitable to accommodate a new prison. At the time of the original site search no decision had been made by the MoJ as to whether Category B or Category C prisons would be developed. The decision to develop a Category B prison at the Gartree Site was taken when the FBC was approved by HM Treasury in May 2021.
- 3.4 Following the completion of the site search of private land interests, C&W provided an availability schedule for each of the search areas (North West and South East) to the MoJ. The availability schedule provided an executive summary of market and off market opportunities. A summary of each site was provided in a tabulated format and sites were given a shortlist grouping as follows:
 - A = Primary shortlist
 - B = Secondary shortlist
 - X = Discounted
- 3.5 Alongside the availability schedule, a Site Selection Summary Table was provided for the North West and South East. The selection criteria largely mirrored the selection criteria provided to the C&W agency team by the MoJ, except that accessibility to a pool of labour and requirement for demolition works were excluded. Although the Site Selection Summary Table provided a basis for the shortlist group that each site was put into, in part this was also down to the professional judgement of the C&W agency teams.
- 3.6 The availability schedule produced by C&W for the North West detailed 14 sites, five of which were identified as Group A sites. The other nine sites identified were not shortlisted due to location or size. A summary of the North West 2020 Site Search is below:
 - 14 sites identified by C&W Private Sector Site Search in 2020
 - Five sites were outside the area of search and not shortlisted by the C&W agency team
 - Three sites were too small to accommodate a new prison and not shortlisted by the C&W agency team
 - One site was not available
 - Five sites were identified as 'Group A' shortlist sites by the C&W agency team, as follows:
 - NW2, North Road Business Park, Ellesmere Port
 - NW4, Stopgate Lane, Simonswood, Knowsley
 - NW6, Ark Royal Business Park, Birkenhead

- NW11, Hillhouse Technology Enterprise Zone, Fleetwood, Lancashire
- NW13, Fiddlers Ferry, Widnes

- 3.7 One further site was considered in the North West at the feasibility stage in February 2020. This was land in the MoJ's ownership adjacent to the existing HMP Kirkham Category D prison. C&W's planning team undertook an initial planning appraisal in April 2020. In July 2020 a formal pre-application request was submitted to Fylde Council to seek their views on the principle of a new prison in this location. At the pre-application meeting with the Officer and in the subsequent formal written response, the key issue identified was the location of the site in the Green Belt. The Council were of the view that *'it is unlikely that the development will be able to deliver the VSC (Very Special Circumstances) necessary to achieve policy support'*. The Officer advised that it is not a proposal that is expected to receive officer support and advised against progressing further with the project. This contrasts with the pre-application response from Chorley Council in respect to the proposal for a new prison on land adjacent to HMP Garth and HMP Wymott. In this case the pre-application response considered that there was merit in the outline VSC case put forward in the supporting information. Discussions with Senior Management at Chorley Council also supported the principle of an application for a new prison and this support continued throughout the application process up to the determination of that application, and beyond.
- 3.8 Formal pre-application enquiries were also submitted in respect to the site adjacent to HMP Gartree, and although recognising that a proposal for a new prison would be contrary to Policy GD3 of the Local Plan, the Council were of the view that provided that a robust case could be made for the proposal then it could be considered acceptable.
- 3.9 Similarly, pre-application enquiries were made in relation to two other sites adjacent to existing prisons – HMP Grendon Springhill and HMP Swaleside. Neither of the responses dismissed the proposals out of hand but advised that robust justification would need to be made for a new prison in these locations as both were in open countryside locations, and contrary to policy in that respect.
- 3.10 The availability schedule produced by C&W for the South East detailed 17 sites, five of which were identified as group A sites. The other 12 sites identified were not shortlisted for a variety of reasons by C&W's agency team – price, unallocated in the Local Plan, other planning constraints such as designation as ancient woodland, likelihood of significant objections from local residents and size. A summary of the South East 2020 Site Search is below:
- 17 sites identified by C&W Private Sector Site Search in 2020
 - Two sites were too small to accommodate a new prison and not shortlisted by the C&W agency team
 - 10 sites were not shortlisted due to a variety of constraints such as price, physical constraints likely to be problematic or landowner not wanting to sell
 - Five sites were identified as Category A shortlist sites by the C&W agency team, as follows:
 - SE2, Toddington Park, Harlington Road, Toddington, Dunstable
 - SE3, MOJO, Ashford, Kent
 - SE5, Nuralite Industrial Set, Canal Road, Higham, Kent
 - SE6, G Park, Sittingbourne, Kent
 - SE16, Quest Pit, Ampthill Road, Houghton Conquest

- 3.11 Following the issue of the two availability schedules by C&W to the MoJ, no further due diligence was carried out by the C&W agency teams on any of the identified sites in the availability schedules for the North West and South East. The decision not to pursue further work on private sector sites (referred to as Project Emu) was made at the July 2020 Programme Board.
- 3.12 In preparation for each of the appeals into the refusal of planning permission at HMP Garth Wymott, HMP Gartree and HMP Grendon Springhill, a new site search exercise of public and private sector land interests was carried out in 2022. The site searches in the North West and South East used the same criteria as set out in 2.2 above and used in 2020, except that no shortlisted sites were identified in the availability schedules.
- 3.13 The new site search for the North West was carried out in February 2022 and identified three additional sites that were not previously listed in the original 2020 availability schedule. These sites are as follows:
- NW15, Sandwash Park, St Helen's, WA11 8LS
 - NW16, Land at Preston East, PR2 5SH
 - NW17, Land south of Stakehill Industrial Estate (identified via MoJ's correspondence to local authorities)
- 3.14 The South East search was carried out in June 2022. None of the sites previously identified in the availability schedule 2020 were still available in June 2022 and none of the sites identified were considered suitable for a new prison.
- 3.15 In addition to the new site searches carried out in the North West and South East, a site search was carried out in June 2022 using different search parameters. As the proposed new prison at Gartree would be a Category B prison and these are a national resource, the MoJ considered it prudent to undertake a site search of public and private sector land interests using a drivetime of 90 minutes from Birmingham, thereby capturing an area in the centre of England, which was considered by the MoJ to be more suitable for accommodating a national resource. The previous site searches covering the North West and South East did not capture areas in central England. This decision was made by the MoJ in May 2022 following discussions with the C&W planning team and the wider project team. As with the previous site search exercises the following areas of search were undertaken:
- Contacting local authority area within a 90 minute drivetime of Birmingham
 - Contacting government departments
 - Site search of private land interests within the 90 minute drive time (undertaken by C&W)
- 3.16 The availability schedule of the additional private sector site search covering central England was issued to the MoJ by the C&W agency team in July 2022 – as with the 2022 site search exercise undertaken in the North West and South East the additional exercise did not shortlist any sites. A brief summary of the sites is provided below:
- One site was below the minimum size threshold
 - Two sites were outside the site search area i.e. further than 90 minute travel time from Birmingham
 - Five sites were not available for sale

- 3.17 In respect of site at Lutterworth Road (A4304) adjacent to Junction 20 of the M1. This site was brought to the attention of C&W by the Officer dealing with the Gartree planning application following receipt of the MoJ's letter sent to local authorities in May 2022. The assessment of the site concluded that it is not an appropriate site for a new prison as the wider site area forms part of a strategic development area (Policy L1) delivering 2,700 dwellings, two schools and B8 employment uses. Outline planning permission has already been granted for these uses on the 17th May 2022, including the necessary road infrastructure, under planning permission ref 19/00250/OUT. To successfully develop a new prison in this location would require a new planning permission for this use and there is no certainty that such a proposal would be supported by Harborough Council.
- 3.18 The MoJ have spent a considerable amount of time and money developing the scheme for a new prison at Gartree, on land that they own. The advantage of this is that there is no requirement to purchase the site, making it good value for money for the public purse. Pursuing an alternative site at this stage not in the MoJ's ownership is not only uncertain in planning outcomes, but even if the landowner, Leicestershire County Council, would be willing to sell the site to the MoJ the time taken to acquire the site could result in further significant delays. This site is located in a prime position for logistics development and sites on the M1 corridor are hugely sought after by logistics developers and operators and attract premium values. It is likely therefore that such a site would be unaffordable, does not represent good value for money to the MoJ and does not represent a realistic proposition.

4. Conclusion

- 4.1 In conclusion, there is no requirement in policy terms to demonstrate that there are alternative sites. There were no alternative private sector sites available in 2020, or subsequently, that could deliver a new Category B prison that would deliver the additional prison places in the timescales necessary to meet the MoJ's programme. Even if an alternative site were available it would not represent best value for the public purse. In any event, the significant benefits delivered by the proposed new prison next to HMP Gartree would further support the grant of planning permission.