



Essex County Council

Ministry of Justice
PO Box 347,
Manchester
M21 3ES

Planning Service
Essex County Council
Market Road
Chelmsford, Essex
CM1 1QH
8th November 2021

By email:

Dear Sir/Madam,

RE: PROPOSED NEW PRISONS AT WETHERSFIELD: PUBLIC CONSULTATION, SEPTEMBER 2021

Thank you for consulting Essex County Council (ECC) on the potential for two new prisons at Wethersfield in Braintree District. We acknowledge that the Ministry of Justice (MoJ) has not yet decided if these proposals will progress through to planning application. The comments in this response are provided on that basis and seek to identify initial issues and observations. They include signposting to key ECC policy and strategy documents which will be useful to you in moving forward.

ECC is a key infrastructure provider and delivers and commissions a wide range of strategic and local infrastructure and public services, covering but not limited to highways and transportation, education, early years and childcare, minerals, waste, surface water management, passenger transport, adult social care, and Public Health. The impacts of any new prisons in this locality will need to be assessed against these roles and responsibilities, including infrastructure requirements, any mitigation, and how they will be funded and delivered.

ECC has recently published Everyone's Essex - our plan for Essex (2021-2025) (Everyone's Essex), which is the Council's plan for levelling-up the county over the next 4 years and is based on the themes of Renewal, Ambition and Equality. It sets out 20 commitments, focused around the following 4 areas, the majority of which are relevant to this potential development:

- the economy – good jobs, infrastructure, future growth and employment, green growth and levelling up the economy;
- the environment – net zero, transport and built environment, minimise waste, green communities and levelling up the environment
- children and families – education outcomes, family resilience and stability, safety, outcomes for vulnerable children and levelling up outcomes for families
- promoting health, care and wellbeing for all ages – healthy lifestyles, promoting independence, place-based working and levelling up health.

Any response to pre-application discussion and the application itself would be set within this strategy context. There is a specific focus on any new development, whatever land use being proposed and planned for in Essex, to be built to a net carbon zero standard for all development from 2025 onwards. It is noted on page 21 of the Public Consultation document that a planning application is likely during 2022

Summary of response

- ECC seek early engagement in pre-application discussion and the implementation of a Planning Performance Agreement (PPA) with the MoJ. The Essex local authorities have



an adopted a planning protocol, so we will require a joint PPA in place with the MoJ, and Braintree District Council as the Local Planning Authority.

- ECC is already currently engaged with the MoJ via their transport consultants Pick Everard in the early scoping of the Transport Assessment and Travel Plan. ECC will seek significant evidence from the site promoters to demonstrate that a satisfactory and comprehensive package of sustainable transport measures incorporating walking, cycling, public transport and travel planning can be provided and funded, given the remoteness and poor accessibility of the site and measures needed to manage traffic on the surrounding rural road network.
- ECC will seek compliance with the Essex Minerals Local Plan (MLP) 2014 and the Essex and Southend-on-Sea Waste Local Plan (WLP) 2017 as part of the Development Plan for Braintree District. A Mineral Supply Audit and Site Waste Management Plan will be required to demonstrate that the re-use and recycling of construction, demolition and excavation wastes have been maximised to provide a materials balance for the site.
- ECC will require an appropriate Health Impact Assessment to be undertaken consistent with the approach contained within the Essex Design Guide Health Impact Assessment Guidance which is a requirement of the Braintree Local Validation List.
- ECC would seek to be consulted on any assessment undertaken to identify the social care needs arising from the 3,500 inmates both within the prison and the impact this may have on any local services, given our roles and responsibilities for public health and adult social care.
- Any prison design will need to recognise and reflect local distinctiveness in terms of scale, height, density, and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance. ECC highly recommends a detailed review of case studies to ensure that successful elements of prison design can be suitably implemented within this particular site's natural and historic context.
- ECC recommend that any development should respond positively to the local rural landscape character and its sensitivity to change in order to preserve and enhance the quality of existing places and their environs. A localised Landscape Character Assessment should be undertaken based upon guidance provided by the Landscape Institute.
- ECC recommend thorough ecological surveys and assessments are undertaken. Any necessary mitigation should be consistent with the biodiversity mitigation hierarchy of Avoidance; Minimisation, Rehabilitation/Restoration and Offsetting. ECC recommends any application is supported by a completed Essex Biodiversity Validation Checklist. ECC would encourage any application to exceed the minimum of 10% biodiversity net gain; to use the DEFRA Biodiversity Metric 3.0 (or any successor) in any calculation; and submit a Biodiversity Net Gain Report. The site surroundings would provide ample opportunity for the creation of new woodland habitat.
- ECC recommends a detailed heritage assessment is undertaken using the Essex Historic Environment Record and the Heritage Gateway. Any application will be required to have regard to the historic airfield itself and nearby heritage assets, to conserve and enhance their setting and provide a positive contribution to the local character.
- ECC recommend any application is informed by a detailed archaeological desk-based assessment. This will need to include an assessment of each of the surviving buildings from the WWII airfield consistent with NPPF, paragraph 194.
- ECC recommend the new prisons should be 'net zero' over the lifetime of their development rather than seeking to reduce carbon emissions by 85% compared to other prisons. The scheme should be more ambitious given the climate crisis and recent Government statements and targets on this matter. Any proposals should consider the



relevant recommendations regarding how new and existing buildings can contribute to meeting the climate agenda in the Essex Climate Action Commission's report ECC Net-Zero: Making Essex Carbon Neutral (July 2021) and technical annexes. Braintree District Council (BDC) has recently approved its Climate Change Strategy 2021-2030 and the Initial Action Plan and should also be considered.

- ECC consider the proposal should be more ambitious regarding the provision of green infrastructure (GI) moving away from the approach of 'prevention' of developmental impact to identifying the additional benefit GI can bring to the scheme. Any development must also have regard to surface water management and their multifunctionality.
- ECC consider that the percentages for local jobs should be regarded as a minimum and could be higher through early engagement with appropriate partners enabling the upskilling and employment opportunities for local residents. Reference should be made to the Essex Anchor Institutions Programme and any proposal should be accompanied by an Employment and Skills Plan to steer how best to invest in apprenticeships /traineeships; key skills gaps and growth sectors; and general access to skills training.

Pre-application and Planning Performance Agreement

ECC note that the MoJ has not yet decided if these proposals will progress through to submission of a planning application.

ECC would stress the importance of the pre-application process with regards new prison developments as recommended in NPPF, paragraphs 39 – 46. As from 1 August 2021 the statutory determination period for public service infrastructure, including prison development, has been reduced from 13 to 10 weeks and the statutory consultation period for these developments from 21 to 18 calendar days. These changes are intended to incentivise their prioritisation over others in the decision-making process, which is a concern given the available resources of local planning authorities. Prison developments are highly sensitive to local communities often generating significant representations that need to be processed. In addition, it is often necessary to seek further evidence from an applicant post submission of a planning application, particularly in relation to details of the Transport Assessment, which may impinge on the determination period. Consequently, it is welcoming to see that Planning Practice Guidance (Paragraph: 003 Reference ID: 21b-003-20140306) still enables a longer time period to be agreed through a planning performance agreement or an agreed extension of time between the local planning authority and applicant in writing.

ECC has its own pre-application advice procedure including community infrastructure and highways advice and can be viewed via the following link - [Planning advice and guidance; Why get planning advice - Essex County Council](#). ECC has also produced a model [Planning Performance Agreement \(DOC 64.56KB\)](#) providing details on fees. If the proposals are progressed ECC would be keen to establish a Planning Performance Agreement (PPA) with yourselves.

Braintree District

Any proposal will need to be considered against the policies in the relevant adopted and/or emerging Braintree Local Plan (BLP). Braintree District Council (BDC) submitted its Local Plan (covering period to 2033) to the Inspectorate in October 2017. The Plan was split into two sections. Section 1 contained strategic cross boundary issues and was shared with Colchester Borough Council and Tendring District Council. Following an examination process and main modifications, the Section 1 Local Plan was approved at Full Council in February 2021. Section 2 oral hearing sessions were held over two weeks commencing on the 6th July 2021. BDC is



presently waiting for feedback from the Inspectors following the closure of the hearing sessions. If the Inspectors recommend the plan is capable of being 'sound' it is likely they will recommend 'Main Modifications' to the plan, which will be placed on public consultation for 6 weeks. Following consultation, it is hoped the Council would be able to adopt the Plan in early 2022. If the Section 2 Local Plan is found sound and formally adopted, it will replace all remaining parts of the Local Plan Review 2005 and the Core Strategy 2011.

The site is located in rural Braintree surrounded by primarily hamlets and small groups of homes where development is normally restricted to countryside uses. Wethersfield is a 'Third Tier' village and Finchingfield a 'Second Tier' village in the settlement hierarchy characterised by minimal day to day services and facilities with poor public transport links meaning sustainable development is unlikely to be met. These rural villages do not provide new housing opportunities at scale or the provision of affordable homes based on the average salaries of prison officers, probation officers and prison instructor roles (approx. £30,000 depending on qualification). Consequently, a significant number of employees are likely to seek accommodation in the larger settlements of Braintree and/or surrounding towns placing pressure on services therein and travelling longer distances to work primarily by car, placing additional pressure on the rural network.

Access and Transport

ECC has the following concerns regarding the potential redevelopment of the airfield given:

- its remoteness from the strategic road network (i.e., A120, A131 and M11);
- poor connectivity to the strategic network via B-roads and unclassified roads, which pass through picturesque rural villages unaccustomed to high volumes of traffic;
- distance from, and access via sustainable modes, to the nearest rail stations (Braintree, Stansted Airport) including the frequency of service, particularly Braintree station;
- poor connectivity in terms of frequency of service and connection to key services/facilities and other transport hubs by passenger transport; and
- the ability of site promoters to provide a comprehensive package of sustainable measures incorporating walking, cycling, public transport and travel planning.

However, given the remoteness of the site, ECC will need the applicant to demonstrate that an acceptable level of sustainable travel can be achieved in total and at peak periods to serve the demand arising from both staff (including shift patterns), service vehicles and visitors (including weekends) with most trips likely to be car based. We would require any new prison to be provided with a number of electric charging points to encourage electric vehicle usage.

ECC supports reference on page 10 to the need for a full Transport Assessment (TA) and Travel Plan (TP) to accompany any planning application. ECC, as highway authority, is presently engaged with the MoJ and their transport consultants Pick Everard in the early scoping of the TA and TP. Such early engagement is essential in order to agree the scope, to provide an understanding of the transportation requirements and strategies for the local area, and to ensure consistency with both Planning Practice Guidance - Travel Plans, Transport Assessments and Statements and the Developers' Guide for Infrastructure Contributions, section 5.5.2. Any TA will need to consider both the local and wider strategic network with regards all types of movements to the prison including staff, visitors, and deliveries. Consideration could be given to the shift patterns of staff being turned around outside of the peak morning and evening hours.



The principle of preparing a TP and Green Aim 7 for sustainable prisons (page 16), which encourages staff to use green transport, active travel, provision of cycle storage and electric charging points is welcomed. ECC recommend consideration should also be given to providing financial incentives to encourage staff to either purchase or lease electric vehicles which together with the provision of onsite electric charging points should help the workforce switch to electric vehicles. Further guidance on TPs is contained in the Developers' Guide, section 5.6 and the Sustainable Modes of Travel Strategy. Page 16 of the consultation document refers staff and visitors being encouraged to use green transport and active forms of travel. Further measures should consider the affordability of using public transport by staff and visitors. Visitors to prisons are often low-income families having to travel long and expensive trips, often at weekends. Any scheme should consider providing free/reduced cost travel vouchers and car sharing schemes.

ECC welcomes reference on page 10 of the consultation document to providing electric vehicle (EV) parking and charging points and welcome further discussion on these matters along with the local authority within the context of local plan policies and the guidance contained in the Essex Design Guide - Electric Vehicles. Any proposal should regard these as minimum standards given recommendations from the Essex Climate Action Commission (ECAC) report Net-Zero: Making Essex Carbon Neutral (July 2021) that the EV charging network should be rapidly expanded beyond the UK national average, focusing particularly on rural locations. ECC would seek there to be a requirement for a percentage of parking spaces to be fitted with live charging provision and the remainder with infrastructure to allow future connection.

Each prison is to provide some 500 parking spaces for staff and visitors as referenced on page 12 of the consultation document. ECC considers this appears to be a high level of provision and may detract from the attractiveness of using sustainable mode options. Any parking requirements will need to be further evidenced, as part of the TA, taking account of (but not limited to) the projected number of staff and visitor movements; the shift and visitor patterns throughout the week; duration of parking occupancy; public transport provision; and comparison against similar institutions and locations. ECC welcomes reference on page 10 to parking provision being based on assessed demand and local policy. Existing policy is contained in the EPOA Parking Standard: Design and Good Practice (2009) for Use Class C2A – Secure Residential Institution which includes prisons, and relate to vehicles, cycles, powered Two-Wheeled vehicles and disabled bays. EPOA is presently reviewing these standards in line with the requirements outlined in NPPF, paragraphs 107 and 108, and in particular that maximum parking standards should only be set where there is a compelling justification for managing the local road network or optimising density in city/town centres. The revised standards are likely to be unchanged from those identified on page 62 of the EPOA guide but be more a standard guide, which are assessed on their own merits and local circumstances. Each prison will need to be considered based on its local circumstances.

ECC supports the intention to prepare a Traffic Management Plan (TMP) and acknowledge the identified issues to be considered outlined on page 26. ECC would seek early engagement in scoping the TMP to ensure consistency with the ECC Development Management Policies (2011), Policy DM20 – Construction Management. Any development will be required to minimise any negative impacts of construction on the environment, with construction practice standards put in place to address the effects of construction,



including air pollution, noise and vibration, dust, traffic congestion and waste disposal. The approach to construction practice will need to be secured as part of the S106 agreement.

ECC would seek to make the following observations regarding the 'Transport and Access' section, but these do not prejudice future discussions on the scope of the TA and application.

References in the consultation document appear to focus movements eastwards in the direction of Braintree. There is minimal acknowledgement of movements westwards seeking to access the A120, key junctions on the M11, the Stansted Airport transport hub and key settlements at Great Dunmow and Saffron Walden in Uttlesford district.

Access by road: Paragraph 1 refers to the proximity of the M11 and Junction 9A. ECC notes that junction 9A only enables access to the south, and any such trips would be more likely to use junction 8a. For northern trips, M11, junction 10 could potentially be used but the concern is the potential for trips travelling through Saffron Walden to access A1301/A505 and junction 10. Any TA will need to consider this possibility with regards any routing along with a full impact assessment on Saffron Walden, which has a designated Air Quality Management Area. The town's highway network is already highly constrained with limited scope to provide additional resilient capacity.

The proposals are for a Category B training prison holding prisoners serving longer sentences who may be relocated from prisons in other parts of the country separated by large distances from potential visitors. This type of prison generally meets a national requirement rather than a category C prison. A Category C resettlement prison for low-risk prisoners towards the end of their sentence usually includes those prisoners close to their family home so they can have family visitors. Such prisoners may also be allowed out for short visits and to work known as 'Release on Temporary Licence'. ECC consider the TA should consider whether these types of prisons may generate alternative patterns of trips for staff, inmates, and visitors, rather than relying on the travel to work Census data.

Paragraph 2 and 3 refer to the Transport Study considering mitigation measures, quality and capacity of the highway network and sustainable transport opportunities in the 'vicinity' of the proposed development from Finchingfield to Braintree. ECC considers this is too localised and welcome further discussion to scope the TA and to clarify what is meant by 'vicinity', but ECC expect any TA to be much broader in scope than presently indicated.

ECC would expect journeys towards North East London and westwards to more likely travel towards Great Dunmow (via Great Bardfield) than towards Braintree. Consequently, any future modelling should consider the impact on those settlements along with the A120 between Great Dunmow and junction 8, and the junction itself.

Road access to the site for both construction and operation phases is proposed to be from Shaw Drive which branches off from the B1503 between Wethersfield and Finchingfield. ECC would seek early engagement in assessing the appropriateness of this access in terms of capacity, safety, geometry and providing safe and convenient access for sustainable modes to ensure consistency with the ECC Development Management Policies (2011).

Access by train identifies the bus service 9A as providing a link to Braintree station via the B1503. This service is presently limited in its frequency to only 3 buses per weekday, which



are unlikely to tie in with prison visiting times. The provision of a 7-day shuttle to Braintree station should be regarded as a minimum, particularly for families with no or limited car access. In fact, the use of Braintree station for onward northerly and westward trips is not well utilised, attractive, or affordable to visitors with low incomes. Stansted Airport, as a regional transport interchange, offers cheaper 7-day coach services to a wider range of locations, which may prove more attractive to lower income families, and a connection to these is recommended to be investigated.

Access by bus is an essential element of any transport strategy and the provision of a bus shuttle to key transport hubs (Braintree station/Stansted Airport) must be a minimal requirement, but which must be affordable, reliable and link in with staff working and visiting hours and be operational 7 days per week. Services for visitors at weekends, and in particular Sundays, are also very important. Reference is made on page 10 of the consultation document to connectivity by sustainable modes of transport being addressed and improved through the provision of a shuttle service to key transport locations from the proposed development. A broader range of sustainable measures will need to be considered as part of the TA and TP and discussed with ECC.

Bus Service 9 and 9a are presently an hour service in each direction and Bus Service 16 is presently 4 buses per weekday and Saturday with no Sunday service and are unlikely to tie in with visiting hours. There is no Saturday or Sunday service.

Reference is made on page 11 to a single additional bus stop closer to the junction on Shaw Drive and pavement installation being discussed with the highway authority in due course and is welcomed. Service improvements related to improved journey time reliability, frequency of services, and use of technology including real time passenger information and high-quality web-based public transport information should be considered. In addition, any discussion should also address the provision of bus stop facilities including raised kerbs, bus shelters, flag poles, timetabling and real time information provision

Minerals and Waste

ECC is the Mineral and Waste Planning Authority (MWPA) for the area covered by the proposal. The Essex Minerals Local Plan (MLP) 2014 and the Essex and Southend-on-Sea Waste Local Plan (WLP) 2017 form part of the Development Plan for Braintree District. These plans set out the policy framework within which minerals and waste planning applications are assessed. They also contain policies which safeguard known mineral bearing land from sterilisation, and existing, permitted and allocated mineral and waste infrastructure from proximal development which may compromise their operation.

Safeguarding Mineral Resources and Infrastructure

The proposed application site is not located within a Minerals Safeguarding Area nor within a Mineral Consultation Area. Therefore, no mineral resource or infrastructure safeguarding issues are identified.

Mineral Supply Audit

ECC welcome reference in Green Aim 5 for sustainable prisons on page 16 to reduce waste by using modern building methods and to reusing at least 95% of waste and reducing sending waste to landfill.



The MWPA requests a Mineral Supply Audit to aid in demonstrating compliance with the notion of sustainable development, circular economy principles and the application of Policy S4 of the MLP which requires, inter-alia, *'The application of procurement policies which promote sustainable design and construction in proposed development'*.

The MLP further notes that *'All developers have the potential to reduce over-ordering of construction materials and encourage more sustainable construction practices through their own procurement practices.'* A Minerals Supply Audit would inform, or be considered alongside, a Site Waste Management Plan which accords with the MLP principle of *'Encouraging the re-use and recycling of construction, demolition and excavation wastes on-site'* (MLP, Para 3.41) to provide a materials balance for major developments.

There is currently no set scope for a Mineral Supply Audit, but Appendix 1 of this response shows an example framework which has previously been submitted to ECC and could be modified to suit the project. Some approaches have included the commitment to sustainable procurement practices as well as demonstrating how recycling and re-use targets will contribute to a reduction in primary aggregate demand

Safeguarding Waste Infrastructure

The proposed application site is not located within a Waste Consultation Area. Therefore, no waste infrastructure safeguarding issues are identified.

Site Waste Management Plan (SWMP)

Paragraph 8 of the NPPF recognises the importance of *"using natural resources prudently and minimising waste"* to ensure the protection and enhancement of the natural environment and to achieve sustainable development. It also reiterates the need to mitigate and adapt to climate change and move towards a low carbon economy. An efficient and effective circular economy is important to achieving these objectives.

Policy S4 of the MLP advocates reducing the use of mineral resources through reusing and recycling minerals generated as a result of development/ redevelopment. Not only does this reduce the need for mineral extraction, but it also reduces the amount sent to landfill. Clause 4 specifically requires:

"The maximum possible recovery of minerals from construction, demolition and excavation wastes produced at development or redevelopment sites. This will be promoted by on-site re-use/ recycling, or if not environmentally acceptable to do so, through re-use/ recycling at other nearby aggregate recycling facilities in proximity to the site."

It is vitally important that the best use is made of available resources. This is clearly set out in the NPPF and relevant development plan documents. In approaching scheme design, careful consideration needs to be given to material selection, sourcing, and fabric efficiency. Development is required to minimise the environmental impact of materials, for example through the use of sustainably sourced, low impact and recycled materials, as well as minimising the impact of construction on the environment, including construction waste

The MWPA would therefore recommend that, in lieu of these issues being addressed prior to a decision, conditions are attached to require the applicant to prepare an appropriately detailed waste management strategy through a SWMP.

A SWMP would be expected to:

- present a site wide approach to address the key issues associated with sustainable management of waste, throughout the stages of site clearance, design, construction, and operation,
- establish strategic forecasts in relation to expected waste arisings for construction,
- include waste reduction/recycling/diversion targets, and monitor against these,
- advise on how materials are to be managed efficiently and disposed of legally during the construction phase of development, including their segregation and the identification of available capacity across an appropriate study area.

Health Impact Assessment

The NPPF – Chapter 8 - Promoting Healthy and Safe Communities, paragraph 92c encourages planning policies and decisions to enable and support healthy lifestyles. ECC recommends any proposal is required to undertake a Health Impact Assessment (HIA) and further guidance is contained within the Essex Design Guide - Health Impact Assessments, which is underpinned by the Sport England Active Design Principles.

The Guidance outlines the stepped process of HIA from screening, scoping, assessment, recommendations to monitoring, and ensures a robust, flexible, and manageable process. The Guidance provides an agreed approach towards the thresholds and triggers for when HIA will be required to support planning proposals across Essex - a rapid review or a full/comprehensive detailed review. This ensures that a proportionate approach is taken to the type of HIA work required according to the merits of each, on a case-by-case basis. The level of evidence required is relative to the scale of development proposed and HIA being implemented and can be determined at pre-application stage.

An HIA assessment is made of the benefits of a proposal and identifies any unintended consequences. The resulting HIA should make recommendations on how to maximise these benefits to inform the evolution of the proposals, including design, in order to maximise health outcomes. These can be secured through planning conditions or obligations.

Adult Community Care

The Care Act (2015) placed general responsibilities on ECC for promoting people's wellbeing, focussing on prevention, and providing an information and advice service. It also included an extension of this to include a responsibility for prisoners identified and assessed as having social care needs in prisons in Essex.

From 2013, NHS England had responsibility for commissioning all healthcare services for prisoners through a National Partnership Agreement with the MOJ, the Department of Health and Social Care, HM Prison and Probation Services, and Public Health England. Any new prison will need to demonstrate its potential impact on the provision of local health services, which are already under pressure. There are still outstanding issues at a national



level with regards the responsibility to commission healthcare provision for prisoners, which may or may not fall within ECC responsibilities in the future.

If the two prisons are progressed it will be necessary to ensure resources to assess and provide social care needs are enhanced locally as the increase in demand arising from some 3500 prisoners is likely to be significant. In addition, ECC would need to consider the demand created with regards the local discharge of prisoners in relation to the following, which may well include other impacts moving forward. All of the following are commissioned by the ECC Public Health team.

- Housing and homelessness prevention
- Substance Misuse Services
- Lifestyle and Health Promotion provision

The Essex Housing Strategy 2021-2025 includes a Strategic Goal to support people facing homelessness or rough sleeping by working in partnership to end the need for people to sleep rough in Essex and to minimise the need for temporary accommodation.

According to the UK Prison Statistics (2020) the prison population is ageing: in 2002 some 16% were under the age of 21 compared with 6% in 2020 and the number over the age of 50 went from 7% in 2002 to 17% in 2020. As the prison population ages, the design of any new prison needs to meet accessibility standards so that the mobility and access needs of prisoners are met and that the facilities available and the design of the prison do not exacerbate physical and well-being issues which then become more costly for public services post release.

In addition, robust accommodation pathways should be in place so that upon release the ex-offender population does not have a significant negative impact on the public and third sectors. Essex already has a well-established Prisoner Housing Protocol in place (attached) and includes the collaboration of the twelve Essex districts, Southend and Thurrock Councils, the probation services and HMP Chelmsford. The protocol seeks to ensure that prison and offender services work in partnership to reduce the number of ex-offenders who leave prison and end up rough sleeping.

Libraries

ECC has a statutory duty under the Public Libraries and Museums Act 1964 to deliver a comprehensive and efficient free library service to all who live, work or study in the county and who desire to use it. It is acknowledged that libraries in prisons may be provided directly by the establishment, the local public library authority (namely ECC) or arrangements in agreement with the Prison Governor. ECC welcome the opportunity to help identify the offer that any library facility could offer the inmates given the restrictions on access to the internet for example.

Early Years and Childcare

Guidance on early years and childcare provision is contained in the Developers' Guide, section 5.1. Whilst ECC no longer seeks contributions from employment sites it is likely that demand will arise during both the construction and operational phases of this build, whether through families with young children moving to the area for construction jobs and/or having gained employment in one of the 1200 – 1400 permanent jobs. It is noted



that the prisons will be for men only and hence there will be no mother and baby unit on site.

At present, there are 2 pre-schools and 1 childminder in the area, and this may not be sufficient to meet levels and the type of provision, particularly in terms of year-round care. ECC would welcome further consideration be given to any requirements as part of the formal pre-application process, and in terms of how any demand could be identified. Given the remoteness of the site the provision of childcare is unlikely to be within the immediate vicinity of the prisons. The latest childcare sufficiency data can be viewed via [Essex Childcare Sufficiency Assessment \(Autumn 2020\)](#).

Schools – Primary and Secondary

Guidance on school provision is contained in the [Developers' Guide](#), section 5.2. ECC has a statutory duty to ensure there are sufficient school places for children in Essex. Our Strategy for delivering this objective is contained in the [School Organisation 10 year plan for Essex school places 2021-2030](#). ECC acknowledge that it is unclear how to measure the impact of these MOJ proposals on demand for additional pupil places at primary and secondary level during both the construction and operational phases. However, ECC would welcome some consideration at the pre-application stage given the significant influx of potential people involved in their construction, and the 1200 – 1400 permanent jobs, and who may move to the area on a part time/full time basis.

Proposals and Layout - Design

The design and layout of buildings should reflect their location. The plans as presented propose to construct prison blocks with 4 floors, 7 separate house blocks (or living accommodation) and other support buildings, which appear to adopt a “standard approach” within the new prison programme ignoring local circumstances. Whilst it is appreciated that the detailed scale and massing of the built form are not yet specified at this early conceptual stage of the design process, ECC has concerns regarding the impact this densely built development will have on the local context/character, which must be considered in future plans.

ECC would be looking for a BREAM Outstanding rating, which is the highest rating available. This should be a design consideration imperative.

The proposition of approx. 500 car parking spaces within the centre of the site raises concerns over the proportion of hardstanding materials, which would significantly alter the site's current rural character and nature. Any parking area should implement landscape features and drainage to enhance the resilience to climate change. ECC recommend that any future design plans will be required to showcase how development reflects and responds to the local vernacular in terms of height, density, massing, materials, etc. as well as conserving the local built and natural character that exists. Design codes will be useful tool in achieving this.

ECC highly recommends a detailed review of the provided case studies outlined within page 8 of the submitted consultation document is undertaken to ensure that successful elements of prison design can be suitably implemented within this particular site's context.



Any future planning application will need to consider lighting, access to secure open space, and how the scheme will support employment, positive choices and relationships between people and the environment. This will help to ensure that the design of the new prison contributes to wider aspirations of the rehabilitation and resettlement of inmates to reduce the risk of reoffending.

ECC recommend that any future planning application should consider the following local guidance documents and design codes to ensure that the scheme conforms to Essex standards:

- Essex Design Guide - Large Footprint Buildings – reviews the principles of designing large footprint commercial/industrial buildings, layout, access, parking, materials, character, sustainability and health.
- Essex Design Guide - Higher Density Development – reviews the principles of appropriate density models and how they impact upon character and context of the local landscape. A review of suitable access requirements and parking standards for future proofing of spaces, improving mental/physical wellbeing and encouraging activity.
- Braintree | Essex Design Guide.

ECC recommend a review of other policy and guidance documents is undertaken including NPPF, the National Design Guide and the Secured By Design principles to ensure the local and wider context of the site is considered in design.

Landscape, Heritage and Environment Matters

These are matters of direct relevance and the domain of Braintree District Council as the local planning authority. In relation to this initial consultation, we have used Place Services to provide some initial commentary to help shape this phase of the consultation process.

Landscape

Initial plans involve the construction of prison blocks having 4 floors, 7 separate house blocks (or living accommodation) and other support buildings. Whilst the detailed height and dimensions of these buildings are not yet specified their significant impact on the local landscape is a significant concern that needs to be evidenced and considered in the buildings design and layout. Any designs will need to recognise and reflect local distinctiveness in terms of scale, height, density and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance with appropriate use of landscaping. Any development should also respond positively to local character and context to preserve and enhance the quality of existing places and their environs.

ECC notes that reference is made on page 20 of the consultation document to a commitment ensuring that any new prisons will need to work with the local rural landscape, and this is described below.

The proposal will be required to have regard to the character of the landscape and its sensitivity to change, and if permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment. The proposed site is located within the Stambourne Farmland Plateau as contained in the



Braintree Landscape Character Assessment (2006), pages 73 – 75. The landscape is characterised by relatively open gently undulating arable land bounded by species rich hedgerows with trees and ditches with narrow country lanes bounded by grass verges and ditches. Wethersfield Airfield dominates the views in the south eastern area. The report includes a suggested landscape guideline to ensure that any new development is small scale responding to the historic settlement pattern and the open arable landscape.

Whilst this Character Assessment is still relevant in planning terms, it was published in 2006 and the landscape has evolved greatly in this time. ECC recommend that a localised Landscape Character Assessment at 1:25000 scale is undertaken as part of any application. Any proposal will be required to undertake a Landscape Impact Assessment consistent with guidelines contained in the Braintree DC Local Validation List - Landscape Impact Assessment as being a major development in the countryside.

ECC recommend that any future application needs to consider landscape impact and to consider the following guidance published by the Landscape Institute. The Landscape and Visual Impact Assessment (LVIA) Third Edition recognises that landscape value is not always signified by designation: '*the fact that an area of landscape is not designated either nationally or locally does not mean that it does not have any value*' (paragraph 5.26 and Box 5.1). Consequently, further LI guidance TGN 02-21 - Assessing the Value of Landscapes Outside National Designations should also be considered.

ECC welcome the opportunity to select and agree representative viewpoints to inform the assessment of effects and best practice in the Landscape Institute document TGN-06-19 Visual Representation of Development Proposals should be followed. ECC recommend the use of wireframes and photomontages (Type 4 AVR level 3) are used for visualisation representation.

Ecology

ECC require reasonable biodiversity enhancements to be provided to secure measurable net gains for biodiversity consistent with NPPF paragraphs 174d and 180d. They need to be based upon the ten principles set out in Chartered Institute of Ecology and Environmental Management (CIEEM) paper Biodiversity Net Gain - Good practice principles for development (2016).

ECC recommend any future planning application is supported by robust ecological surveys and assessments using data search records and survey information and undertaken by a suitably qualified ecologist at the appropriate times of the year using prescribed methodologies. Consideration will need to be given regarding all the likely impacts on designated sites (international, national, and local), protected species and priority habitats and species and not just significant ones. Effective and robust measures, in line with the biodiversity mitigation hierarchy of Avoidance; Minimisation, Rehabilitation/Restoration and Offsetting will be required to be identified. Any residual impacts will need to be compensated for on-site or off-site with long term management secured, and appropriate enhancements included to ensure biodiversity net gain. ECC recommends any application is supported by a completed Essex Biodiversity Validation Checklist. Any reporting on biodiversity matters should take account of the CIEEM - Guidelines for ecological impact assessment.



ECC has undertaken a high-level review of the site and identified the following. This review should be revised in more detail to inform any planning application:

- there are no statutory designated sites within 1km radius of the site;
- there are four Local Wildlife Sites within a 1km radius of the proposed site, one of which is on or adjacent to the site; and
- a review of MAGIC maps identified that the site contains, or is in close proximity to, ancient woodland and deciduous woodland Priority Habitats. The Ecological Impact Assessment will need to ensure that these sites and habitats are appropriately considered and not adversely impacted through the application process.

Any application should make use of the Great Crested Newts District Level Licensing Scheme operated by Natural England and available in Essex. Developers are able to pay a fee to join a district level licensing scheme rather than carry out their own surveys, to plan and/or carry out mitigation work. Further details can be viewed by the link above.

ECC would encourage any application to:

- seek to provide a minimum of 15% biodiversity net gain;
- to use the DEFRA Biodiversity Metric 3.0 (or any successor) in any calculation;
- submit a Biodiversity Net Gain Report (BNGR) setting out a baseline assessment, details of losses and compensatory habitat, and necessary biodiversity enhancements the BNGR should follow the CIEEM Biodiversity Net Gain Report and Audit templates; and
- reference these biodiversity requirements as an additional 'Green Aim' of the development.

Historic Buildings

ECC welcomes reference to Green Aim 8 (page 16) of the consultation document to seek ways of protecting and sustaining the heritage of the site. To be consistent with NPPF, paragraph 197, ECC recommends the aim is strengthened to 'protect and enhance' the heritage of the site rather than 'protect and sustain'.

NPPF, paragraph 189 identifies heritage assets as an irreplaceable resource that should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. NPPF, paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

In addition, NPPF, paragraph 192 requires authorities to maintain or have access to a historic environment record to be used in assessing the significance of heritage assets and the contribution they make to their environment; and predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.

Place Services manage and maintain the Essex Historic Environment Record (HER) on behalf of ECC and other local planning authorities in the county. The Essex HER is the most complete, computerised database of heritage assets in Essex, containing more than

38,000 records. A summary version of the Essex HER can be searched on-line at the [Heritage Gateway](#). This resource will prove useful in the planning application process to protect and enhance relevant heritage assets both on and off-site that may be impacted by the development proposals. The proposals will be required to have regard to nearby heritage assets, including conservation areas and listed buildings, it is essential that new development is sensitive to this context, conserves and enhances their setting and provides a positive contribution to the local character of the area.

As a priority, ECC requires that any scheme should seek to minimise and mitigate negative impact on heritage assets in a way that meets the objectives of the NPPF, paragraph 206 and look for opportunities to better reveal or enhance the significance of heritage assets. ECC has undertaken a high-level assessment of the site noting the rural setting of numerous designated heritage assets including twelve Grade II Listed buildings within 1km radius of the site, namely:

- *Sculpin's Farmhouse (List UID: 1139033) – an early-seventeenth century, timber framed, plastered house within a moated site;*
- *Ffuleslo (List UID: 1123486) – a sixteenth-century timber framed house;*
- *Welcome Slough Farmhouse (List UID: 1170150) – a timber-framed house, seventeenth century or earlier;*
- *Welcome Slough Farm barn (List UID: 1122864) a seventeenth to eighteenth-century, timber framed barn;*
- *Boyton all Farmhouse (List UID: 1123485) – a timber framed, mid-sixteenth century house within a moated site;*
- *Barn approximately 60m north of Boyton Farmhouse (List UID: 1337794) – a sixteenth century barn with seventeenth-century extension, Timber framed, weatherboarded;*
- *White Hall Farmhouse (List UID: 1123313).- a timber framed, plastered house with a thatched roof, late-sixteenth century with later extensions;*
- *Deeks Farmhouse (List UID: 1122861). Seventeenth-century (or earlier) timber-framed and rough rendered cottage*
- *Morris Green Farmhouse (List UID: 1170112 – a fifteenth-century house (or earlier), with later restorations. Timber framed and plastered;*
- *Willow's Farmhouse (formerly Shelley's Farmhouse) (List UID: 1338080) – a sixteenth century house (or earlier). Timber framed and with decorative pargetting;*
- *Gainsford Hall (List UID: 1317343) – a sixteenth century Manor house, with eighteenth and nineteenth-century alterations; and*
- *Woodley's Farmhouse (List UID: 1122996) – a seventeenth-century, timber framed and plastered, house with a red tile roof.*

ECC considers that given the close proximity of these designated heritage assets to the site the impact on their setting is likely to be detrimental. There may also be a harmful impact on other, as yet unidentified, designated heritage assets after a more detailed analysis has been undertaken to inform an application.

An application will also need to consider the impact on non-designated heritage assets. Wethersfield Airfield itself is a non-designated heritage asset and listed on the Essex Historical Environment Record (HER No. HER16658) and its history can be viewed [here](#).



ECC considers there is a high potential for non-designated heritage assets to survive on the site including gun emplacements, pill boxes, observation posts, air-raid shelters and other structures from the Second World War. The HER description states that several Nissan huts and hangers survive along with the control tower. The perimeter track of the airfield survives and the loop hardstands still remain in the southwestern quadrant of the field. The layout from the Second World War survives including many dispersal areas. To the south of the proposed development site is a chapel, considered to be the first purpose built Chapel on a USAF base in the UK.

The potential layout and landscape plan identified on page 13 would remove any legible trace of the airfield and its historic phases of development. The proposed prison layout does not preserve anything of the arrangement of runways. The loop hardstands to the southwest of the site appear to have been retained in the diagram, but they would be without any context as all other traces of the airfield would have been removed. ECC recommend a more sympathetic design that retains some legibility of the historic airfield should be a starting point for any scheme.

Any application will need to be accompanied by a robust Heritage Statement (HS) using the staged approach outlined in Historic England - Statements of Heritage Significance: Analysing Significance in Heritage Assets (Historic England Advice Note 12). The HS should contain a full discussion of the form, materials and history of any affected heritage asset and an understanding of their significance, and in particular the contribution to significance made by the setting of any heritage asset. The analysis of the setting of heritage assets should use the guidance in Historic England - The Setting of Heritage Assets Planning Note 3 (Second Edition). The HS should consider the levels of impact resulting from the proposal on the significance of all designated and non-designated impacted heritage assets. It should be acknowledged that the aspects of setting are not simply to be expressed in terms of views but within the definition contained in the NPPF, Glossary, page 71.

ECC recommend early consultation is undertaken with Historic England, but also local communities, local heritage groups, historical societies, parish councils and other stakeholders (the Airfields of Britain Conservation Trust, the Wethersfield Airfield Museum and the Wethersfield Local History Group) to gain as much local information as possible.

With regards the potential impact on the historic environment ECC considers there is the potential for harm to numerous designated and non-designated heritage assets resulting from the proposed scheme. Given the level of detrimental impact on setting and the possible extent of heritage assets affected, including the historic airfield itself, at present it is unlikely the scheme could be supported from a heritage perspective should it progress to an application.

Archaeology

ECC recommend any application is informed by a detailed archaeological desk-based assessment. This will need to include an assessment of each of the surviving buildings from the WWII airfield consistent with NPPF, paragraph 194. In addition to a desk based assessment further archaeological evaluation in the form of trial trenching is likely to be required.



Wethersfield Airfield is a non-designated heritage asset comprising the World War II airfield and details of the Essex HER record 16658 can be viewed [here](#). This military history of development and use of the site contributes greatly to the interest and significance of the airfield. A survey of military airfields in Essex (Thorpe, S, 1996) identified that although the airfield has been partly developed several buildings and the original airfield layout remained.

The profile of twentieth-century military heritage and its conservation has risen in recent years due to its place in history becoming increasingly understood and valued. However, their fabric and structures are often vulnerable to neglect, decay and development. In recognition of their significance and vulnerability, a conservation guidance document on [Historic England - Historic Military Aviation Sites](#) was published in 2016 and should be referenced in as part of the evidence base work assessing the significance of the airfield. The document also refers to the importance of incorporating features such as runways, perimeter tracks and defensive structures into any new development proposals.

ECC has also identified other non-designated heritage assets at Sculpins Farm, a 17th century designated structure which lies within a moated site (EHER [6827](#)) and a Roman Road (EHER [7352](#)) which bisects the north eastern part of the proposed development area.

Arboriculture

ECC welcomes that a Landscape Design Strategy is being progressed given the rural setting of the site and need to sensitively integrate the site with its wider landscape setting.

ECC would require any application to consider the potential impact of construction and operational traffic on both the use of the historic rural lanes and their associated native trees and hedging. The majority of roadside trees and hedges are likely to be boundary features within the private ownership of local landowners, and not as is generally assumed, ECC Highways, and increased traffic is likely to put an unexpected burden on landowners.

ECC welcomes reference to enhancing the existing tree planting and the potential relocation of trees on the eastern part of the site. However, the task of tree relocation is a specialist job that should only be undertaken in exceptional circumstances, and is not suitable for all trees (e.g., veteran trees) and has no guarantee of success. There is however, potential to carry out robust planting to enhance the site in the future.

ECC recommend the British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012) is followed in any tree survey detailing how trees are appropriately and successfully retained on site. Any proposal should also undertake an Arboricultural Impact Assessment, an Arboricultural Method Statement and provide full details of planting schemes and their future maintenance regimes.

In October 2019, ECC established the Essex Climate Action Commission (ECAC) to advise on ways to mitigate against climate-change and make recommendations to help Essex become net-zero by 2050. The ECAC has made over 130 recommendations regarding how new and existing buildings can contribute to meeting the climate agenda in its report [Net-Zero: Making Essex Carbon Neutral \(July 2021\)](#) and the [Built Environment;](#)



Land Use and Green Infrastructure; Energy; Transport; Waste Management and Community Engagement technical annexes.

ECC is still formulating its response to the recommendations to determine how best to incorporate them into a Climate Action programme of work that is appropriately funded and then delivered. ECC note the MoJ ambition in Aim 1 and 2 on page 16 of the consultation document to reduce carbon emissions by 85% compared to other prisons, for prisons to become all electric; installing energy efficient heat pumps, lighting, appliances and equipment; the use of building materials based on their low environmental impact; and the use of responsible suppliers. However, ECC would expect the MoJ to seek to provide net zero prisons over the lifetime of their development not simply when operational, particularly given the climate emergency and to help meet Government targets. ECC notes the reference on page 20 of the consultation to seeking to lower carbon emissions so any prison is as close to zero as possible, and the following opportunities, but not an exhaustive list, should be considered when progressing the design and layout of each prison:

- the maximisation of renewables onsite to meet 100% of demand;
- consideration for battery storage;
- use of solar panels;
- Implement sufficient electronic charging points for employees and visitors alike, and provide the connectivity to expand this at a future date;
- Provide for new habitat creation including woodland which achieves a minimum of 15% biodiversity net gain.
- maximises incorporation of passive design features to control heat gain and deliver passive cooling (in line with the sequential cooling hierarchy⁴⁴) without resorting to energy intensive cooling methods such as air conditioning
- consideration of smart and flexible energy systems;
- opportunities to reuse waste heat should be sought and any heat networks connections/creation;
- plans to monitor and disclose emissions to ensure they do continue to meet net zero standards;
- any residual carbon dioxide emissions should be offset through financial contribution to local carbon offset fund; and
- Consideration could be given to a single energy centre serving the entire site providing well-designed on-site communal heating resulting in significant space savings within buildings, helping to make the most efficient use of the site.

ECC acknowledges that there is a balance to be taken between modern methods of construction with standardised components and assemblies offering economies of scale and consideration given to the local landscape. It is noted that the HMP Five Wells Prison near Wellingborough is utilising 80% standardised design which will be used on subsequent prison developments. This development is located adjacent to an existing urban area as opposed to the remote location at Wethersfield located within its own natural and historic landscape issues identified above.

Braintree District Council (BDC) has recently approved its Climate Change Strategy 2021-2030 and the Initial Action Plan September 2021 – March 2023 and can be viewed via the following [committee papers](#). To ensure its effectiveness it will be closely linked with the