



Department for Levelling Up,
Housing & Communities

Ms A Hayes
Chief Planning Officer
Chorley Borough Council

Our ref: APP/D2320/W/22/3295556
Your ref: 21/01028/OUTMAJ

Ms E Curtis
Ulnes Walton Action Group

6 April 2023

By email

Dear Ms Hayes and Ms Curtis

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY THE MINISTRY OF JUSTICE
LAND ADJACENT TO HMP GARTH AND HMP WYMOTT, LEYLAND, LANCASHIRE
APPLICATION REF: 21/01028/OUTMAJ**

1. The Secretary of State wrote to the parties on 19 January 2023 setting out his “minded to grant” decision in relation to the proposed prison at Land adjacent to HMP Garth and HMP Wymott.
2. The Secretary of State has had regard to the representation of 9 February 2023 on behalf of Chorley Council and the Ulnes Walton Action Group (UWAG) which requested that the Secretary of State either formally reopened the Inquiry or confirmed that on receipt of further highway evidence the Secretary of State would notify the Council and UWAG under Rule 17(5) of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 (“the Inquiry Rules”) that he would reopen the Inquiry upon the Council’s request under Rule 17(7) of the Inquiry Rules.
3. The Secretary of State has had further regard to the representation on behalf of the Appellant of 17 March 2023 stating that the Appellant does not object to the inquiry being reopened.
4. The Secretary of State considers that the Highways evidence provided on behalf of the Appellant on 1 March 2023 and circulated to the parties constitutes new evidence under Rule 17 of the Inquiry Rules.
5. As such he has decided to reopen the planning inquiry under Rule 17(7) of the Inquiry Rules as highway capacity and highway safety are inherently a technical and specialist areas and reopening the inquiry would allow highway evidence to be submitted and properly tested .

6. The remit of the reopened inquiry will be to consider such evidence on highway safety matters identified in his minded to grant letter as the parties shall put forward, and is not an invitation for any party to seek to reopen any of the other issues covered in the decision letter.
7. The Planning Inspectorate will write to the parties in due course setting out the arrangements for the re-opened inquiry pursuant to Rule 10 of the Inquiry Rules.
8. A copy of this letter has been sent to Cushman Wakefield on behalf of the Appellant, the Ministry of Justice.

Yours sincerely

Phil Barber

Decision officer