

EDGCOTT PARISH COUNCIL

18 August 2021

Development Management
The Gateway
Gatehouse Road
Aylesbury
Buckinghamshire HP19 8FF


Att: Ms Hird

21/02851/AOP | Outline Planning Application with all matters reserved except for access and scale for the construction of a new Category C prison (up to 67,000 sqm GEA) within a secure perimeter fence together with access, parking, landscaping and associated engineering works. | HM Prison Grendon Springhill Road Grendon Underwood Buckinghamshire HP18 0TL

Dear Ms Hird

The attached objection from Edgcott Parish Council to the above planning application is forwarded for your attention.

Kind regards



PETER HARPER
Chair, Edgcott Parish Council

CLERK
Carole Jackman, 1 Darley's Close, Grendon Underwood, Aylesbury, Buckinghamshire HP18 0SE
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FAO Ms Danika Hird, Senior Planning Officer

Re: Outline Planning Application with all matters reserved except for access and scale for the construction of a new Category C prison (up to 67,000 sqm GEA) within a secure perimeter fence together with access, parking, landscaping and associated engineering works (application reference 21/02851/APP). Applicants being the Ministry of Justice (MoJ).

Dear Ms Hird,

Further to the recent notification Edgcott Parish Council **STRONGLY OBJECTS** to this planning application for the numerous and robust planning reasons set out in this statement. We would also respectfully invite Buckinghamshire Council to refuse planning permission at the earliest available opportunity.

As a starting point, the Parish Council can confirm that it has reviewed the application documentation including all associated plans and technical reports. Equally, the Parish Council has also reviewed consultation material provided by MoJ which predates the application submission.

In response to a Freedom of Information (FOI) request to MoJ, the Parish Council has also seen a pre-application letter dated 8/10/20 (Council reference 20/02358/COMM) between Officers at Buckinghamshire Council ("the LPA") and Cushman and Wakefield, the agents acting for MoJ. The letter expresses informal Officer views but nevertheless identifies the policy context for assessment of the proposal.

In particular, the pre-application letter confirms that the development of a green field site within the open countryside in order to provide a resettlement prison would fail to comply with both national and local policies. This conflict would remain following the adoption of the emerging Vale of Aylesbury Local Plan (VALP). MoJ were therefore invited to adduce material considerations to justify a departure from the Development Plan before submitting a planning application.

We will attach appropriate and robust evidence on a topic by topic basis as numbered **Appendices** to this statement. The evidence will include rebuttals of the application particulars where appropriate.

Site Location and description

The proposed scheme seeks the erection of a Category C Resettlement Prison adjacent to HMP Springhill and HMP Grendon ("The Prison complex"). The Prison complex is situated within the Parish of Grendon Underwood, close to the Springhill housing estate and in the open countryside approximately half a mile away from Edgcott, with the intervening land being open and undeveloped.

The Prison use commenced in the 1950s although Grendon Hall, part of the Prison complex, was not listed until 1985 (Grade II). The remaining prison buildings are a variety of heights and styles and are served by a number of ancillary features (e.g. fencing, hardstanding etc). The Prison complex does, however, form part of a settled, mature landscape, which will be amplified in this statement.

The Prison complex is located in the highest part of the site, which then falls in all directions, including towards Grendon Road. The significance of this topography will be considered in more detail later, particularly in the context of landscape impact. There is also an extensive and well used footpath network in the vicinity of the site, where the Prison complex can be seen at close quarters, sometimes through intervening vegetation.

The Springhill residential estate is located to the immediate east of the site and comprises houses which were originally constructed for Prison staff. The estate shares a common point of access with

the Prison onto Grendon Road. Beyond this, Grendon Underwood lies just under a mile to the south of the site, at an appreciably lower level than the current application site.

Additional information relating to the site and its surroundings is also cited in the various Appendices accompanying this objection.

Brief Outline of the Proposal

When the application was initially submitted it was in outline form with access specified. All other matters are reserved for subsequent approval. However, we understand that the MoJ has since confirmed that siting and scale are defined at this stage, leaving external appearance and landscaping for external Reserved Matters approval. This means that the majority of effects of the development, together with its associated significant harms, can be understood and quantified at this stage.

The development would significantly consolidate the quantum of built development on site, enveloping much of the existing Prison complex, including the Grade II Listed Grendon Hall, its walled gardens and associated gates. The north west boundary of the extended site would also project up to Lawn House, a Grade II Listed Building located at the eastern end of Lawn House Lane in Edgcott. A detailed analysis of heritage impact is considered later.

The main features of the proposal are as follows.

1. 6 x 4 storey house blocks, with the capability of additional plant in the roof, in the north east portion of the site
2. Various supporting buildings of between 1-3 storeys
3. A new access from Grendon Road and the provision of extensive car parking on higher ground to the north east. The new access would run almost parallel with the existing access road with a new football pitch located between the two (see point 5 below)
4. The provision of high security perimeter fencing and a patrol road
5. The relocation of an existing football pitch to the existing open field bordering Grendon Road
6. Associated engineering work (e.g. drainage) and provision of associated lighting

Planning Policy Context

Development Plan

The Development Plan includes the Aylesbury Vale District Local plan (**AVDLP**), which was adopted in 2004, had an end date of March 2011 and has expired. However, a number of policies were "Saved" by direction of the Secretary of State in 2007 and are still operative. **For the purposes of this application, a number of Saved policies are considered to be consistent with the NPPF and directly relevant to this proposal, attracting full weight.** These most relevant policies are listed in full as follows.

GP8 (Protection of the Amenity of Residents)

Planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal. Where planning permission is granted, the Council will use conditions or planning obligations to ensure that any potential adverse impacts on neighbours are eliminated or appropriately controlled.

GP35 (Materials and Design Details)

The design of new development proposals should respect and complement:

- a) The physical characteristics of the site and the surroundings.
- b) The building tradition, ordering, form and materials of the locality;
- c) The historic scale and context of the setting;
- d) The natural qualities and features of the area; and
- e) The effect on important public views and skylines

GP 38 (Planting and soft landscaping)

Applications for new development schemes should include landscaping proposals designed to help buildings fit in with and complement their surroundings, and conserve existing natural and other features of value as far as possible. Hard landscaping should incorporate materials appropriate to the character of the locality. New planting should be with predominantly native species. Conditions will be attached to relevant planning permissions to require the submission of landscaping schemes and implementation of the approved arrangements.

RA 2 (Coalescence of settlements)

Other than for specific proposals and land allocations in the Local Plan, new development in the countryside should avoid reducing open land that contributes to the form and character of rural settlements. In considering applications for building in Rural Areas the Council will have regard to maintaining the individual identity of villages and avoiding extensions to built-up areas that might lead to coalescence between settlements.

Emerging Local Plan ("VALP") 2013-2033

In terms of VALP, it is understood that adoption is anticipated before the end of 2021. The emerging Local Plan is therefore a material consideration at present.

The Plan has been the subject of Examination although the Inspectors comments in relation to a number of issues are awaited. In terms of weighting of emerging policies, we understand that the well-established approach taken by Officers is as follows.

Limited weight: if there is a new and untested policy introduced by a main modification and subject to consultation.

Moderate weight: where there are objections and the Inspector has requested main modifications and therefore objections can be regarded as being "resolved".

Considerable weight: where there are objections but the Inspector has not requested main modifications (and as such the policy will not be changed in a material way) and the objections can therefore be regarded as being “resolved”.

Significant weight: where there are no objections and no modifications. These policies are not going to be changed and the next step will be adoption and very significant weight.

With these points in mind, the policies that are directly applicable to the proposals and their respective weightings are as follows;

S1 Sustainable Development for Aylesbury Vale Considerable weight

All development must comply with the principles of sustainable development set out in the **NPPF**. In the local context of Aylesbury Vale this means that development proposals and neighbourhood planning documents should:

Contribute positively to meeting the vision and strategic objectives for the district set out above and fit with the intentions and policies of the VALP (and policies within neighbourhood plans where relevant). Proposals that are in accordance with the development plan will be approved without delay unless material considerations indicate otherwise. The council will work proactively with applicants to find solutions so that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

a. Where there are no policies relevant to the application then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework (2012) taken as a whole, or
- specific policies in the **NPPF** (2012) indicate that development should be restricted.

In assessing development proposals, consideration will be given to:

- b. providing a mix of uses, especially employment, to facilitate flexible working practices so minimising the need to travel
- c. delivering strategic infrastructure and other community needs to both new and existing communities
- d. giving priority to the reuse of vacant or underused brownfield land.
- e. minimising impacts on local communities
- f. building integrated communities with existing populations
- g. minimising impacts on heritage assets, landscapes and biodiversity
- h. providing high-quality accessibility through the implementation of sustainable modes of travel including public transport, walking and cycling
- i. providing access to facilities including healthcare, education, employment, retail and community facilities
- J. meeting the effects of climate change and flooding.

T1 Delivering the sustainable transport vision Moderate weight

The strategy to deliver sustainable transport in Aylesbury Vale is based on encouraging modal shift with greater use of more sustainable forms of transport and improving the safety of all road users. The council, Buckinghamshire County Council and, where appropriate, Highways England, will work together to achieve this strategy and those improvements required to deliver it. The Council will seek to ensure that development proposals will deliver highway and transport improvements to ensure new housing and employment development identified in the Local Plan period does not create a severe impact on the highway and public transportation network and encourages modal shift with greater use of more sustainable forms of transport. The council will assist in delivering the pedestrian, cycle, public transportation and public realm improvements to deliver the Aylesbury Garden Town initiative as well as any required improvements to the transportation network in Buckingham and other areas of the district as required to deliver sustainable, healthy and thriving communities.

T4 Delivering transport in new development Limited weight

New development will be permitted where there is evidence that there is sufficient capacity in the transport network to accommodate the increase in travel demand as a result of the development

T5 Delivering transport in new development Moderate weight

Transport and new development will only be permitted if the necessary mitigation is provided against any unacceptable transport impacts which arise directly from that development. This will be achieved, as appropriate, through:

- a. The submission of a transport statement or assessment and the implementation of measures arising from it
- b. Ensuring that the scale of traffic generated by the proposal is appropriate for the function and standard of the roads serving the area
- c. The implementation of necessary works to the highway
- d. Contributions towards local public transport services and support for community transport initiatives
- e. The provision of new, and the improvement of existing, pedestrian and cycle routes
- f. The provision of a travel plan to promote sustainable travel patterns for work and education related trips.

BE1 Heritage Assets Considerable weight

The historic environment, unique in its character, quality and diversity across the Vale is important and will be preserved or enhanced. All development, including new buildings, alterations, extensions, changes of use and demolitions, should seek to conserve heritage assets in a manner appropriate to their significance, including their setting, and seek enhancement wherever possible. Proposals for development shall contribute to heritage values and local distinctiveness. Where a development proposal is likely to affect a designated heritage asset and/ or its setting negatively, the significance of the heritage asset and the impact of the proposal must be fully assessed and supported in the submission of an application. The impact of the proposal must be assessed in proportion to the significance of the heritage asset and supported in the submission of an application. Heritage statements and/or archaeological evaluations will be required for any proposals related to or impacting on a heritage asset and/or known possible archaeological site. Proposals which affect the

significance of a non-designated heritage asset should be properly considered, weighing the direct and indirect impacts upon the asset and its setting. There will be a presumption in favour of retaining heritage assets wherever practical, including archaeological remains in situ, unless it can be demonstrated that the harm will be outweighed by the benefits of the development.

The Council will:

- a. Support development proposals that do not cause harm to, or which better reveal the significance of heritage assets
- b. Require development proposals that would cause substantial harm to, or loss of a designated heritage asset and its significance, including its setting, to provide a thorough heritage assessment setting out a clear and convincing justification as to why that harm is considered acceptable on the basis of public benefits that outweigh that harm or the four circumstances in paragraph 133 of the NPPF all apply. Where that justification case cannot be demonstrated proposals will not be supported, and
- c. Require development proposals that cause less than substantial harm to a designated heritage asset to weigh the level of harm against the public benefits that may be gained by the proposal, including securing its optimum viable use.

Developments affecting a heritage asset should achieve a high quality design in accordance with the Aylesbury Vale Design SPD and the council will encourage modern, innovative design which respects and complements the heritage context in terms of scale, massing, design, detailing and use.

BE2 Design of New Development Moderate weight

All new development proposals shall respect and complement the following criteria:

- a. The physical characteristics of the site and its surroundings including the scale and context of the site and its setting
- b. The local distinctiveness and vernacular character of the locality, in terms of ordering, form, proportions, architectural detailing and materials
- c. The natural qualities and features of the area, and
- d. The effect on important public views and skylines.

More guidance on the detail for the application and implementation of this policy will be provided in the Aylesbury Vale Design SPD

BE3 Protection of the amenity of residents, Considerable weight

Planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of existing residents and achieve a satisfactory level of amenity for future residents. Where planning permission is granted, the Council will use conditions or planning obligations to ensure that any potential adverse impacts on neighbours are eliminated or appropriately controlled.

NE1 Biodiversity and geodiversity Moderate weight

Protected Sites Internationally or nationally important Protected Sites (SACs and SSSIs) and species will be protected. Avoidance of likely significant adverse effects should be the first option. Development likely to affect the Chiltern Beechwoods SAC will be subject to assessment under the

Habitat Regulations and will not be permitted unless any significant adverse effects can be fully mitigated.

Protection and enhancement of biodiversity and geodiversity will be achieved by the following:

b. A net gain in biodiversity on minor and major developments will be sought by protecting, managing, enhancing and extending existing biodiversity resources, and by creating new biodiversity resources. These gains must be measurable using best practice in biodiversity and green infrastructure accounting and in accordance with any methodology (including a biometric calculator) to be set out in a future Supplementary Planning Document.

c. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then development will not be permitted. Mitigation, compensation and enhancement measures must be secured and should be maintained in perpetuity development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance including habitats of principal importance or the habitats of species of principal importance will not be permitted except in exceptional circumstances where the need for, and benefits of the development significantly and demonstrably outweigh the harm it would cause to the site, and the loss can be mitigated and compensation provided to achieve a net gain in biodiversity/geodiversity

e. The Council will, where appropriate, expect ecological surveys for planning applications. These must be undertaken by a suitably qualified person and consistent with nationally accepted standards (BS 42020: Biodiversity – Code of Practice for planning and development) as replaced

f. Where development proposals affect a Priority Habitat (As defined in the Buckinghamshire Biodiversity Action Plan or UK Biodiversity Action Plan) then mitigation should not be offsite. Where no Priority Habitat is involved then mitigation can be offsite. When there is a reasonable likelihood of the presence of protected or priority species or their habitats, development will not be permitted until it has been demonstrated that the proposed development will not result in adverse impacts on these species or their habitats. The only exception will be where the advantages of development to the protected site and the local community clearly outweigh the adverse impacts. In such a case, the council will consider the wider implications of any adverse impact to a protected site, such as its role in providing a vital wildlife corridor, mitigating flood risk or ensuring good water quality in a catchment.

h. Development proposals will be expected to promote site permeability for wildlife and avoid the fragmentation of wildlife corridors, incorporating features to encourage biodiversity, and retain and where possible enhance existing features of nature conservation value on site. Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors including water courses should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity

i. Planning conditions/obligations will be used to ensure net gains in biodiversity by helping to deliver the Buckinghamshire and Milton Keynes Biodiversity Action Plan targets in the biodiversity opportunity areas. Where development is proposed within, or adjacent to, an opportunity area, biodiversity surveys and a report will be required to identify constraints and opportunities for biodiversity enhancement. Development which would prevent the aims of a biodiversity opportunity area from being achieved will not be permitted. Where there is potential for development, the design and layout of the development should secure biodiversity enhancement and the council will use planning conditions and obligations as needed to help achieve the aims of the biodiversity opportunity

area. A monitoring and management plan will be required for biodiversity features on site to ensure their long-term suitable management (secured through planning condition or Section 106 agreement).

i. Development proposals adversely affecting a local nature reserve will be considered on a case-by-case basis, according to the amount of information available about the site and its significance, relative to the type, scale and benefits of the development being proposed and any mitigation. Any mitigation strategy will need to include co-operation with the nature reserve managers.

NE4 Landscape character and locally important landscape Moderate weight

Development must recognise the individual character and distinctiveness of landscape character areas set out in the Landscape Character Assessment (LCA), their sensitivity to change and contribution to a sense of place. Development should consider the role characteristics of the landscape character area by meeting all of the following criteria:

- a. minimise impact on visual amenity
- b. be located to avoid the loss of important on-site views and off-site views towards important landscape features
- c. respect local character and distinctiveness in terms of settlement form and field pattern, topography and ecological value
- d. Carefully consider spacing, height, scale, plot shape and size, elevations, roofline and pitch, overall colour palette, texture and boundary treatment (walls, hedges, fences and gates)
- e. minimise the impact of lighting to avoid blurring the distinction between urban and rural areas, and in areas which are intrinsically dark and to avoid light pollution to the night sky
- f. ensure that the development is not visually prominent in the landscape, and
- g. not generate an unacceptable level and/or frequency of noise in areas relatively undisturbed by noise and valued for their recreational or amenity value

The first stage in mitigating impact is to avoid any identified significant adverse impact. Where it is accepted there will be harm to the landscape character, specific on-site mitigation will be required to minimise that harm and, as a last resort, compensation may be required as part of a planning application. This reflects the mitigation hierarchy set out in paragraph 152 of the NPPF (2012). Applicants must consider the enhancement opportunities identified in the LCA and how they apply to a specific site.

The Policies Map defines areas of attractive landscape (AALs) and local landscape areas (LLAs) which have particular landscape features and qualities considered appropriate for particular conservation and enhancement opportunities. Of the two categories, the AALs have the greater significance. Development in AALs and LLAs should have particular regard to the character identified in the report 'Defining the special qualities of local landscape designations in Aylesbury Vale District' (Final Report, 2016) and the LCA (2008). Development will be supported where appropriate mitigation to overcome any adverse impact to the character of the receiving landscape has been agreed. Where permission is granted, the council will require conditions to best ensure the mitigation of any harm caused to the landscape.

I4 Flooding Moderate weight

Management of flood risk In order to minimise the impacts of and from all forms of flood risk the following is required:

- a. **Site-specific flood risk assessments (FRAs)**, informed by the latest version of the SFRA, where the development proposal is over 1ha in size and is in Flood Zone 1, or the development proposal includes land in Flood Zones 2 and 3 (as defined by the latest Environment Agency mapping). A site-specific FRA will also be required where a development proposal affects land in Flood Zone 1 where evidence, in particular the SFRA, indicates there are records of historic flooding or other sources of flooding, e.g. due to critical drainage problems, including from ordinary watercourses and for development sites located within 9m of any water courses (8m in the Environment Agency's Anglian Region⁵⁶)
- b. All development proposals must clearly demonstrate that the flood risk sequential test, as set out in the latest version of the SFRA, has been passed and be designed using a sequential approach, and
- c. If the sequential test has been satisfied, development proposals, other than those allocated in this Plan, must also satisfy the exception test in all applicable situations as set out in the latest version of the SFRA.

Flood risk assessments

All development proposals requiring a Flood Risk Assessment in (a) above will assess all sources and forms of flooding, must adhere to the advice in the latest version of the SFRA and will:

- d. provide level-for-level floodplain compensation and volume-for-volume compensation unless a justified reason has been submitted and agreed which may justify other forms of compensation
- e. ensure no increase in flood risk on site or harm to third parties and ensure there will be no increase in surface water discharge rates or volumes during storm events up to and including the 1 in 100 year storm event, with an allowance for climate change (the design storm event)
- f. does not flood from surface water up to and including the design storm event, or any surface water flooding beyond the 1 in 30 year storm event, up to and including the design storm event will be safely contained on site
- g. ensure development is safe from flooding for its lifetime including an assessment of climate change impacts
- h. ensure development is safe from flooding for its lifetime (and remain operational where necessary) including an assessment of climate change impacts
- i. ensure development is appropriately flood resistant, resilient and safe and does not damage flood defences but does allow for the maintenance and management of flood defences
- j. take into account all sources and forms of flooding
- k. ensure safe access and exits are available for development in accordance with Department for Environment, Food and Rural Affairs (DEFRA) guidance⁵⁷. Access to "safe refuges" or "dry islands" are unlikely to be considered safe as this will further burden the Emergency Service in times of flood
- l. provide an assessment of residual flood risk
- m. provide satisfactory Evacuation Management Plans, where necessary, including consultation with the Emergency Services and Emergency Planners Sustainable drainage systems (SuDS)

- n. Ensure development layouts are informed by drainage strategies incorporating SuDS
- o. All development will be required to design and use sustainable drainage systems (SuDS) for the effective management of surface water run-off on site, as part of the submitted planning application and not increase flood risk elsewhere, including sewer flooding. All development should adopt exemplar source control SuDS techniques to reduce the risk of flooding due to post-development runoff. SuDS design should follow current best practice (CIRIA Manual 2015 or as replaced) and Buckinghamshire County Council guidance on runoff rates and volumes to deliver wider environmental benefits. Where the final discharge point is the public sewerage network the runoff rate should be agreed with the sewerage undertaker.
- p. Where site-specific FRAs are required in association with development proposals, they should be used to determine how SuDS can be used on particular sites and to design appropriate systems
- q. In considering SuDS solutions, the need to protect groundwater quality must be taken into account, especially where infiltration techniques are proposed in considering a response to the presence of any contaminated land. The Environment Agency need to be consulted where infiltration is proposed in contaminated land. SuDS should seek to reduce flood risk, reduce pollution and provide landscape and wildlife benefits. Opportunities will be sought to enhance natural river flows and floodplains, increasing their amenity and biodiversity value and a watercourse advice note is being prepared for further guidance
- r. Applicants will be required to provide a management plan to maintain SuDS in new developments, and a contribution will be required for maintenance of the scheme/SuDS
- s. Onsite attenuation options should be tested to ensure that changing the timing of peak flows does not exacerbate flooding downstream, and
- t. Only in exceptional circumstances will surface water connections to the combined or surface water system be permitted. Applicants will need to demonstrate in consultation with the sewerage undertaker that there is no feasible alternative and that there will be no detriment to existing users.

Applicants will be required to liaise with the lead local flood authority, Internal Drainage Boards, and the Environment Agency on any known flood issues, and identify issues from the outset via discussions with statutory bodies.

Climate change

- u. Climate change modelling should be undertaken using the relevant allowances (February 2016) for the type of development and level of risk
- v. Safe access and egress should be demonstrated in the 1 in 100 plus climate change event, and
- w. Compensation flood storage would need to be provided for any land-raising within the 1 in 100 plus appropriate climate change flood event

Other Material Considerations

In terms of other material planning considerations which must be taken into account in determining this application, the National Planning Policy Framework (NPPF) applies, which was recently revised on 20/07/21. The purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7). Paragraph 8 states that in pursuance of this objective, the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the

different objectives; economic objective , a social objective and an environmental objective. At the heart of the NPPF is a presumption in favour of sustainable development.

NPPF then provides detailed guidance on a range of matters, including promoting healthy and safe communities (Section 8), promoting sustainable travel (Section 9), achieving well designed places (Section 12), meeting the challenge of climate change, flooding and coastal change (Section 14), conserving and enhancing the natural environment and conserving and enhancing the historic environment.

Section 12 and its associated paragraph 126 state that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The mismatch between this objective and the current proposals is amplified in subsequent paragraphs.

Summary of Key Planning Objections

In essence, our key objections are summarised as follows;

- 1. The significant adverse impact of the proposals on the character and appearance of the countryside, existing settlement patterns and associated open space; and**
- 2. The significant adverse impact of the proposals on the landscape, with reference to the submitted Landscape and Visual Impact Assessment; and**
- 3. The significant and adverse impact on heritage assets, which is not outweighed by the alleged public benefits of the proposal; and**
- 4. The significant and adverse impact on archaeology; and**
- 5. The unsustainable location of the site and the inadequacy of proposed mitigation measures; and**
- 6. The significant adverse impact of the proposals on highway safety and convenience in terms of access and inadequacy of car parking; and**
- 7. The significant adverse impact of the proposals on the residential amenities of residents; and**
- 8. The significant adverse impact on ecological interests and biodiversity; and**
- 9. The significant adverse impact on drainage and flooding; and**
- 10. The significant adverse impact of the proposed building design, completely at odds with the 'building beautiful' agenda, now embodied in NPPF; and**
- 11. Any additional harms, including those identified in consultation responses**

These harms are irreversible and cannot be mitigated against.

After dealing with each source of harm in turn and associated conflict with the Development Plan, we consider the material considerations presented by the MoJ to justify the development in the overall planning balance. The assessment of the MoJ case will focus on the *alleged* need for the development and the inadequacy of the *site selection process*. The latter has prevented any rational assessment of harms versus benefits attributed to different locations. In other words, how can this be the 'optimum' site in planning terms?

Each of the above harms is considered in turn, with reference to the relevant Appendices.

- **The significant adverse impact of the proposals on the character and appearance of the countryside, existing settlement patterns and associated open space**

As stated earlier, the site is located in open countryside between the established settlements of Edgcott and Grendon Underwood. The site comprises the existing Prison complex which in turn abuts an isolated residential estate. Taken together, the adjoining developments are nucleated and well contained within the gently undulating landscape, glimpsed through tree screens and field boundaries, as opposed to an abrupt visual interface. This is despite the fact that the northern part of the Prison complex is elevated and many of their constituent buildings are utilitarian and, in some cases, bulky. In addition, there are significant parcels of open land which surround the existing Prison complex which both act as a visual foil and equally, a meaningful buffer between the Prison complex and Edgcott beyond. These areas of open, undeveloped space provide a green 'lung' which both provides a physical 'full stop' to the Prison complex and allows the settlement of Edgcott to breathe and enjoy its own social, historic and environmental identity.

The attached **Appendix 1** details the nature and function of the site within the established landscape, which has been formally assessed by the Council as part of its Landscape Character Assessment (2008). In addition, the Appendix identifies the historic association between Grendon Hall and the current application site and identifies a series of harms, which relate to countryside impact and beyond. Heritage and landscape impacts are also considered in detail later.

Appendix 1 also usefully cross references the MoJ's Traffic Assessment which alludes to its aspirations for increased capacity for Springhill. Whilst the current application has to be determined on its merits, we would respectfully request that the Council urgently seek clarification from the MoJ on this point.

In essence, the current proposal would significantly consolidate the quantum of built development on site, enveloping much of the existing complex of buildings, including the Grade II Listed Grendon Hall, its walled gardens and associated gates. The existing visual effect of the Prison complex would be significantly magnified by its spatial sprawl, introduction of large, bulky house blocks on an elevated part of the site, an enormous car park, provision of workshops and other utilitarian buildings.

These effects would be appreciable from a number of public vantage points, including the well-used public footpath network in the locality and also Grendon Road, where two parallel access roads would scar the existing hillside, creating an effect similar to a multi lane motorway, with a football pitch between them. Regular, if not constant, use of these features by motorists, prisoners, staff and visitors would simply magnify and reiterate the countryside impact of these features.

It is also important to emphasise that ancillary features would cause additional harm. In particular, an array of lighting in and around the site would draw attention to the intensified institutional use, especially at night-time where an intrusive halo effect would arise, especially in damp conditions. In addition, utilitarian walling, fencing and other institutional means of enclosure would bound the site,

which would be compounded by significant vehicular and general disturbance, including verbal exchanges associated with the relocated football pitch.

The net result is that the effects cited above would have a significant adverse impact on the character and appearance of the countryside. In particular, the proposal would significantly reduce open and green land which mitigates both the effect of the Prison complex and acts as a meaningful buffer between the Prison and Edgcott. In addition, the intervening land acts an attractive open setting for Edgcott as a self-contained settlement in its own right. We are also aware from the Councils pre-application letter to MoJ reference, in this statement, that Officers raised the matter of coalescence as a determining issue at that stage.

The proposal would consolidate existing sporadic development in the countryside and create visual and spatial coalescence with Edgcott, contrary to AVDLP Policies RA2 and GP35. The proposal would also be contrary to Policy S1(d) and (g) of VALP as it patently gives sequential priority to greenfield land as opposed to vacant or underused brownfield land, and Policy BE2. In addition, the environmental harm would also be contrary to NPPF.

- **The significant adverse impact of the proposals on the landscape, with reference to the submitted Landscape and Visual Impact Assessment**

As indicated above, the Council undertook a Landscape Character Assessment (LCA) in 2008. **Appendix 2** explains the role of the site in the context of the gently undulating Poundon – Charndon Settled Hills Landscape Character Area, including its sensitivity to change.

The LCA was admittedly undertaken before the implementation of the energy waste plant situated in the valley to the east of the site and HS2. The cumulative impacts of these strategic developments are adverse and well documented. These developments do not, however, alter the fact that the open land around the Prison complex makes a material contribution to the character and appearance of the locality and a wider patchwork of fields and vegetation. To permit the current proposal would simply magnify the impact of the recent, incoming urbanising features in the landscape.

In visual terms, the proposed buildings are essentially located just below the highest part of the site when compared to the existing prison. Despite this, the six house blocks would each be around 17.5m in height (with capability for ancillary equipment on their roofs) and would appear as bulky, utilitarian structures, completely at odds with their mature and settled host landscape.

This impact would be particularly pronounced on neighbouring footpaths, although the visual development will also be appreciable from further afield, most notably along Main Street, Grendon Underwood and its hinterland of fields and footpaths to the north. In addition, the provision of hedgerow and woodland screening (deciduous) around the perimeter of the site would take many years to establish and will never mitigate the enormous scale and visual impact of six accommodation blocks, nor the associated workshops and ancillary buildings. Equally, coniferous planting would appear alien in its own right and would also fail to mitigate the visual impact of the proposal.

The proposed car park would also appear as a harsh, uncompromising feature on the site with its impact reinforced by continuous vehicular activity, headlights at night and so on. The matter of lighting is also amplified in **Appendix 2** which shows existing nighttime effects. The provision of the new access road, in tandem with the retained road, would also cause significant visual harm which, again, could not be satisfactorily mitigated.

Given the above comments, we consider that the proposal would have a significant adverse impact on the local and wider landscape within the defined LCA. The proposal is therefore contrary to AVDLP GP35 and VALP policies S1 (d) and (g), BE2 and NE4 and the environmental objectives of NPPF.

We are aware that the application particulars contain a Landscape and Visual Impact Assessment and that consultation comments are awaited from the Councils Landscape Architect. We reserve the right to make additional representations once in receipt of that information.

- **The significant and adverse impact on Heritage Assets**

The application site is not located nor is it within proximity to a Conservation Area. There are a number of listed buildings within the vicinity of site which include the Grade II Gate piers and railings at the current entrance to HMP Grendon, GII Grendon Hall (within the site) and GII Lawn House (Lawn House Lane). A number of Listed Buildings are located in the wider locality, including the two Grade II* Churches of St Michael's (Edgcott) and St Leonard's (Grendon Underwood).

On a procedural point, we note that the proposal has the potential to affect views of and between both Grade II* Listed Churches and their respective settings. **Given this, we would seek urgent confirmation that Historic England has been consulted on the proposals.** In addition, we have seen the consultation response from Joanna Horton dated 30/07/21 which requests additional information in terms of the heritage impact on both Churches and other heritage assets in the locality and would support that request.

In the absence of this information, **Appendix 3** contains our detailed comments in relation to heritage and 'above ground' assets on and in the immediate vicinity of the site. The Appendix confirms that the site has a number of strong historical associations and that a number of heritage assets (far in excess of what the MOJ has identified) will be adversely affected by the proposals and in different ways.

Grendon Hall lies within the application site and was listed in 1985. It dates from around 1882 and is served by mature attractive parkland and garden, as referenced in the *Report by Bucks Garden Trust dated March 2021, revised June 2021*. This is despite physical incursion into its setting in the mid-1950s by the Prison complex and the associated residential estate. In other words, if Grendon Hall had been listed at the time, the impact of those contemporary developments on its setting would have been material consideration. **With this point in mind, we would respectfully invite Ms Horton to reconsider the impact on Grendon Hall.**

This statement has already described settlement patterns and the fact that the Listed Lawn House lies in mature grounds on the eastern edge of Edgcott Village, which would be subsumed by the proposed and sprawling Prison complex.

Appendix 3 demonstrates that multiple harms would arise to the settings of both Grendon Hall and Lawn House, including destruction of the mature landscape setting around both assets, erosion of the link between the two assets, (where they once fell in the same ownership), noise, light and traffic impacts, the juxtaposition of bulky functional buildings and swathes of hard surfacing and so on. The urbanising effect of the new access point and the significant estate road on the neighbouring GII Gate Piers also needs to be considered as part of the assessment of harm.

We would also respectfully submit that the introduction of additional harms in response to widening the scope of the MOJs Heritage Assessment would raise the matter of cumulative impact which according to Historic England standing advice should be avoided. The MOJ's aspirations for HMP Springhill also need to be clarified by the Council as they are also relevant to the question of cumulative impact.

As part of the Heritage Assessment, the impact of the proposal on *archaeological interests* also has to be considered. **Appendix 4** comprises our assessment on this matter and we have also seen the Council's internal consultation response dated 26/07/21. In response, we have demonstrated that the western part of the Prison complex is a remaining part of the Park and Pleasure Gardens serving Grendon Hall, comprising Medieval – post medieval ridge and furrow, which is one of the last remnants of this field system in the locality. For example, as of 1995 only 26% of the ridge and furrow in the adjacent Grendon Underwood Parish remained which highlights the scarcity of this heritage asset.

The proposal would materially worsen this position and result in additional, irreversible loss of ridge and furrow. In addition, the provision of additional deciduous planting beyond the proposed football pitch, presumably to contribute towards BNG, will cause additional incursion into the ridge and furrow and associated harm. The issue of cumulative harm, in the context of other projects in the locality, including HS2, also has to be considered. It is also noteworthy that the MoJ has also limited its archaeological search to within 1 km of the site, which significantly underplays the possibility of locating Roman artefacts on the application site.

In conclusion, it is considered that the impact of the proposals would result in **less than substantial harm to heritage assets, albeit at the upper end of the spectrum for consideration as part of the NPPF heritage balance. This harm is not considered to be outweighed by the alleged public benefits, a topic which we will return to later.**

In addition, we reserve the right to make further representations in the event that the MoJ accede to Ms Hortons request and increase the scope of the Heritage Assessment. In view of this overall conclusion the proposal is considered to be contrary to policy BE1 of the emerging VALP and paragraph 202 of the NPPF.

- **The unsustainable location of the site and the inadequacy of proposed mitigation measures**

As stated earlier, the site lies in the open countryside outside of the established settlements of Edgcott and Grendon Underwood, being poorly related to services (other than the prison) and non-car modes of travel. More detailed commentary on this matter is found in the attached **Appendix 5**, which demonstrates that 600-700 staff could be employed at the new Prison and that, in addition to locational disbenefits, the proposal would result in a significant quantum of carbon being emitted per annum.

The local housing stock is limited and the majority of residents on the neighbouring Springhill estate are not employed in the Prison sector, with few properties available for rent. The net result is that the vast majority of staff who would be employed at the proposed Prison, plus visitors, would be totally reliant on the private car, which would be contrary to paragraph 105 of NPPF which states that *"...Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes..."*. This, of course, highlights the fact that the MoJ have failed to adopt a robust sequential search, which should have started with 'brownfield first' so as to avoid the associated policy conflict with VALP policy S1 (d) cited in earlier paragraphs.

In addition to this fundamental locational issue, the rights of way network in the locality inhibits potential sustainable transport options, as highlighted in the pre-application letter from Officers to MoJ. This point is also demonstrated by the photographs in the attached **Appendix 5** which show significant risks to pedestrians as they traverse narrow footways in the vicinity of the site.

It may be theoretically possible for a tiny amount of prison employees (assuming vacant accommodation is available) to walk to work from the clusters of houses to the north-west along Grendon Road, sharing the vehicular access to Lawn House then into the site along GUN/17/1. A walking commute from Grendon Underwood, with a larger population, may be realistic in summer, but the rural, unlit nature of the rights of way network means this is less likely in winter months. As such, network improvements for sustainable transport are not proposed, which reinforces the core problem of site unsustainability. In terms of visitor trips, there is one bus per hour on Monday to Saturday only from the Grendon Road to just one destination, Aylesbury. There is no connectivity to local rail stations at Bicester or Milton Keynes.

It is important to note that the unsustainable nature of this location, which gives rise to reliance on the private car has been independently acknowledged by two independent appeal Inspectors who dismissed residential schemes on land at Edgcott Road (PINS reference 3255772) and South of Springhill Road (PINS reference 3185166) respectively. Verbatim extracts from both appeal statements are found at **Appendix 5** and the same criticisms now apply, save that the scale of the current MoJ proposal and its associated car use is *significantly greater*.

Turning to proposed mitigation of the above effect, MoJ have provided an Outline Travel Plan to encourage modal shift away from the private car, to sustainable modes. This approach is fundamentally flawed in that it cannot change the isolated location of the site (well documented on previous appeals) and the dearth of non-car opportunities for travel. Moreover, the proposed 'information board' would simply reiterate the dearth of non-car options for the site, including the very limited bus service with intermittent connectivity to Aylesbury and its train station.

In view of this, staff surveys following an initial baseline will simply capture ongoing reliance on the private car, as opposed to tackling its impact, including carbon output. The exercise is therefore futile and the proposal is therefore considered to be contrary to VALP policy TS (e) and (f) and NPPF insofar as it would significantly increase reliance on the private car.

- **Impact on highway safety and convenience**

We are aware that highway comments are awaited from Officers in relation to the application and its associated Transport Assessment. In the interim, we would respectfully you direct Officers to **Appendix 6**.

The current volume of traffic travelling through Edgcott on weekdays as measured in May 2021, over a two-week period using road tubes, ranged from 3,709 vehicles per day to 3,973 vehicles per day. This included a range of 203 to 274 trucks (as defined by the FHWA vehicle classification) per day. The total vehicle numbers include all vehicles from motorcycles up to the largest HGVs.

Based on the vague assumptions made in the Transport Assessment submitted as part of the Outline Planning Application, the number of vehicles travelling through Edgcott could increase by around 30%. In addition, the number of vehicles passing from the A41 junction with the Broadway, down the Broadway and past the outskirts of Grendon Underwood and Hall Cottages could increase by a much greater volume. This would be both during the construction and the operational phases.

The proposed site access in the Outline Planning Application is located close to the existing prison complex entrance as well as being close to a sharp bend and the road narrowing at the entrance to Edgcott as well as the two bus stops for the number 16 bus service. **Appendix 6** discusses the significant potential issues with this proposed site entrance.

From the information submitted in the Outline Planning Application, and the data shown above from the MoJ site at Five Wells (obtained from an FOI request) , it is considered that the additional traffic likely to be generated by the proposal, both during the construction and the operational phases, would adversely affect the safety and convenience of road users, contrary to paragraph 111 of the National Planning Policy Framework, VALP policies T1 and T5, and aims and objectives of Buckinghamshire's Local Transport Plan. In addition, given the *severe impact* (the NPPF test) which would result on the safety and convenience of users of the highway, in tandem with HS2 and other traffic, it is considered that this matter should be afforded significant negative weight in the planning balance.

In addition to the above effects, **Appendix 6** also confirms that the proposed parking is likely to be inadequate and will generate additional danger and inconvenience to pedestrians and road users, in a context where modal choice is essentially non-existent.

Appendix 6 also demonstrates that the range of car parking spaces required for staff alone ranges from 370 to 555 (based on staff numbers ranging from 500 to 750). The proposal has used the lower end of this range and therefore underplays the actual number of parking spaces that will be required to serve the new prison. If this is the case, which is an entirely reasonable proposition in itself, where would any further car parking spaces be located? Would the additional spaces be on the field where the football pitch is located, or would more land be purchased?

To reiterate the point, parking associated with the new Prison at HMP Berwyn near Wrexham has led to well documented and demonstrable car parking problems. These are the main reported effects at HMP Berwyn:

- The car park was not completed for four months after the prison opened and so there was nowhere for the staff to park. Chaos followed until arrangements were made with local companies on the nearby industrial estate for spaces to be allocated for the prison staff.
 - Once the prison fully opened it was clear that the number of car parking spaces had been underestimated. This was because the parking allocation had not taken into account the number of non-directly employed staff that would also work at the prison.
 - Approval was sought from the Local Authority to establish a temporary car park on some land at the site which was available and later this was converted to a permanent car park with an additional 194 spaces.
- **The significant adverse impact of the proposals on the residential amenities of existing residents**

The foregoing paragraphs confirm that the proposal would significantly consolidate the amount of development on the site and result in an intrusive incursion of urbanising development into the countryside, contrary to both local and national policies. The existing Prison complex dates from the 1960s and has a settled relationship with residential properties in the locality, where both uses co-exist as neighbours. This situation is unchanged despite the fact that the majority of residents on the Springhill Estate no longer have associations with HMP Springhill or Grendon.

The proposal will, however, significantly alter the existing equilibrium and result in a significant loss of residential amenity to residents, especially the properties nearest the site, namely those at the northern edge of Park Road and Springhill Road in the Springhill estate and in all of Edgcott (including the GII Listed Lawn House). The impact of the development on residential amenity is also amplified at **Appendix 7**.

The existing atmosphere of rural tranquillity in the locality, which has already been eroded to a considerable extent by the HS2 and incinerator projects, would be shattered by the proposals. The constant coming and going of staff, delivery, service and visitors vehicles would fundamentally change the ambience of the area which would be reinforced by the bulky, overbearing buildings proposed (particularly the house blocks), vehicular disturbance, lighting, high walls and other brutal means of enclosure. In addition, the location of the football pitch in close proximity to properties on the Springhill estate would expose existing residents to additional noise and disturbance, including colourful and animated language.

The net result is that the development would result in significant harm to the residential amenities of a number of local residents, reducing their residential amenities to a level below which they could reasonably expect to enjoy. This harm is not considered to be outweighed by the alleged benefits of the proposal, which are examined in more detail later. The development is therefore contrary to AVDLP Policy GP8.

- **The significant adverse impact on ecological interests and biodiversity**

Appendix 8 contains our assessment of the impact of the proposals on both ecology and biodiversity. We also note from the consultation that Natural England raise no objection to the proposals **and we would therefore respectfully invite the Council's ecologist, Mr Holton, to consider the matter in the light of his extensive experience of the site.**

In terms of *ecology*, the MoJ owns land around Grendon Hall and the two current prisons which is open and bounded by mature hedgerows. On one part of the site is an ecological area consisting of a large pond and a wooded area which lies adjacent to further woodland which is part of the grounds of a Grade II listed property, Lawn House. The ecological area has been built up over time (with the Prison and Council's valuable input) and a public footpath runs past it.

The locality is rich in wildlife and includes 65 species of birds including 15 on the red list and 13 on the amber list. GCNs are also present in the pond on the site as well as in a large number of surrounding ponds recently surveyed. In addition, nine species of foraging bats were recorded including two rare species (Bechstein's and Barbastelle). The site is also located c. 0.9km North West of Grendon and Doddershall Wood SSSI and c.1.5km south west of Sheephouse Wood SSSI, which are known to support these bat species.

In essence, the proposal would result in additional and irreversible habitat loss, in a context where extensive habit has already been lost in the locality due to the HS2 and incinerator projects. The development would involve a construction phase of 2-3 years, up to 1,000 contractors on site each day with associated traffic movements in addition to the heavy goods vehicles that will be involved throughout the project. The sole current access to the part of the site where the buildings would be located is directly adjacent to the prison ecology area, hence this area will be subject to constant and intensive traffic movements and noise pollution for up to three years.

Following completion of the building the proposed plan is to make the main entrance to the prison site run directly past the ecology area into the car park which will be located just beyond and adjacent to the ecology area. Hence there will be a permanent and significant level of traffic movements with associated noise through this area on a daily basis.

In humans, noise pollution has been shown to cause a range of health problems from stress, poor concentration, productivity losses in the workplace, and so on, explained in **Appendix 8**. In many cases, humans can take some action to mitigate the effect of noise pollution. Wildlife, however, has

fewer options and noise pollution affects animals in many quantifiable ways.

Although the main ecology area will be left in place, the noise, light pollution and general disturbance from the construction traffic, and in due course when the prison is operational, staff, visitor and delivery traffic will cause significant disruption to the wildlife and some of it may be permanently displaced from the site. No amount of mitigation could prevent for example, the displacement of birds, bats and some other wildlife.

The proposal will also result in an estimated loss of 780m of hedging and trees that are located in the hedgerows. Furthermore, there would be a loss of at least 60 acres of green field space across the whole site. This is a valuable source of habitat that will be irreversibly lost to wildlife and cannot be fully mitigated. In addition, digging up this green field space will release approximately **8,014 tons of carbon** currently locked up in the fields.

On the matter of *Biodiversity Net Gain (BNG)*, attention is again drawn to **Appendix 8**.

The proposal would result in the removal of significant swathes of trees and hedges in addition to the loss of at least 60 acres of open, undeveloped land which 'reads' as green space. The loss of this open land would result in the release of significant amounts of the carbon trapped within the fields.

The field where the new site entrance and road are proposed was part of the Historic Park and Gardens of Grendon Hall reported (*Ref: Report by the Bucks Garden Trust on Grendon Hall, March, 2021, revised in June 2021*). In addition, it contains the remaining part of historical ridge and furrow which used to be part of a much larger area covering the whole of the prison site and beyond. Unfortunately, this historically important cultivation has been decimated by the development of the existing Prison complex.

The previous developments on this cultivated land are no justification for further construction activities. The proposed plan would destroy most of the remaining ridge and furrow by construction of the new site entrance and road and relocating the football pitch to this field. In addition, the planting in this field would almost completely wipe out any remaining ridge and furrow. The planting is proposed to counter the destruction of the current habitat and achieve BNG by 10%. This approach may notionally achieve the biodiversity target but this is patently *at the expense of the existing ridge and furrow, a heritage asset*. This harm also needs to be read in conjunction with the significant adverse effects to heritage assets identified in earlier paragraphs.

In conclusion the proposed plans to achieve the biodiversity net gain are completely contrived. They should be abandoned and an alternative approach to this aspect be considered and developed.

In conclusion, the proposal would cause significant harm to ecological interests and would fail to make satisfactory BNG provision, contrary to VALP policy NE1 and the NPPF.

- **The significant adverse impact on flooding and drainage**

Appendix 9 relates to this matter. It is acknowledged that the site lies within FZ1 with a low probability of flooding, however there are significant issues with standing water in the area exacerbated by run off from the elevated prison site. Run-off already occurs from the prison site to areas including land adjacent to Lawn Hill/Quinton Road, Lawn House gardens, Buckingham Road and Grendon Road in Edgcott and causes standing water issues in each of these areas. The field adjacent to Willow Lodge proposed for the location of the new site entrance and road to the main development site regularly suffers from standing water due to the site and topographical circumstances. **Appendix 9** contains photographs taken over the last year to illustrate the problem, together with foul drainage issues.