



Planning Inspectorate room 3/26,  
Temple Quay House,  
2 The Square,  
Temple Quay,  
Bristol  
BS21 6PN

HOUSE OF COMMONS  
LONDON SW1A 0AA

RE: Application APP/F2415/W/22/3300227

29<sup>th</sup> July 2022

I write to you in strong support of the decision taken by the Harborough District Council (HDC) Planning Committee in April 2022, to reject the application for a new prison in Harborough District. I believe the Council were correct to conclude that would have a harmful impact on the character and appearance of the countryside and Area of Separation, and that the benefits associated with the proposed development would not outweigh this harm, and that the proposal is therefore contrary to Harborough Local Plan policies.

Unlike two thirds of councils, HDC has an up to date and recently approved Local Plan.

It has gone through several rounds of consultation and drafting with local residents and stakeholders to determine where future development would take place and how it can be supported by the necessary infrastructure and transport.

This site does not feature as a development site in the HDC Local Plan, or in the Lubenham Neighbourhood Plan, which went through a similarly robust exercise in outlining development sites, prior to it being approved at a local referendum.

Many of the problems with the proposed prison site – such as problems with sustainability and public transport - are due to it not having gone through this painstaking process, in which these issues could have been considered in a strategic way.

This is not a sustainable site for a new prison.

The greenfield site chosen has limited-to-non-existent public transport. The Ministry of Justice argues that prisoners are less likely to reoffend once released if they are visited in prison<sup>1</sup>.

Visits will be difficult on the proposed site. The 44 bus goes one way past the prison to Market Harborough. As the transport assessment notes:

*“The service operates once every one to two hours Monday – Saturday, with no Sunday service. It is important to note that 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”.*

This means that at most times people will have to walk 21 minutes from the corner of the Gallowfield road to the prison, a country road with fast cars and no pavement. MOJ's proposed one-off S106 public transport contribution acknowledges this problem, but is hopelessly inadequate to provide a sustainable long term solution.

The transport assessment further notes that “Pedestrian access to local amenities within the vicinity of the proposed development is limited.”

Harborough as a constituency is fortunate to have low unemployment and above average earnings, (a point I will return to below), but combines this with high house prices (16% above the average for England and Wales<sup>ii</sup>), meaning that many people will commute from further away, a point MOJ acknowledge to some extent.

Member of Parliament for Harborough, Oadby and Wigston

020 7219 3000 neil.obrien.mp@parliament.uk www.neilobrien.org.uk

@NeilDotObrien neil4harborough NeilDotObrien

The difficulties recruiting locally to the existing HMP Gartree Prison have also been noted by many residents. So people will drive by car on narrow country roads, past the drop off point for Foxton Primary School, and through surrounding villages. I think the claim in the transport assessment that 0% of journeys to and from the prison will go through Foxton village is wholly implausible.

The submission by Foxton Primary School makes it clear that MOJ are wrong to claim that the trips to the prison would fall outside the hours in which primary school children are being picked up and dropped off, because MOJ had not noted that the school runs an extended school day. The school notes that there can be “up to thirty cars at any one time parked on the road”, as the majority of pupils have no choice but to arrive by car.

In terms of the harmful impact on the character and appearance of the countryside and Area of Separation, the foul water strategy notes that the preferred solution:

*“may result in capacity issues at the existing Welland Avenue pumping station, and at Foxton Waste Water Treatment Works. These issues may result in flooding, either directly from the pumping station or from upstream in the sewer network (which also serves neighbouring residential properties on Welland Avenue), or both. Due to the topography any flooding may also directly affect the proposed development at Gartree 2, due to overland flow possibly reaching the car park areas and beyond.*

*Furthermore the additional flow at Foxton waste water treatment works may result in the works failing its Environment Agency discharge consent (which places controls on the minimum acceptable quality of treated water discharged to the watercourse). The impact of this is that the works would be considered to be polluting the watercourse, until measures are taken to increase the capacity of the works and/or amend the discharge consent. It is recommended that a further review of the viability of this option is undertaken in conjunction with all parties”.*

The conclusion of the report is that this “does present a number of potential issues” – again, this is a problem caused by not having this development considered in the round as part of the local plan.

The Badger survey notes that:

*“the proposed development would result in the destruction and/ or damage of seven active badger setts, the disturbance of badgers using those setts and potentially the injuring/ killing of badgers occupying those setts...*

It notes that it will be necessary to close these setts permanently under a badger development licence from Natural England, but that one of the setts is particularly large and established and will be more difficult to move badgers from.

In addition to these points, in terms of the harmful impact on the character and appearance of the countryside and Area of Separation, it is further worth noting that the proposed prison would have:

- Floodlighting for a new sports pitch;
- Extensive security lighting;
- And, as the design and access statement makes clear, being situated on a rise, it will be highly visible across a wide area.

At the meeting of the planning committee, it was the view of local Councillors, and a view that I share – that these are the key factors upon which this decision has been taken and this appeal should be held. It is worth recalling for context that the MOJ also submitted plans for a new block within the existing Gartree prison, which would also add to the cumulative transport and sustainability concerns.

An answer to a written parliamentary question I asked stated that MOJ will not reveal the list of alternative sites which were considered until 6 September<sup>iii</sup>, after the point which submissions must be made. This is extremely untransparent and unjustified.

However, in answer to a FOI request the MOJ has stated that:

*In June 2020, the four new prisons were announced to be required in East Yorkshire, the North West and two in the South East of England. Following this, a decision was made that one of the four new prisons was to be a category B training prison. Category B training prisons are a national resource, and therefore not linked to regional demand and reduced the specific requirement for two of the four new prisons to be in the south east.*

It is not clear at this time how and when the decision was made that one of the prisons should be a Category B prison, which, as MOJ say, is not linked to regional demand but to *national* needs.

It would be interesting to understand how, when and if this affected the MOJ's search for sites. Logically, given the above, Gartree would have to have been considered compared to sites across the nation, not only within the region, and I find it difficult to believe there was no possible site anywhere in the country that might not have been better.

The design and access statement notes that

*"In February 2018, MACE carried out a high-level feasibility study, exploring the viability of the land around HMP Gartree as an option for the Ministry of Justice to deliver a new build 1,715 space, Category B Trainer prison" (my underlining).*

It would be interesting to understand which other sites were explored as options in 2018 and why. The impression this leaves is that this earlier work may have led the MOJ to prejudge the later search for sites, simply because the department happens to own the land.

Recent changes to the Treasury Green Book, plus the Levelling Up White Paper and the prospectuses for various central government funding streams have all emphasised the importance of taking into account wider social benefits when calculating the BCR of different investments so that funding is used to level up poorer areas.

While the MOJ has said it is unable to provide a cost for the prison at this time<sup>iv</sup> the positive employment and socioeconomic benefits of the new prison would almost certainly be higher elsewhere. From a welfare economics point of view, all of the stated economic benefits the appellant cites would be of more benefit in poorer places where incomes are lower and unemployment higher. As the Green Book notes at Para 5.70, "the value of an additional pound of income may be higher for a low-income recipient than a high-income recipient."

In the Harborough District the claimant count rate for those aged 16+, as a share of those economically active, was just 1.9% in June 2022, far lower than the Great Britain average of 4.7%<sup>v</sup>. There were only 5 local authorities in Great Britain where the rate was lower, but 353 local authorities where it was higher. In seven local authorities it was over 9%. The employment benefits of the prison would be higher in local authorities where unemployment is higher.

Earnings data suggest the same – in 2021 Harborough residents who were full time workers earned £648 a week, compared to an average of £573 across the east midlands as a region.

While there are of course benefits from the construction of a new prison in terms of modernising the prison estate, these could be achieved in many locations across the country, many of which would have greater local socioeconomic benefits, as well as being more sustainable and better connected. The impression is that MOJ have simply focussed on the fact that they own this land and have prejudged the assessment of possible sites in an irrational way for this reason.

As such, I hope due consideration will be given to both the Lubenham Neighbourhood Plan and HDC Local Plan, and the importance of both of these documents in determining the locations permitted for development. Government policy has emphasised the importance of a plan led system<sup>vi</sup> and the importance of having a local plan to control where development happens<sup>vii</sup>.

If HDC - one of the minority of councils which have an up to date local plan - are to be simply overruled on appeal, then many people will rightly ask what the point of a local plan is.

The MOJ, acknowledges in the appeal document that:

*"The application site is within the open countryside (but is not within the Green Belt). HLP Policy GD3 identifies acceptable uses within the open countryside which does not include the proposed use. There is accordingly a degree of conflict with HLP Policy GD3."*

It also admits that:

*“The Site is partly within the Area of Separation between Gartree and Lubenham defined in LNDP Policy LNP01.”*

Both plans were developed in good faith by the Local Authority and Parish Council to ensure development happens in appropriate locations with the consent of local residents, not against their wishes.

The appellants main argument seems to be that there is an urgent need for more prison places, and this should outweigh the fact that it is contravention of the local plan they acknowledge above.

So it is remarkable – astonishing even – that there is no evidence presented that this site is the best or only way of addressing the need for prison places.

I would further note that ten years ago, in March 2012, the prison population was 87,531, while in March 2022 it was substantially lower, at 79,773.

If the challenge of finding places is as urgent as the MOJ suggest, they would surely be able to give us a list now of the many, many sites that they have considered and the dozens of sites they have applied for planning permission on.

In reality no list has been forthcoming, few applications have been made and at the point that I write this to you there is no evidence that this is the site has been selected because it is most in keeping with the NPPF. It seems rather to have been a site seen for some time by MOJ as convenient, simply because they own the land.

I understand a number of constituents have also contacted you to express their views and also request site visits for local impacted areas. This is something I hope will be conducted to ensure the views of local residents who will be most affected by this development, are heard throughout the process – just as they were when the Local Plan and Neighbourhood Plans were developed.

To conclude, Paragraph 8 of the NPPF states that sustainable development is about:

- “identifying and coordinating the provision of infrastructure;”
- “accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being”
- “enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

This proposed appeal fails on all of these considerations, all of which could be better achieved elsewhere.

Yours faithfully,

Neil O’Brien OBE MP

*Neil O’Brien*

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<sup>i</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/243718/evidence-reduce-reoffending.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/243718/evidence-reduce-reoffending.pdf)

<sup>ii</sup> ONS, House Price Statistics for Small Areas (HPSSAs)

<sup>iii</sup> <https://questions-statements.parliament.uk/written-questions/detail/2022-07-18/38822>

<sup>iv</sup> <https://questions-statements.parliament.uk/written-questions/detail/2022-07-18/38822>

<sup>v</sup> Claimant count by sex and age, retrieved from NOMIS

<sup>vi</sup> <https://hansard.parliament.uk/commons/2021-10-25/debates/9C604C46-0FFD-458D-BD47-D81F993DFCB7/PlanningRules#contribution-1B528E8C-0240-491E-8678-636705FC22E9>

<sup>vii</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1088045/Letter\\_to\\_DLU\\_HC\\_Committee\\_Chair.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1088045/Letter_to_DLU_HC_Committee_Chair.pdf)