



GARTREE ACTION

AGAINST THE BUILDING OF A MEGA PRISON
IN RURAL LEICESTERSHIRE



APP/F2415/W/22/3300227

APPEAL BY THE MINISTRY OF JUSTICE - LAND ADJACENT TO HMP GARTREE
PROOF OF EVIDENCE OF DAVID HICKIE ADDRESSING:

ACCESSIBILITY & SUSTAINABILITY

1. Introduction

1.1. I, David Hickie, of Gartree Action (“GA”) provide this proof of evidence in relation to the ongoing appeal brought by the Ministry of Justice (the MoJ) concerning its proposal to develop a new prison on the appeal site. GA comprises a consortium of local Parish Councils, Parish Meetings and concerned residents who are opposed to this unplanned proposal.

1.2. I have been a resident of Foxtan since 2005 and serve as a Parish Councillor.

1.3. I have extensive experience in leading and advising large organisations through complex change programmes. Most of my patent portfolio is based on the use of statistics to predict and control continuous processes. Before retiring, I built ‘digital twins’ - that is, *in silico* models of complex physical systems - to solve real-life problems. Examples include reconfiguring control systems for a number of food manufacturing processes to eliminate the presence of carcinogens, and designing process control systems for new manufacturing facilities across a number of industries. The skills involved in these projects (such as logical reasoning and statistical analysis) and are directly transferrable to the task of critiquing the MoJ’s submissions in the areas of accessibility and sustainability.

1.4. My evidence will relate to the issues of:

- accessibility
- sustainability.

Section 3 provides the locational context of the site. Section 4 discusses walking and cycling provision. Section 5 discusses public transport provision. Sections 6, 7, and 8 cover vehicular access. Section 9 discusses issues related to visitor access and section 10 discusses issues related to the proposed sustainability mitigation actions. Summary and Conclusions are presented in section 11.

1.5. My proof of evidence is based on publicly-sourced information as well as new research. Along with references to core documents, I refer to the following appendices:

- A. Decarbonising Transport: A Better, Greener Britain, Department of Transport
- B. Walking route from Gartree village to the site
- C. Cycling Audit — HMP Gartree
- D. Garth Wymott 2 Transport Assessment
- E. Accessibility by Bus
- F. Accessibility by Train
- G. Accessibility of Welland Avenue

- H. Staff:Prisoner ratios
- J. Ease of Access and Frequency of Visits for Category B Prisons
- K. Safe Walking Route to School Audit
- L. Planning Statement — Land Adjacent to HMP Garth and HMP Wymott

2. The MoJ's Case and the Planning Decision

2.1.The MoJ states that there is an identified need for two new prisons in the south of the country and the application proposal will deliver part of that requirement¹.

2.2.The Applicant has provided an explanation for siting a new prison in Gartree to this Inquiry²:

‘the site search for a site for a new Category B prison required a location easily accessible to the north and south to serve a national remit. The application site fulfils these criteria [sic]’.

2.3.The MoJ contends that ‘the application site represents a sustainable location for the proposed development. The development will be adjacent to an existing prison and capable of sharing certain infrastructure. It is accessible from the strategic highway network and broadly accessible by a choice of means of transport’³. The MoJ has submitted technical work in support of its claims.

2.4.To alleviate concerns that additional vehicular trips may travel along the residential side of Welland Avenue, the MoJ proposes to introduce a highway improvement scheme along Welland Avenue to further ensure that all traffic associated with the Prison arrives and departs via Foxton Road⁴.

2.5.The Appellant consulted statutory bodies in the correct manner. The County Council, as Local Highways Authority, provided a Substantive Response to transport sustainability in which it broadly accepted the Appellant’s proposals but sought a Section 106 provision to protect and enhance footpath A22.

2.6.The Planning Decision rejected the application, inter alia, as the proposed development is unsustainable by virtue of its location. The proposal was deemed contrary to Harborough Local Plan policies GD1 & GD3 and Lubenham

¹ A2, §8.57, page 36

² A2 §7.37, page 29

³ A2, §8.62, page 36

⁴ A10, described in §8.2, page 45 and detailed in A10 Appendix E, page 60

Neighbourhood Plan policies LNP01, LNP16 and LNP19.

3. Accessibility of the Site: Locational Context

- 3.1. Limiting the need to travel is an inherently impossible goal for this planning application, given that the prison would employ around 800 people in a rural village of around 100 homes. Employees would necessarily be drawn from an area larger than the settlement of Gartree.
- 3.2. The rural location is approachable via Welland Avenue; an unadopted lane typically used by the MoJ for access to their main stores and by residents to access homes in the settlement of Gartree, adjacent to the existing prison.
- 3.3. Welland Avenue joins Foxton Road around two-thirds the way up the hill between Lubenham and Foxton⁵. Foxton Road is an unlit, single carriageway with an environmental weight restriction of 7.5 tonnes and has no pavement or dedicated cycleway.
- 3.4. The nearest primary road is the single carriageway A6 between Leicester and Kettering, 5km away from the site via unclassified roads and the B6047 Harborough Road.
- 3.5. The nearest motorway (M1 junction 20) is 18km distant, through the centres of five villages⁶, via a minor road and the A4304 non-primary road.
- 3.6. The rural bus service stops ten times per day in one direction only on Mondays to Saturdays. There is no service on Sundays or Bank Holidays.
- 3.7. The nearest railway station is 5.7km from the site.

4. The Site Is Too Isolated To Reach by Foot or Cycle

- 4.1. Taken together, walking and cycling are commonly referred to as active modes of transport and are associated with many positive outcomes. Commuting by cycle or foot is good for the economy, good for the health of those involved and

⁵ Using topological mapping software, I measure the climb between appeal site and the bottom of Foxton Road in Lubenham as 26 metres and the climb between appeal site and the top of Foxton Road in Foxton as 17 metres

⁶ The A4304 is a single carriageway, running through the centres of Lubenham, Theddingworth, Husbands Bosworth, North Kilworth and Walcot before reaching the M1

good for employers as staff have higher productivity levels⁷.

4.2. Gartree is the only location accessible within a ten-minute walk. The MoJ accepts that no visitor and no staff member will walk to site⁸.

4.2.1. There is a gap of approximately 12.5 metres between the end of the proposed footpath within the site boundary and the beginning of the extant footpath in front of 74, Welland Avenue. Pedestrians would need to walk on the roadway to progress towards Gartree village and the bus stop. Appendix B shows the gap. There is no paved walkway to the rest of the Parish or to Market Harborough.

4.3. I agree with the MoJ's assumption that no visitors will cycle to the site. However, the MoJ's estimate that 2.8% of day staff will cycle to work seems optimistic.

4.3.1. The MoJ's calculation is based on a theoretical calculation, based on generalised Census data from 2011. It does not have a basis in empirical evidence.

4.3.2. Cycle access to Gartree 2 is similar to that of HMP Gartree. I commissioned a cycling survey of HMP Gartree during August 2022 to understand the true likelihood of cycle usage for the appeal site. In short, almost nobody cycled to HMP Gartree during one of the warmest, driest and least windy summer months on record. Amongst the abandoned bicycles in the shed, the survey identified evidence of only four cycle movements in a period in which there were perhaps 6,000 person-days of staff on site, an incidence of <0.1%⁹. Sample photographs of the survey are shown in Appendix C. To the credit of the MoJ, the cycle sheds are in a better state than in 2021; they used to be overgrown with weeds.

4.4. No amount of bicycle sheds will succeed in persuading staff to cycle to an isolated location. Whilst the MoJ has laudable aspirations to promote the benefits of cycling, its prospective staff would be drawn mainly from a 40-mile radius from site. Employees would need to have impressive levels of fitness to cycle this journey, even in the summer months.

4.5. I conclude that the the application site is not broadly accessible by foot or cycle. There is no contiguous, paved footpath to anywhere. There is no reason to believe that cycling to Gartree 2 would be more popular than cycling to HMP Gartree. Demonstrably, cycling is not a transport solution that has been maximised by staff

⁷ Appendix A, page 55

⁸ A10 §5.2.1.1 and §5.2.1.2

⁹ 18 days multiplied by c.350 employees at HMP Gartree (my estimate)

in the adjacent prison.

5. The Site Is Too Isolated To Reach by Bus or Rail

5.1. The government is committed to building back better and accelerating the nation's path to net zero. Specifically, the government has committed to encouraging and supporting public and private sector employers to take action to reduce emissions from their employees' travel journeys, such as via public transport¹⁰.

5.2. I agree with the MoJ that no late shift worker is likely to use the bus or rail service.

5.3. Day staff need to arrive up to one hour before the start of their shift to go through security checks. Day shifts start at two times for uniformed staff (07.00 and 08.00) and two other times for non-uniformed staff (08.30 and 09.30)¹¹.

5.4. There is no possibility for staff to arrive by the existing bus service in time for work before 08.00. The first bus from Fleckney arrives at Gartree at 7.57am and is a ten-minute walk from the site entrance. Appendix E contains the full bus service timetable. Including the walk from the bus stop, it takes 74 minutes to make the seven-mile journey from Fleckney (cf 15 minutes by car).

5.5. Service 44 does not operate on Bank Holidays or Sundays.

5.6. The MoJ has offered £500,000 to improve the existing bus service. However, this is not sufficient to maximise the use of the bus as a transport mode. This figure would, in the MoJ's verbal submission to the planning committee, be sufficient to fund one bus and one driver for four years. Assuming *all* the forecast bus users - 2.8% of staff - use this specific bus (and no staff use the extant service), the bus service provision would cost £125,000 per year and benefit 22 employees¹².

5.7. Whilst the provision of a single extra bus would make services a little less infrequent, I suggest that the private car will still be the shorter, more convenient transport mode for the vast majority of staff, most of whom would reside somewhere within a 5,000 square mile area. The staff catchment area includes Derby, Nottingham, Peterborough, Bedford and much of Birmingham¹³. Gartree has no bus connection to any conurbation and would not have, even after the MoJ's contribution.

¹⁰ Appendix A, page 191

¹¹ A10, Appendix F: see the Technical Note following Page 61

¹² 2.8% of 778

¹³ A2 §6.26, page 21 reports that 90% of staff are assumed to live within a 40-mile radius of site

5.8. The train is not a feasible transport mode for the majority of staff without the use of a private car or taxi to get from Market Harborough station to site. Taxis are not economically viable for regular use: it costs c.£15 per journey (a distance of c.5.7km) from the station to Gartree. On the days when the bus service is running, it is theoretically possible for staff to arrive on site by 8.30am, but only by catching a train that is so early, it would be an unlikely choice for many. Appendix F lists the latest possible trains that day staff could take in order to arrive on site by train by 8.30am, via the 44 bus service.

5.9. The site has poor accessibility from nearby towns via rail. In fact, there is no town or city within a forty mile radius that is more quickly accessible by the combination of train/bus/walk than by private motor vehicle. Typically, rail journeys take twice as long as journeys in private vehicles. Some examples are listed in Appendix F.

5.10. I conclude that the the application site is not broadly accessible by bus or train. The only bus routes past the site in one direction and is in no way comparable to a commuter service. True rail journey times from nearby population centres make commuting by train very unlikely indeed. It is not possible to maximise the use of the rail service as part of a sustainable travel solution; onward bus services to site are not coordinated with the rail service to enable commuting to Gartree.

6. Accessibility to Site via Private Vehicle

6.1. In its justification for site selection, the MoJ contends that Gartree is easily accessible to the north and south. The Appellant has provided no definition of 'the north and south', what unit of measure was deployed to conclude that this access is 'easy' or what transport mode was considered.

6.2. I can only surmise that the MoJ is referring to private motorised vehicles as the transport mode in its search criteria. The Design and Access Statement¹⁴ states that the 'site is accessed most directly from the A6, which is situated just 3.4 miles to the east. From the north, the site can be accessed off Gallow Field Road, linking to Welland Avenue.' No reference is made to access from the south.

6.3. It is the government's published desire to make walking, cycling or public transport the natural first choice for journeys. The first strategic priority in the Department for Transport's landmark document 'Decarbonising Transport: A Better, Greener Britain'¹⁵ is to accelerate the modal shift to public and active transport.

¹⁴ A7 §2, page 7

¹⁵ Appendix A, page 36

6.4. The MoJ estimates that 93.6% of all journeys to work (and 100% of all late shift and visitor journeys) will be by private motor vehicle.

6.5. The Applicant correctly states that the site is accessible from the strategic highway network¹⁶; however, that is no more than a statement to confirm that there is a highway route eventually connecting the site to a major A road or motorway. There can be very few locations that fail against this measure.

6.5.1. The M1 is 20 minutes' drive from Gartree and the M6 is 25 minutes away.

6.5.2. There is no route to any strategic road that avoids passing through the centres of a number of villages. In fact, all of the local roads surrounding the site are unclassified, routing through small settlements.

6.6. Local traffic flows due to the development in the surrounding villages of Foxton, Gumley and Great Bowden are assumed to be zero with no convincing evidence. There can be no serious argument to support this notion. As local residents know, the shortest and quickest vehicle routes to some of the nearest towns route via Gumley, Foxton or Great Bowden along narrow country lanes. The MoJ has submitted that not a single vehicle will use these routes. Three examples:

- the shortest route to Leicester goes through Foxton
- the only realistic route to Fleckney is via Gumley
- the quickest route to the train station is via Great Bowden.

6.7. The MoJ's submissions seem to have missed out a series of vehicles from its assumed traffic count. Some examples of vehicles not counted include:

- delivery vehicles, some of which will be light goods vehicles or HGVs
- service vehicles
- motorcycles or any vehicle containing staff as a passenger.

This location will host 1,715 prisoners and many hundreds of staff. In the absence of a more complete data set of vehicular movements, I suggest that accessibility by private vehicle has not been fully represented and the impact cannot be properly assessed.

¹⁶ A2 §8.62, page 36

7. Accessibility Once on MoJ Land

7.1. The MoJ asserts that Welland Avenue is 'approximately 5.7 metres wide' without substantiation¹⁷. In fact, Welland Avenue is typically 4.8 metres wide (Appendix G).

7.2. HGVs¹⁸ are 2.55m wide and the MoJ plans to route an average of 73 HGVs¹⁹ per day (travelling in both directions) on this road, in addition to many private vehicles.

7.3. Welland Avenue is not an appropriate conduit for goods vehicles and its use would no doubt cause congestion. It is hard to see how 1,300+ daily private vehicle movements, HGVs and service vehicles could negotiate this narrow lane alongside its use by the residents of Gartree.

8. Car Park Provision Within the Site

8.1. The MoJ has calculated peak parking accumulation to be 506 vehicles whilst the car park can hold 523 vehicles²⁰.

8.2. The number of trips generated by staff, and hence the car park sizing requirement, is based on a staff:prisoner ratio of 0.5²¹. This figure is incorrect; it is the ratio for Category C prisons, not Category B prisons. Recent Category C prisons have used a staff:prisoner ratio of 0.5²².

8.3. According to the MoJ²³, Category B prisons require a higher staff:prisoner ratio than Category C prisons.

8.4. By way of example, the MoJ plans 20% more employees in Gartree 2 versus Garth Wymott 2; a Category C prison of identical capacity and house block design²⁴. Even if a small fraction of these additional 20% of employees drove to work, the car park would overflow.

¹⁷ A11, §4.3.1, page 14

¹⁸ A65

¹⁹ A33 §4.4.2, page 13

²⁰ A10 §6, page 32

²¹ *ibid*

²² Appendix D. See the technical note following page 60

²³ Appendix H

²⁴ Appendix L §5.60, page 25

8.5. Further, the Appellant is inviting us to believe that at least 8.5% of staff will arrive and depart from site as a passenger - either in a private vehicle or in a taxi. Given that most staff will be drawn from a 40 mile radius from site (and some from beyond), I suggest that this is a high estimate.

8.5.1. None of these vehicles that contain staff as passengers appear in the transport calculations; indeed, there is no drop-off point, no turning point, no waiting area and no room in the car park for the dozens of cars that will apparently drive to the site and collect passengers, leading to the possibility that traffic will accumulate on Welland Avenue.

8.6. The Appellant may claim that car park provision is overstated, given that there is provision for visitors in the car park sizing calculations. Whilst a recent prisoner survey from HMP Gartree²⁵ suggests that very few prisoners receive frequent visits from friends and family, it could be regarded as somewhat cynical to assume that very few family members would visit the Gartree 2 and hence only limited car park provision is required.

8.7. In summary, the car park is sized on the basis of unsound assumptions:

- a staff:prisoner ratio of 0.5, whereas the MoJ confirms that the true figure is higher
- no vehicles enter the site to drop off and collect passengers, even though the MoJ suggests that this will be the transport mode for 8.5% of day staff and 9.1% late shift staff.

9. Accessibility for Visitors

9.1. A Category B Training Prison is regarded as a national resource; the Prison Service can send prisoners to any one of them and locate the prisons anywhere in England and Wales. Even though these prisons are not categorised as local or resettlement, prisoners do have access rights to their families. Locating prisons where families struggle to visit causes harm to both prisoners and their families.

9.2. The Government commissioned an independent review on '*The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime*', authored by Lord Farmer in August 2017²⁶.

9.3. Farmer reports that, for a prisoner who receives visits from a partner or family member, the odds of reoffending are 39% lower than for prisoners who had not

²⁵ Discussed in Section 12 of this document

²⁶ J20

received such visits. As one prisoner said: *'If I don't see my family I will lose them, if I lose them what have I got left?'* Lord Farmer's overarching conclusion²⁷ is that 'good family relationships are indispensable for delivering the Government's far-reaching plans across all the areas outlined in their white paper on Prison Safety and Reform, published in November 2016'.

9.4. Farmer recommends that all new-build prisons should be subject to the Government's Family Test and required to produce a family impact assessment, which should be published²⁸. It is not clear if the MoJ has conducted such an assessment for this planning application but if so, I have not been able to find the results.

9.5. However, it is possible to infer the impact on families of constructing a second Category B prison in Gartree. The Prisons Inspectorate carries out unannounced audits of prisons; part of this programme includes a survey of prisoners' views. Taking the most recent survey for each prison (but excluding any survey during lockdown as this would skew the results), HMP Gartree performs amongst the worst of any Category B prison in England and Wales for frequency of prisoner visits and ease of access. Appendix J shows the full table. 70% of prisoners report that families face difficulties in accessing HMP Gartree; only 5% of prisoners receive frequent visits.

9.6. By locating another prison in Gartree, the MoJ would do nothing to help alleviate the difficulty in maintaining family ties, consequently hindering the quality of outcome for prisoners. Gartree is not easily accessible from anywhere. All visitor access is assumed to be by private vehicle - and even then only by routing via minor roads. Many prisoner families have to travel by public transport, whereas Gartree has no coordinated bus/rail connection.

10. Mitigation Actions Are Not Sufficient

10.1. The MoJ has incorporated a series of measures that aim to alleviate sustainability and accessibility issues. I have alluded to the provision of an extra bus service and the installation of a large bicycle shed; I suggest that such measures are unlikely to fulfil the goal of providing realistic, sustainable transport options for many. I suggest that some other measures, whilst worthwhile, are likely to have only a marginal impact on accessibility and sustainability. Such measures include the provision electric vehicle charging points.

10.2. Two specific mitigation actions are proposed in response to issues raised by statutory authorities; I contend that in both cases, the remediation measures are not

²⁷ J20, page 7

²⁸ J20 Chapter 7, recommendation #1

sufficient to counterbalance the overwhelming evidence of accessibility and sustainability harm.

10.2.1. In pre-application discussions, HDC raised concerns regarding additional vehicle trips generated by Gartree 2 travelling along the northern section of Welland Avenue²⁹.

10.2.2. Whilst the MoJ confirms that no Gartree 2 traffic will use this route, the site access preliminary design³⁰ clearly demonstrates that Gartree 2 traffic can pass along the northern section of Welland Avenue.

10.2.3. The mitigation steps include providing signage at the site exit and the introduction of a width restriction that encroaches upon about half the width of the highway³¹.

10.2.4. I do not see how these steps would prevent the flow of Gartree 2 traffic through Welland Avenue.

10.3. In its Substantive Response³², the Highway Authority assessed transport sustainability and stipulated a s106 provision to widen footpath A22 from the school into Foxton village, noting the additional traffic that the proposed development would generate to the frontage of the primary school.

10.3.1. The Committee Report states that the improvements are 'considered necessary in order to help provide safe routes to school removing the reliance on parking at the junction of Gallow Field Road and Foxton Road'³³. According to the MoJ³⁴, 55% of traffic in the operational phase of the prison would route past Foxton Primary School.

10.3.2. The suggested s106 provision is insufficient to secure a safe walking route to Foxton Primary School. Footpath A22 is clearly in need of maintenance, but it is not a suitable route to school for parents who drive their children to school. An alternative solution would need to be brought forward, as confirmed in an audit of the site included as Appendix K.

²⁹ A10 §8, page 45

³⁰ A10 Appendix D

³¹ A10 Appendix E

³² B8, page 9

³³ A72 §6.11.3

³⁴ A10 Appendix H

11. Summary and Conclusion

11.1. The MoJ provides no convincing argument as to how the plan contributes to sustainable development.

11.2. There is no net gain in sustainability as it relates to NPPF 105; Gartree is an isolated location. There is no possibility of limiting the need to travel or maximising sustainable transport solutions.

11.3. Almost every trip will be by private car but the local road network is not suited to commuting traffic. Accessibility from nearby villages has not been accurately represented. The Appellant has provided insufficient evidence to demonstrate that there will be no harm caused to the amenity of surrounding villages.

11.4. The Appellant has underestimated trip generation and in my view, overestimated the use of sustainable transport modes. The level of private vehicle usage is likely to be worse than the MoJ's predictions.

11.5. The only access road is too narrow to support the passage of HGVs and the car park appears to be undersized.

11.6. The Appellant's attempt to reduce traffic movement through Gartree village is unlikely to fulfil the goal of mitigating the adverse impact of living conditions of nearby residents. The plan would exacerbate issues with the walking route to the Primary School.

11.7. There is no net gain in sustainability as it relates to the purpose of the prison estate. Any prison (whether in Gartree or not) serves the purposes of punishment, deterrence, public protection and reparation. The fifth purpose — reform and rehabilitation of offenders — is highly dependent on the ability of the prisoner to access family support. Family work should always be seen and referred to alongside employment and education as the third leg of the stool that brings stability and structure to prisoners' lives, particularly when they leave prison³⁵. Family ties help prevent reoffending and reduce intergenerational crime. Gartree ranks amongst the very worst locations for family access according to prisoners themselves.

11.8. By placing a prison in an unsustainable location, the MoJ would hinder the quality of outcome for prisoners and hinder the Government's drive for sustainable development. I would urge the Inspector to assign weight in the planning balance due to sustainability and accessibility harms that cannot be mitigated.

³⁵ J20, excerpt from Executive Summary, P5