



Low Carbon Heating Project

HMP Eastwood Park

Ministry of Justice

Title: HMP Eastwood Park- Certificate of Lawful Development Supporting Statement

Date: 09-10-2023

Dear Sir/Madam

Certificate of Lawful Development for low carbon heating project comprising the installation of new LV substation transformer and the installation of ASHP plant compounds comprising (new plant building, ASHP, metal clad enclosures, internal boundary fencing, and internal acoustic walls set within the closed perimeter wire of HMP Eastwood Park, Falfield, Wotton-under-Edge GL12 8DB) ('the Site')

CONFIDENTIAL

T&CP (General Permitted Development) (England) Order 2015 (GPDO)

T&CP (General Permitted Development) (England) (Amendment) Order 2021 (GPDO)

Part 7, Class M of schedule 2 of the GPDO - extensions etc for schools, colleges, universities, prisons and hospitals

Part 7, Class MA of Schedule 2 of the GPDO - the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure in connection with a prison

Part 19, Class A of schedule 2 of the GPDO – general development by the Crown

Part 19, Class B of schedule 2 of the GPDO - extension or alteration of an operational Crown building

Part 19, Class C of schedule 2 of the GPDO – Developments on operational Crown land (a) including the installation of additional or replacement plant machinery

As you will be aware, the Ministry of Housing, Communities and Local Government made an Order in 2021, cited as the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021; the Order was laid before Parliament on 31st March 2021 and came into force on 21st April 2021.

The provisions encompassed within the Order are in aid of supporting several Government objectives, including supporting public service infrastructure. As such, amendments have been made [amongst others] to existing permitted development rights to allow schools, colleges and universities, prisons and hospitals to expand and adapt their buildings as they respond to changing demands and ways of working, without the need to seek planning permission.

Please find enclosed an application for a Lawful Development Certificate application to confirm that the proposed development at HMP Eastwood Park as described below constitutes permitted development.

This application has been submitted by Cushman & Wakefield on behalf of the Ministry of Justice UK via the Planning Portal (PP-12515718).

Application Content

The application is accompanied by the following documents:

- The relevant application form and Certificate.
- This covering letter;
- Drawings:

All plans listed below should not be made available to the public for security reasons linked to HMP Eastwood Park

The requisite application fee will be paid via BACS payment shortly following submission of this application.

This cover letter describes the site and proposed development and addresses relevant planning issues.

Site Location

The development site is situated within the closed prison wire within HM Prison Eastwood Park.

Proposed Development

The proposed development comprising the low carbon heating project at the Site includes the following:

- A new LV substation transformer located to the south of site.
- New Air Source Heat Pumps (ASHP) enclosure comprising;
 - Four new ASHPs within ASHP enclosure, with 2.4m high green weld mesh fence to boundary
 - 2.4m high masonry acoustic wall to southern edge of ASHP enclosure
 - New ASHP plant building
- Enclosure of existing Main Plant Room with profiled green metal roof and cladding to match existing.

Permitted Development Assessment

This application and this statement have been produced to provide South Gloucestershire Council with a suitable level of information to properly assess and determine that the proposed development constitutes permitted development and therefore has deemed consent.

Erection of a new ASHP Plant Building and extension of Existing Main Plant Room to contain new Plant Equipment

The proposed ASHP plant building and proposed extension to existing main plant room displayed in the following submitted drawings ref. (120) (121) (122) have been assessed against the provisions set out within Schedule 2, Part 7, Class M (extensions etc for schools, colleges, universities, prisons and hospitals) and Schedule 2, Part 19, Class B (extension or alteration of an operational Crown building) of the GPDO. In accordance with Part 7, Class M - Development is not permitted for the erection, extension or alteration of a

school, college, university, prison or hospital building if - (a) The cumulative footprint of any erection, extension or alteration under Class M on or after 21st April 2021 would exceed the greater of - (i) 25% of the cumulative footprint of the school, college, university, prison or hospital buildings as it was on 21st April 2021; or (ii) 250 square meters.

The proposals would not exceed the cumulative footprint of 25%; The development is not within 5 metres of a boundary; The land has not been used as a playing field; The total height of the building does not exceed 6 metres and is not located within 10 metres of a boundary; the development is not within the curtilage of a listed building; the predominant use of the existing buildings on the premises is for the confinement of prisoners in closed conditions; the development does not involve the erection, extension or alteration of any building beyond the perimeter as it stood on 21st April 2021. The development does not go beyond the perimeter as it stood on 21 April 2021.

In accordance with Schedule 2, Part 19, Class B – Development is not permitted for the extension of an existing building subject to specific limits; - the extension cannot exceed the height of the original building, the cubic content of the extension cannot exceed that of the original building by more than 25%, and the floorspace of the extension cannot also exceed 1,000 sqm. The extension cannot be within 5m of the perimeter fence line, and it cannot reduce the space available for parking or turning of vehicles. In addition, the extension cannot “materially affect” the external appearance of the original building.

The proposals would not exceed the cubic content of the original building by more than 25%, the extension is not proposed within 5m of the perimeter fence line, the extension will not reduce the space available for parking or the turning of vehicles; it is considered that the proposals external appearance is not affected as the extension is not visible from outside the prisons closed perimeter fence line.

Therefore, for the reasons set out above, the proposals as displayed in submitted drawings ref. (120) (121) (122) fall within the scope of development permitted under Schedule 2, Part 7, Class M and Schedule 2, Part 19, Class B of GPDO.

Installation of new LV Substation and Transformer

The proposed new LV substation transformer located to the south of site displayed within drawing ref. (010) has been assessed against the provisions set out within Schedule 2, Part 19, Class C (developments on operational Crown land) ((a) the installation of additional or replacement plant or machinery) of the GPDO. In accordance with Part 19, Class C Development described in Class C(a) is not permitted if - (a) it would materially affect the external appearance of the premises; or (b) exceed a height of 15 meters above ground level or the height of anything replaced, whichever is the greater.

The substation will not be visible from outside the perimeter of the prison; therefore, the proposed development does not materially affect the external appearance of the premises. The proposed LV substation transformer will measure well below a height of 15 meters above ground level.

For the reasons set out above, the proposed substation falls within the scope of the development permitted under Schedule 2, Part 19, Class C of the GPDO.

Installation of Air Source Heat Pumps (ASHP)

The proposed Air Source Heat Pumps (ASHP) contained within the proposed ASHP plant compounds displayed in drawing refs. (120) (121) (122) have been assessed against the provisions set out within Schedule 2, Part 19, Class C (developments on operational Crown land) ((a) the installation of additional or replacement plant or machinery) of GPDO.

In accordance with Part 19, Class C, development described in Class C(a) is not permitted if - (a) it would materially affect the external appearance of the premises; or (b) any plant or machinery would exceed a height of 15 metres above ground level or the height of anything replaced, whichever is the greater. The ASHP will not be visible from outside the perimeter of the prison and will be enclosed within proposed plant building and associated acoustic enclosures, therefore the ASHP will not materially affect the external appearance of the premises. The ASHP will not exceed a height of 15m above ground level.

For the reasons set out above, the proposed ASHP falls within the scope of the development permitted under Schedule 2, Part 19, Class C of the GPDO.

Erection of Internal Fences, Acoustic Walls and ASHP enclosures

The proposed boundary fence, internal wall and acoustic enclosures displayed in drawing ref. (010) have been assessed under Part 7, Class MA - the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure in connection with a prison. Development is not permitted by Part 7, Class MA if the height of any gate, fence, wall or other means of enclosure would exceed 5.5 meters above ground level. All proposed internal fences, walls and ASHP enclosures are constructed to a height of 5.5m or below measured from ground level.

For the reasons set out above, all proposed internal fences, walls and ASHP enclosures fall within the scope of the development permitted under Schedule 2, Schedule 2, Part 7, Class MA of the GPDO.

Conclusion

It is concluded that all development comprising the low carbon heating project located within the closed perimeter wire at HMP Eastwood Park as described above constitutes as permitted development based on development meeting the thresholds required under the GPDO.

I look forward to receiving confirmation of the application's validation, however if there are any queries or you require any further information to assist in your assessment of the application, please do not hesitate to contact me using the details above.

This application and this cover letter have been produced to provide South Gloucestershire Council with a suitable level of information to properly assess and determine that the proposed development as described above constitutes permitted development and therefore can proceed under permitted development in line with the GPDO.

If you have any questions in relation to this matter, please do not hesitate to contact me as the Town Planning advisor for this project.



Yours sincerely,

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