Written evidence submitted by David Rees AM (PPW0010)

Please accept the following as my submission to your committee’s inquiry relating to the provision of prisons within Wales and in particular the consideration of potential for new prisons in Wales.

Initially, I wish to highlight my views on the current system in operation and its failure to deliver both an improvement in reducing reoffending and the safe management of inmates. I appreciate that this may not be within the remit of the committee’s inquiry but it should be as it lays the foundation for the whole inquiry and sets the context for submissions. The committee may also wish to consider how Scotland has addressed its penal system and the actions that could be taken if this became a devolved matter.

Evidence from various reports by Her Majesty’s Inspectorate of Prisons (HMIP) identify that several establishments in the current prison estate, including those in Wales, are not considered fit for purpose and are failing inmates and their families. This is echoed by representatives from the Prison Governors Association and from the Prison Officers Association, who have continually raised their deep concerns on the impact that reducing budgets has on the service and its ability to improve its ability to deliver against the set targets. The recent report on Swansea prison demonstrates that the service is overstretched and struggling to meet the demands placed upon it to manage the penal system and ensure that it is able to help inmates rehabilitate into their communities, thus reduce reoffending in Wales. Whilst this may be used to argue for the need for more prison space due to the overcrowding at Swansea (which as a percentage is the most overcrowded prison in England & Wales) it also should ring alarm bells as to whether the current sentencing guidelines are suitable for the modern day and the government’s ambition of reducing reoffending rates.

The difficulties faced by prisons across England & Wales is also well documented with many incidents of unrest within establishments (some requiring action by specialist teams to restore order), serious assaults (an increase of over 200% since 2013 according to the MOJ’s own figures), injuries to prison staff and increasing self-harm rates of inmates, including suicides. These all indicate a need to take more radical action to improve the existing service and look at many aspects which may fall outside the remit of the committee’s work but which are critical to consider the future provision within Wales.

The former Secretary of State for Justice, David Lidington, stated his reasons last August for there being moves to reduce the prison population. Thus the need to reform the penal system, amend the sentencing guidelines and consider alternative approaches other than incarceration which would reduce the number of individuals who are given custodial sentences is well overdue and the UK government should take action to initiate these changes.

There is no doubt that there is an urgent need for prison reform and consequently reform of the prison estate to ensure that the justice system benefits society as a whole – both for those that come before it and for those that seek it to deliver a fair system. Existing ‘Victorian’ prisons have been shown in report after report to be in need of replacement/upgrade to provide a place in which inmates can have dignity and the opportunity to rehabilitate. Both HMP Swansea & HMP Cardiff fall within this category but a simple exercise of build one to replace two does not work, either in terms of improving the justice system or in reducing reoffending. In Simplistic terms it is seen as a cost cutting exercise and not as an approach to deliver a more sustainable and effective penal system.

The system is clearly failing and every effort must be made by the UK government to ‘fix’ the system prior to simply adding more capacity to it without the necessary additional resources that are needed. I would stress that the projected £1.3 billion spend on 4/5 new ‘super’ Prisons would be better invested in addressing the systemic problems that exist to ensure that the penal system is able to meet the challenges it has before simply making those challenges more difficult to overcome.
The remainder of my contribution will focus upon your consideration of future developments within the prison estate in Wales and in particular the decision of the Ministry of Justice (MOJ) to build a new prison at Port Talbot, within my constituency. The decision by the MOJ was announced on March 23rd 2017 and indicated that a new Category C prison housing between 1000 and 1600 inmates and which would have a predicted lifespan of 60 years would be developed on land at Baglan Industrial Park. I wish to highlight several issues relating to this proposal which indicate both the strong opposition to the build of this prison but also the failings in the process of identifying and selecting such sites.

I understand that the MOJ approached the Welsh Government, and possibly local authorities in Wales, seeking a list of sites that would meet criteria that they provided. The intention was to identify a site for a new prison in Wales.

The opposition to the proposal for a new prison at Baglan Moors:

The residents of Port Talbot have overwhelmingly expressed their opposition to the proposal to build a new prison at this site and have put forward an argument based upon substantive reasons. A campaign group has been established to lead the opposition and they have been active in identifying the weaknesses in the proposal. They have also presented a petition to the National Assembly for Wales of over 8500 signatories calling upon the Welsh Government (as owners of the land) not to sell or lease the land to the MOJ. This was debated at the National Assembly with the vast majority of members supporting the sentiments expressed in the petition which demonstrated both a concern over this particular build but also about the evidence that such prisons deliver on the intention to reduce reoffending (Record of Proceedings http://record.assembly.wales/Plenary/4664#A40324 starting at para 291).

The committee should also note that since the announcement by the MOJ on 23rd March 2017 it has only engaged with the community on one occasion; when the local MP, Stephen Kinnock, organised a public meeting to which the then prisons Minister, Sam Gyimah, was invited. Officials from the MOJ attended in his stead. Their failure to organise any such engagement events to date highlights the challenges they are clearly facing in this proposal and also highlights the failure of the processes operated by the MOJ to engage with local communities which will be impacted upon by its decisions. Communities across Wales should expect greater respect from representatives of the UK Government.

The arguments that have been developed against this proposal for a new prison are highlighted below:

1. The land forms part of the Port Talbot Waterside Enterprise zone and thus has been earmarked to support economic growth and/or inward investment to facilitate that growth. Having met with existing business operators on the Industrial Estate, they have expressed deep concern relating to the loss of usage of land for industrial purposes and the intentions to build a prison along with the implications it would bring through both transportation/logistics congestion and additional pressures on land usage within the estate. There are also serious questions of the impact upon utilities (such as energy) on existing businesses; I understand that businesses who wish to expand have already been informed that there is limited power availability and this development may reduce that, thereby reducing opportunities for growth. Whilst some of these may be resolved through additional infrastructure being put into place (which will cause great disruption during the development) others will simply create intolerable operating challenges to the existing businesses. In fact, businesses have informed me that if the Welsh Government sold the land for a prison to be built they would move their business operations away from Port Talbot, and maybe even Wales, thus creating the opposite impact to the desire to have economic growth from the Enterprise Zone. The argument used by the MOJ that this would be an economic driver is false and not one based upon discussions with local businesses or the local authority. This reflects a weakness in the process used by the MOJ to identify suitable sites: no discussion with all stakeholders prior to any final decision being taken.
2. The challenges that still face our steel industry, both within the UK and global markets, place an important role upon the need to support the diversification of the economic base within Port Talbot so that it moves away from high dependency upon a single business – TATA. The skills that exist within this community support future investment in advanced manufacturing and engineering industries. The Enterprise Zone creates the opportunities for businesses to follow that pathway and use existing workforce skills. The development of a prison will not drive the local economy; rather research has shown that areas in which a prison (and in this case a large prison) are developed fail to attract new investment and see an economic slowdown.

3. As stated in point 1, the existing traffic infrastructure faces daily pressures, particularly since the opening of the new Ysgol Bae Baglan school (which will increase with the opening in September of the new Ysgol Bro Dur Welsh medium school). Local residents, businesses, employees, patients/visitors attending Neath Port Talbot Hospital and any through traffic currently face congestion at peak times and this development will add to that congestion and increase the periods when it occurs. Added to this the M4 through Port Talbot (junctions 38-43) at these peak times often are very congested with junction 41 being considered a pinch point. Attempts to improve the flow of traffic along the M4 by temporarily closing junction 41 resulted in excessive traffic congestion on all local roads through Port Talbot. The ability of emergency services to attend any incident within the new prison that occurs during these times would be problematic, putting the health and well-being of prisoners and staff at a higher than necessary risk with potentially life threatening circumstances arising.

The MOJ indicated within its announcement that good transport links would be essential to the new development, particularly in order to support greater integration of offenders back into the community. However, the actual difficulties on the road system around the site, and the undoubted increase that the prison itself would bring, indicate that this claim was a mere desk exercise with no analysis of the challenges that the existing infrastructure would present; another weakness of the process.

4. Many of the existing businesses within the estate purchased land from the then owner (which I believe was the WDA) and as part of the purchase agreement there were covenants placed stating that the land could not be used for anything other than usage as an Industrial Park. I understand that a covenant also exists on this land expressing the same constraint and also adding that any development should not be used for ‘any offensive, noisy or dangerous trade, business manufacture or occupation for any purpose or in a manner which may be a nuisance to the Agency or the occupiers of neighbouring or adjacent premises’. This development would clearly create a nuisance to many neighbours as the land is adjacent to a housing estate (containing approximately 630 properties), a residential care home (with approximately 60 residents), a health Resource Centre (consisting of 4 GP practices, a dentistry unit, a physiotherapy unit, plus many other services) and many businesses (both retail and manufacturing). It is also within 500 meters of 3 secondary schools (St Josephs Comprehensive, Ysgol Bae Baglan, Ysgol Bro Dur), Neath Port Talbot Hospital and many more homes on the Sandfields Estate – which was once considered the largest single estate of social housing with over 2000 properties. The MOJ had originally stated that any land upon which a covenant existed was unsuitable, thus I am still unaware as to why this land was included in the original list given to the MOJ.

5. The land is identified as a C1 flood zone (previously a C2 flood zone). Whilst this may be considered a matter for the developers to address in any application, it can create greater challenges for the neighbouring properties and thus be seen as a breach of the covenant as it will create a nuisance for those neighbours. As the name of the area suggest, Baglan Moors, the land is a former marshland and thus has a high water table and is often prone to surface flooding. This should be matched with the fact that it exists within a Flood Zone, as identified by Natural Resources Wales (NRW), for development purposes indicates that the site is inappropriate.
Any development on this site would incur substantial additional cost in the preparation of the land and the construction of the buildings. Neighbouring businesses were required to undertake pile-driving to provide adequate foundations for new buildings and the environmental impact of this work, together with the potential for damage to neighbouring properties, should once again remove this site from consideration.

This was also one of the criteria that had been originally identified by the MOJ as not being suitable for land they were seeking. There are questions that are being asked of the Welsh Government as to why this site was included in the list offered to the MOJ and whilst this may not be a matter for the committee to comment upon the fact that the MOJ had identified criteria and then apparently ignored those criteria when selecting a site should raise concerns.

6. Visually, a new prison would be out of context with the surrounding properties and buildings. Whilst I appreciate this may be a planning consideration it is clearly one which could give rise to other businesses not wishing to locate on the industrial estate and/or neighbouring estates. The construction of such a building (or suite of buildings) would also incur substantial additional challenges.

7. The proposal is for a large prison – housing up to 1600 inmates, though the exact figure has not been disclosed. There is no evidence to support claims made by the Ministry of Justice that such prisons reduce reoffending rates and provide greater rehabilitation for offenders. In fact, the research has shown that smaller prisons have a much better return on reducing reoffending than large ‘super’ prisons. The ability of inmates being closer to their family support network is often identified as one factor that improves the chances of rehabilitation being successful. Larger prisons often result in inmates being located further away from that network and thus the loss of regular family contact. This proposal will not deliver the alleged benefits of the MOJ and the whole approach by the government to building ‘super’ prisons should be reconsidered. The experiences of HMP Berwyn should be a guide to this – with it stall only having a 50% occupancy rate and many inmates not being from Wales.

8. The MOJ claim that this new prison would be used to prepare offenders for release into the community. It has a stated intention of allowing inmates ‘day release’ to undertake work placement as part of that preparation. However, I am unaware that it has made any effort to meet with local businesses and organisations that would be considered suitable to offer that service. What placements are available? How many businesses can offer ‘work placements’? What discussions have taken place with training providers in the locality and/or providers of further education? It reflects upon the failure to date of the MOJ to engage with the community and to be in a position to deliver on its ambitions. There are very limited work placement opportunities available and many constituents who are seeking employment currently struggle to gain that employment. The argument that the MOJ is using that the location suits transportation for inmates attending such work placements falls down on two counts: one the congestion that will be caused will make transportation more difficult and the lack of placements within the locality would require transportation further afield – yet another increase in traffic.

You will note from the above points that the objections raised are not based upon ‘not in my back yard’ consideration, but rather upon substantive facts that the MOJ have failed to address and the total inappropriateness of the selected site. This highlights the failure of the MOJ to ensure its processes are balanced, detailed and effective. Any new prison within Wales – if one is needed - must deliver on the objectives of a government that wishes to see a justice system that works for all and which helps inmates rehabilitate when they leave prison so that re-offending reduces and society benefits. The experiences in Port Talbot do not demonstrate that this has yet been achieved by this government and as such I call upon the
committee to support the views of the residents opposed to this development and to seek the MOJ to undertake a much improved process of identifying suitable sites and engaging with local communities, prior to any decision being made on the establishment of a new prison in Wales.

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