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18 October 2019

**\*\*By Email Only\*\***

Dear Sir / Madam

#### **SITE ALLOCATIONS – ISLINGTON LOCAL PLAN PROPOSED SUBMISSION (REGULATION 19)**

We write on behalf of our client, Ministry of Justice (MoJ), which owns HMP and YOI Pentonville currently allocated as site reference **OIS24; Pentonville Prison, Caledonian Road** in the draft Site Allocations (September 2019) document.

The MoJ appreciate the opportunity to comment on the revised site allocation at Pentonville prison.

The document forms part of the emerging Islington Local Plan Submission (Regulation 19) for which LB Islington invite representations on the proposed site allocations from period 5<sup>th</sup> September - 18<sup>th</sup> October 2019. As part of this consultation our client wishes to make a representation on their site. This follows on from the representations made by the MoJ's former advisor, Savills, in letters dated 26<sup>th</sup> March 2018 and 11<sup>th</sup> January 2019 (see appendix) as part of the Regulation 18 consultation.

HMP and YOI Pentonville is an operational prison which, as addressed in earlier representations was previously subject to consideration as part of the former Prison Estate Transformation Programme (PETP).

Upon studying the site allocation, the MoJ have noted several observations which are discussed in turn.

#### [Revision to Site Allocation Boundary](#)

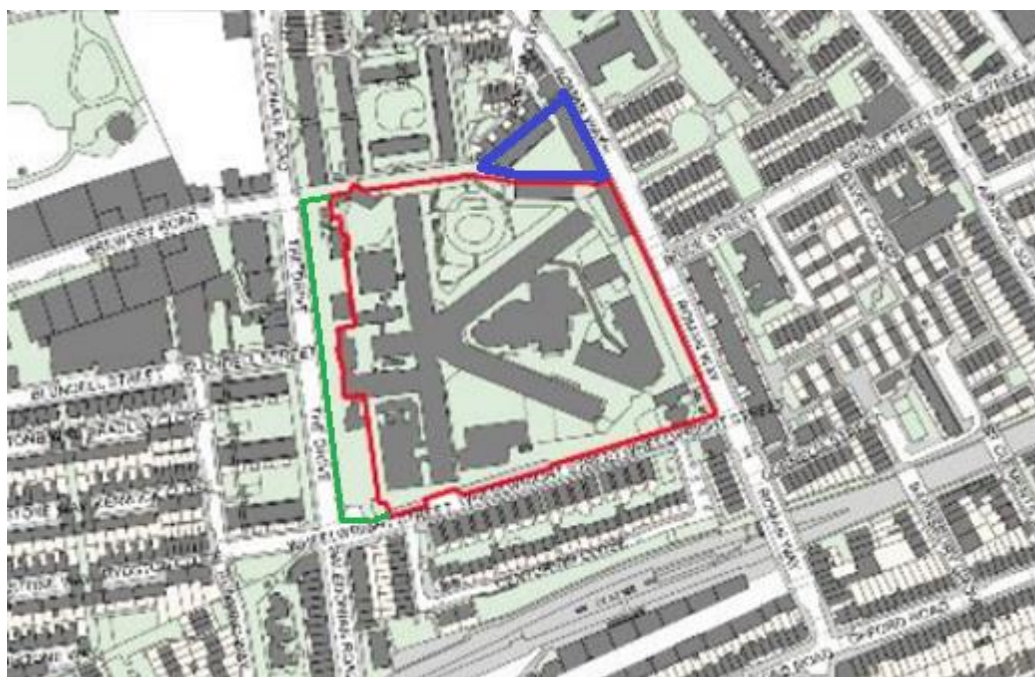
The MoJ query the site boundary of the allocation. Given that our client owns the entire land parcel up to the boundary with Caledonian Road to the west we are unclear as to why this has not been included as part of the site allocation. Subsequently we request that the boundary is extended westward to cover this area of land as illustrated in green under **Figure 1** (below).

#### [Surplus Land at Wellington Mews](#)

A triangular parcel of land adjoining the northeast of the site (outlined in blue under **Figure 1**) and within the client's ownership should be considered as a separate site allocation for residential purposes.

The plot, extending to 0.28 hectares which comprises 2 no. 4 storey residential buildings housing 28 no flats along with 15 no parking spaces features a 'very good' PTAL rating. The site is capable of accommodating residential development in the short-medium term. Additionally, this adjoining site lends itself well to the future allocated uses at Pentonville Prison and we request that consideration is given to allocating this for residential purposes as part of the emerging local plan for the borough.

**Figure 1:** Extract from LB Islington Site Allocations consultation document (September 2019) indicating the Site Ref: OIS24



#### Allocation and justification:

The MoJ welcomes LB Islington's allocation of the site for residential, community use, open space and some element of business use. The following comments are raised in relation to specific aspects of the site allocation.

The previous representations on this site held the position that the site was a facility that provided social infrastructure as part of a national system of prisons, rather than social infrastructure which benefits LBI. As such, the MoJ took the view that the loss of prison places within the borough would not impact the local social infrastructure and therefore requested that reference to this term be omitted.

LBI have retained reference to 'social infrastructure' as part of this consultation. The MoJ maintains the view that the prison comprises national social infrastructure for which emerging Policy SC1

(Social and Community Infrastructure) does not differentiate between local level infrastructure and national infrastructure. In this regard the policy does not sufficiently address how the loss of national infrastructure is dealt with.

In any event, the MoJ does not consider that the loss of infrastructure on this site should be subject to the requirements under Part D of Policy SC1. The site has been identified by LBI as strategically important, whereby a residential-led scheme would be expected in line with the allocation. It would be very difficult to replace the prison use with similar social and community infrastructure, and in any case, if this site ever does come forward for alternative use, the prison use is likely to be reprovided elsewhere in the country. Subsequently, we request for the reasons outlined that the statement '*Subject to justifying the loss of social infrastructure*' is omitted from the site allocation.

The allocation description refers to a '*heritage-led*' predominantly residential scheme. The MoJ considers that reference to this should be omitted from 'allocation and justification' and included in the 'development considerations' section of the site allocation. The allocation wording describes the appropriate land use and other policy considerations, such as heritage, are more appropriately listed under the considerations. As such, it would be expected that any residential-led mixed used redevelopment would have full regard to the relevant heritage policies as set out in the Local Plan, as well as the National Planning Policy Framework.

The scheme is on public sector land where, in the case of residential development, there is an expectation in policy terms to provide at least 50% of new dwellings as affordable by unit. The allocation requires the delivery of '*a significant amount of genuinely affordable housing*'. The MoJ does not object to the provision of policy compliant levels of affordable housing, but it does have concern with the use of the term 'genuinely'. Affordable housing should be in accordance with the definition as set out in the London Plan. Subsequently, it is requested that 'genuinely' is omitted from the site allocation.

Additionally, the need to explore options for providing more than 50% of affordable housing provision without the submission of a viability assessment is considered unreasonable.

The MoJ considers that provision of affordable housing at 50% would be in line with the emerging London Plan (July 2019), where other criteria, including tenure mix are compliant. In the event that less than 50% affordable housing provision is proposed as part of a future scheme on this site, a viability assessment should be required by the LBI.

Given the need to balance the heritage constraints with that of optimising the site, the proposed redevelopment of the site should be viewed as an 'exceptional case' in terms of providing a viability assessment. Subsequently, it is requested that the allocation should explicitly acknowledge the need for a viability assessment as part of any forthcoming scheme due to the exceptional circumstances the allocation presents.

#### Development Considerations

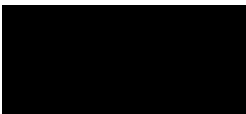
Reference is made to provision of active frontages along Caledonian Road as part of the redevelopment of the site. The MoJ is concerned that this design restriction is overly prescriptive

at this stage and could limit design options given the heritage constraints, the requirement to produce a high-density residential scheme and a minimum of 50% affordable housing provision on this site. We request LBI afford a degree of flexibility in this regard and replace the statement 'Active frontages should be provided along Caledonian Road' with 'Active frontages along Caledonian Road are encouraged' as per the Regulation 18 allocation description.

The allocation seeks the *'provision of a new east-west and north-south access through the site where possible'*. Whilst the MoJ encourage the flexibility afforded through the term *'where possible'*, further flexibility for any future development would be achieved through allowing details of the site access to be discussed at pre-application or application stage. There are concerns that such a requirement at allocation stage could limit maximising the development potential of the site and request that the statement regarding access is replaced by that of the old allocation i.e. *'provision of new access through the site to Caledonian Road and to improve permeability'*.

The addition of the statement concerning the upgrade to the wastewater network is perceived to be onerous and unnecessary for inclusion as part of the allocation details. Draft Policy ST4 (Water and wastewater infrastructure) cover this matter and any future scheme would need to be assessed against compliance with this policy. It is likely that any future application on this site would involve discussions with Thames Water and relevant third parties as a matter of course, given the considerable size and high profile of the site. We subsequently request that this statement is omitted.

At this stage, the MoJ have no further comments beyond those raised and trust that the above will be given due consideration.



Yours Sincerely

**Harman Sond MRTPI**  
**Senior Consultant - Development & Planning**  
**Cushman & Wakefield**

Cc. Gareth Thomas – Ministry of Justice

**Appendix 1 – Previous representation by Savills to  
London Borough of Islington on behalf of Ministry of  
Justice for HMP Pentonville**

11 January 2019

Response to Islington Site Allocations DPD, 11.01.2019 Final.docx



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Dear Sir/Madam

#### **Response to Consultation for Islington Local Plan Site Allocations DPD (November 2018)**

We write on behalf of the Ministry of Justice (MoJ) which owns HMP and YOI Pentonville, currently allocated as site OIS24 (Pentonville Prison, Caledonian Road) in your Islington Site allocations document (November 2018), which is being consulted upon until 14<sup>th</sup> January 2019 to make further representations following the previous consultation response to the Direction of Travel Draft (February 2018).

HMP and YOI Pentonville is an operational prison. As set out in our response in February 2018, this site is one of several included in a review by the MoJ as part of the Prison Estate Transformation Programme. The purpose of the programme is to transform the prison estate to create safe and secure environments for staff and offenders and to improve offender rehabilitation. The department is committed to delivering up to 10,000 decent prison places, providing the physical conditions for Governors to achieve better educational, training and rehabilitative outcomes.

As well as constructing new prisons we are reconfiguring the existing estate so that men will be held in the right place at the right time in their custodial journey to support their rehabilitation and closing some older prisons that are not fit for purpose.

A number of prisons across England and Wales are included in a review to determine potential future uses for the sites. This review is exploratory in nature with the information obtained from this work informing future decisions about the shape and size of the prison estate. Inclusion in this review does not mean that a prison will close.

We would like to provide further comments to the revised site allocation (OIS24) to ensure that the position of the prison is accurately reflected.

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The current revised allocation states:

*Should the prison be deemed surplus to requirements, and subject to justifying the loss of social infrastructure, a heritage-led, predominantly residential scheme including appropriate provision of community uses, open space and an element of business use may be acceptable.*

As explained above, the prison may or may not be deemed surplus to requirements over the plan period; no decisions on this have yet been made at this stage and the prison remains fully operational.

Concerning the "...subject to justifying the loss of social infrastructure..." statement, it is important to again stress that our position is that the existing prison on this site is a facility which provides social infrastructure as part of a national system of prisons, rather than social infrastructure which benefits the borough itself. Should HMP and YOI Pentonville close, this would not lead to any reduction in national social infrastructure, if anything it would be likely to result in better social infrastructure with improved prison places being created across the estate. In terms of local social infrastructure, the existing prison holds people from across the region, not just from within the borough, therefore it does not benefit the borough's residents specifically.

Accordingly, it is the MoJ's view that any loss of prison places located within Islington would not impact on the provision of local social infrastructure. Therefore "the loss of social infrastructure", should be removed from the wording of the allocation. The inclusion of some community uses on the site is an appropriate land use given the size and potential quantum of residential uses on the site, and as such, the requirement should remain.

Given the number and type of listed buildings on the site, any scheme for redevelopment would need to be mindful of the heritage aspects of the site but it is imperative that residential uses are maximised to ensure best use of the land. It is clear that the Council is aware of the potential for residential development on the site, and the MoJ continues to support the wording "*predominantly residential*".

The use of part of the site for business uses would also be an appropriate aspect of any redevelopment and as such the MoJ support the wording of this part of the allocation.

In respect of the scheme being predominantly residential, it is considered that it is important to acknowledge the impact of any future scheme for the site being heritage led where necessary. This will have an impact on the viability of any scheme put forward and the ability for the policy target levels of affordable housing to be provided. The MoJ considers that the site allocation should include some acknowledgement in the "development considerations" section that flexibility will be provided in respect of viability where appropriate, when balanced against the heritage considerations. As set out above, the MoJ does consider the main land



use of any proposal to be residential if the site were to be disposed of, and would seek to maximise the number of units to assist with the borough's housing targets, however this may be affected by the heritage constraints.

We therefore suggest an additional bullet point to the development considerations section, as follows:

- The delivery of affordable housing on this site will be subject to a viability assessment due to the identified site designations and constraints. The maximum amount of affordable housing, informed by detailed viability evidence consistent with the Development Viability SPD, should be provided.

Draft Policy H3 of the Local Plan, genuinely affordable housing, provides that site-specific viability information will only be accepted as part of a planning application in exceptional cases determined by the Council. It is considered that the redevelopment of HMP and YOI Pentonville would be such an exceptional case due to the constraints of the site, most notably the heritage assets, but it is suggested that the allocation should be explicit in stating that a viability assessment will be required and accepted by the Council. This is because the justification text to the draft Policy H3 suggests that viability information will not normally be entertained by the Council.

Other than those comments put forward in this letter, no further amendments are suggested at this point.

Yours faithfully

Simon Wallis  
Director



26 March 2018



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Dear Sir/Madam

#### Site Allocations – Direction of Travel Draft February 2018

We write on behalf of the Ministry of Justice (MoJ) who own HMP and YOI Pentonville, currently allocated as site DOT77 in your above mentioned draft document.

This site is one of several included in a current review by MoJ as part of the Prison Estate Transformation Programme. The purpose of the Programme is to transform the prison estate by creating high quality modern establishments and closing some older prisons that are not fit for purpose. A number of prisons across England and Wales are included in the review including HMP and YOI Pentonville. As part of this the MoJ is carrying out survey, planning and valuation work to determine potential future uses for the sites.

At this point no decisions have been made. Inclusion in this review does not mean that a prison will close, but the information obtained from this work will help inform future decisions about the shape and size of the prison estate. This site is being considered alongside several others and remains operational.

Should MoJ decide to close the prison, the site would become surplus to requirements and be allocated for disposal with redevelopment being highly likely. Given that this could happen, we would like to respond to the proposed site allocation to ensure that a suitably worded allocation will drive a successful redevelopment.

The current allocation states:

*"Should the prison be deemed surplus to requirements and subject to justifying the loss of social infrastructure and appropriate provision of community uses, a heritage-led, predominantly residential scheme with an element of business use may be acceptable."*

As explained above, the prison may or may not be deemed surplus to requirements over the plan period; no decisions on this have yet been made at this stage and the prison remains fully operational.

Concerning the "...subject to justifying the loss of social infrastructure..." statement it is important to understand that the existing prison on this site is a facility which provides social infrastructure as part of a national system of prisons, rather than social infrastructure which only benefits the borough. Should HMP and YOI Pentonville close, this would not lead to any reduction in national social infrastructure; if anything it would likely result in better social infrastructure with improved prison places being created across the estate. In terms of local social infrastructure the existing prison holds people from across the region, not just from within the borough, therefore it does not benefit the borough's residents specifically.

Therefore, it is the MoJ's view that any loss of prison places located within Islington would not impact on the provision of local social infrastructure. Notwithstanding this the MoJ would suggest that the inclusion of some community uses on the site is an appropriate land use given the size and potential quantum of residential uses on the site, and as such, they support this wording.

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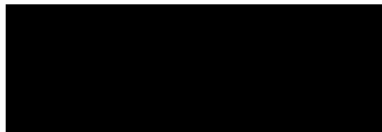
Given the number and type of listed buildings on the site any scheme for redevelopment would need to be mindful of the heritage aspects of the site, but it is imperative that residential uses are maximised to ensure best use of the land. It is clear that the Council is aware of the potential for residential development on the site, and MoJ are supportive of the wording "*predominantly residential*".

The use of part of the site for business uses would also be an appropriate aspect of any redevelopment and as such MoJ supports the wording of this part of the allocation.

Given the above, it is our view that the allocation description should be re-worded as follows:

*"Should the prison be deemed surplus to requirements a heritage-led, predominantly residential scheme with an element of business use and community use may be acceptable."*

Yours sincerely

A large black rectangular redaction box covering the signature area.

Simon Wallis  
Director