IN THE MATTER OF A CROWN DEVELOPMENT APPLICATION
CROWN/2026/0000005

HASLAR IMMIGRATION REMOVAL CENTRE
DOLPHIN WAY, HASLAR, GOSPORT, PO12 2AW

STATEMENT OF CASE AND WRITTEN SUBMISSIONS OF NO DETENTION NO HASLAR

Rule 13 party

Procedural Note

1. No Detention No Haslar ("NDNH") has been granted Rule 13 status. The Planning Inspectorate has directed that NDNH's statement of case and proofs of evidence be submitted no later than 30 October 2026. The inquiry is currently listed to open on 17 November 2026. This document sets out NDNH's case in full on the basis of the material publicly available at the date of this document. It further identifies the evidence upon which NDNH relies.
2. On 26 October 2026, NDNH sent a letter to the Inspector (the "Application Letter") making a formal application for the disclosure of withheld and heavily redacted documents. In essence, NDNH submits that the redactions and evidential restrictions are prejudicial to NDNH's ability to challenge the application and present its case fully. Equally, NDNH strongly avers that the withholding of so much central material undermines a fair determination of the disputed issues. The contents of that letter are not repeated in this Statement of Case; however, all the matters raised therein remain live issues.
3. NDNH has structured these submissions around the seven main issues identified by the Inspector in the Pre-Inquiry Note dated 6 October 2026.
4. The Haslar Planning Application ("the Application") is based on the December 2024 version of the National Planning Policy Framework ("NPPF"). NDNH submits that it must be determined against the August 2026 NPPF. All references to the NPPF in this document are to the August 2026 version unless otherwise stated.
5. NDNH recognises that the Crown Development route is a statutory planning route and that the national policy objective pursued by the Home Office is a material part of the Applicant's case. NDNH's objection is to the planning merits of this particular expansion on the evidence presently available. For the avoidance of doubt, it does not invite the Inspector to engage with the merits of immigration detention policy in the abstract.

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Executive Summary

6. NDNH asks that planning permission be refused for the following reasons:

Failure to demonstrate need

7. The Applicant has not yet demonstrated, by evidence capable of proper scrutiny, that 470 additional permanent places at Haslar are required.

8. The Applicant asserts that detention capacity is a *"critical bottleneck"* and that demand *"vastly outstrips supply*". It has disclosed the existence and broad structure of demand modelling, but not the workings and results necessary to test the asserted shortfall and the contribution of Haslar Phase 2. The evidence requires separate consideration of present unmet demand, resilience and future requirements, with consistent definitions of usable capacity, cohort restrictions, detention duration, bed-days and the opening date. The proofs provided by Professor Mary Bosworth, Medical Justice, Mike Brown and Gee Manoharan supply material reasons to test those assumptions and scrutinise them closely.

Adverse impacts to character and appearance

9. Landscape, character, amenity and other harms remain distinct planning considerations. NDNH considers that the Application would be detrimental to the surrounding landscape and openness of the local area.

Health and wellbeing of detainees

10. The inhabitants issue merits full consideration because the development is a secure residential institution whose detainees cannot freely leave an unsuitable environment. Bosworth's research identifies risks associated with scale, custodial design and relationships; Manoharan supplies historic Haslar examples and experience of cumulative harm (from AVID's records and 2014 HMIP inspection); and Incledon identifies failures of clinical safeguards and limitations of treatment in detention. Their evidence demonstrates a substantive case about foreseeable harm. The Applicant's proposed improvements must be assessed against the combined 600-person operation and actual access to facilities.[1]

Other matters

11. NDNH submits that careful consideration needs to be given to whether the assumptions in the technical assessments are reliable, whether outstanding consultee objections or requests have been

[1] Gee Manoharan, Proof of Evidence for AVID (23 September 2026) (Manoharan), paras 1.5–1.9, 2.1–2.2 and 5.1–5.3; Professor Mary Bosworth, Proof of Evidence (22 September 2026) (Bosworth), paras 2.6–2.8 and 4.5–4.6; Lisa Incledon, Medical Justice Proof of Evidence (23 September 2026) (Incledon), paras 4–6 and 16.

resolved, and whether, and how, the parameters and mitigation on which the assessments depend would be legally secured.

12. Specific unresolved issues include:

(i) The relationship between the assumption of a maximum of 10-15 visitors per day and the welfare case based on family and social contact;

(ii) Ecological effects;

(iii) Phase 2 construction effects on the operating 130-place IRC; and

(iv) The capacity and accessibility of shared facilities.

13. NDNH relies on Professor Mary Bosworth's expert evidence on operational need, impact on the local community and those detained, institutional scale, custodial design, social connection, vulnerability and capacity; Gee Manoharan's evidence derived from lived experience and AVID's current visiting and support work; and Lisa Incledon's organisational evidence for Medical Justice, drawing on clinical assessments, casework and published research. Mike Brown provides NDNH's factual evidence concerning its history, and the community and matters within his knowledge.[2]

14. If the Inspector is not with NDNH on outright refusal, NDNH submits that permission should not be granted unless and until the outstanding evidence has been resolved and the parameters necessary to the favourable conclusions in the technical assessments are secured through enforceable conditions, planning obligations or another legally effective mechanism. Conditions should not be used merely to postpone the question of whether an acceptable solution exists in principle. In particular, NDNH seeks disclosure of the relevant redacted and withheld material, a reasoned ruling on any continuing restriction, and sufficient time to prepare and test responsive evidence. The Inspector's stated intention to hold public sessions does not itself cure the prejudice caused by inaccessible evidence. As per the application letter, NDNH asks that this procedural application be resolved before the affected issues are determined.

Part A — Introduction, scope and position

15. The Application is an outline application with all matters reserved except access for the expansion of Haslar Immigration Removal Centre ("Haslar IRC") at Dolphin Way, Haslar, Gosport. Phase 1 is for the refurbishment of existing buildings for the reopening of the site in 2027, with capacity for up to 130 detained men. Phase 2 proposes the development of new accommodation and associated facilities for a further 470 people, producing a total capacity of up to 600.

16. The proposal includes new accommodation blocks, a Care and Separation Unit, dining hall, covered walkway, internal road(s), car parking, lighting columns, roof top solar photovoltaic panels, recreational space, realignment and improvements to the England Coastal Path, fencing, and landscaping. The principal accommodation building is capable of reaching approximately 12

[2] Bosworth, paras 1.1–1.6; Manoharan, paras 1.1–1.9; Incledon, paras 1–3. References below are to those versions. Where numbering in section 3 of the Bosworth proof is duplicated, the passage and page are identified.

metres in height. The proposal therefore involves both a large physical expansion and a substantial intensification of the established use class C2A secure residential use.

17. NDNH is a local coalition of individuals and organisations with a long involvement in issues arising from Haslar IRC, with Rule 13 status. NDNH's distinctive contribution is principally: (a) the evidence and analysis relevant to whether the asserted need is demonstrated; (b) the effect of the proposed expansion on the current and future detainees, and local residents; and (c) whether sufficient information has been disclosed to enable the relevant planning effects of the development to be disclosed. NDNH also relies on the local and technical objections where they bear on the Inspector's other issues.

Part B — Legal and policy framework

The statutory planning duty

18. The statutory starting point is section 38(6) of the *Planning and Compulsory Purchase Act 2004*, read with section 70(2) of the *Town and Country Planning Act 1990*. The decision is to be taken in accordance with the development plan unless material considerations indicate otherwise. National policy is a material consideration of critical importance, but it does not displace the statutory development-plan duty.

19. The Application is under sections 293D–293J of the 1990 Act, inserted by the *Levelling-up and Regeneration Act 2023*. The *Town and Country Planning (Crown Development Applications) (Hearings and Inquiries) Rules 2025* govern this inquiry. Rule 13 permits the Inspector to require a person wishing to appear to provide a statement of case, and rule 20 governs proofs of evidence. NDNH has complied with the procedural directions applicable to it.[3]

20. Planning policy is interpreted objectively according to its language and context; its application and the weight given to material considerations are matters of planning judgment. The Inspector must therefore identify the correct August 2026 NPPF policy/policies before applying the evidence to it.

Material planning considerations and separate regulatory regimes

21. The overarching question for determining whether an asserted consideration is material is whether it serves a planning purpose and sufficiently relates to the development. *R (Wright) v Resilient Energy Severndale Ltd* [2019] UKSC 53 confirms that the required connection is to the use and development of land. The decision did not relate to detention conditions and therefore did not hold that detention conditions are automatically material, but it supports examining consequences which arise from the character, design and operation of the proposed secure residential use.[4]

[3] Town and Country Planning Act 1990, ss 293D–293J; Town and Country Planning (Crown Development Applications) (Hearings and Inquiries) Rules 2025, SI 2025/410, rr 13, 20.

[4] *R (Wright) v Resilient Energy Severndale Ltd* [2019] UKSC 53, [31]–[36].

22. NPPF policy DM7 expressly recognises that separately regulated matters may be material where they have land-use implications. It assumes effective operation of other regulatory regimes unless there is clear evidence to the contrary, and avoids duplicating their controls. NDNH's case identifies both effects of this secure residential use that remain material even under lawful operation, and evidence calling into question the effectiveness of the particular safeguards relied upon. NDNH does not ask the Inspector to adjudicate individual detention cases.[5]

23. The same discipline applies to the asserted benefits and to the claimed need. Government policy is a material consideration, but it is not automatically immune from examination at a planning inquiry. In *R (Hillingdon LBC) v Secretary of State for Transport* [2010] EWHC 626 (Admin), [61]-[62], drawing on *Bushell* and *R (Wandsworth LBC) v Secretary of State* [2005] EWHC 20 (Admin), the court recognised a spectrum between broad national policy judgments and the site-specific means chosen to implement them. NDNH does not invite the Inspector to reopen the Government's general immigration policy. It does submit that the planning merits require scrutiny of whether the particular means chosen here (a permanent 470-place expansion at Haslar) are evidenced and justified, which NDNH submits is relevant to Main Issue One. The Home Office claims that the expansion would enable additional enforced returns, increase operational resilience and provide modern accommodation, supporting facilities and employment. Those matters can be material, but the weight attached to each depends on its evidential basis, additionality and delivery through this development.

The August 2026 NPPF

24. The current Framework was published on 17 August 2026 and replaces the December 2024 NPPF. It contains national decision-making policies which are to be read as a whole. Plan-making objectives or introductory objectives should not be applied as if they were decision-making policy.

25. For present purposes the most relevant policies are:

- S3–S5 on sustainable development;
- TR3 and TR6 on sustainable location and transport impacts;
- HC3 on community facilities and public-service infrastructure;
- CC3 on adaptation to climate change and DP3 on design and liveability;
- P3 on healthy living conditions and pollution;
- DM7 on other regulatory regimes; and
- F7–F8 on flood risk and sustainable drainage.

26. Policy P3 is particularly relevant to detainees. It requires consideration of likely effects of pollution on health and living conditions, including any particular sensitivity of intended occupiers and users, and requires healthy living conditions in relation to light, air, noise, artificial light and other sources of pollution. CC3 requires relevant development to minimise vulnerability to overheating and climate impacts over its lifetime. HC3 requires proposals giving rise to significant numbers of

[5] National Planning Policy Framework (August 2026) DM7.

additional people living, working or visiting an area to be informed by the need for associated community facilities and public-service infrastructure and to provide what is necessary for the development to be acceptable.

The proper characterisation of Area B under the NPPF

27. The Planning Statement at paragraph 6.12 assesses the application site in three distinct parcels: the existing IRC, which includes land comprising the existing IRC and access road (Area A); the proposed IRC expansion area, being land enclosed by the existing security fence of Haslar IRC, as well as the existing Haslar Sea Wall car park (Area B); and the extended car park, being land previously used for carparking until 2015 (Area C). The Planning Statement then considers at [6.13] that both Area A and Area B are previously developed land, while Area C is accepted (at [6.15]) to not be previously developed land.

28. Contrary to the Planning Statement, Area B is not "*previously developed land*" under the NPPF. Area B does fall within the same physical enclosure of Area A. However, the test of whether Area B is 'part and parcel' of Area A is not whether both areas "*fall within a single enclosure*" but whether the law would treat them as if they formed an integral whole.[6] *Dyer* emphasises that 'curtilage' contemplates a small extension and imports an element of proximity, such that parkland at a distance from a building is not properly described as within the curtilage of a building.[7]

29. Area B is properly categorised as outside of the curtilage of the previously developed land in Area A. Area B is not a small extension of green space that adjoins Area A, but is instead a large parcel of land which is larger than Area A itself. As in the wire fence separating the garden and the paddock in *Methuen-Campbell*,[8] the field in Area B is physically fenced off from the buildings in Area A. That suggests that Area B must be considered as separate from Area A, notwithstanding its enclosure in the outer boundary. As a separate parcel, Area B is not properly categorised as land that is occupied by a permanent structure and fixed surface infrastructure. The definition of "*previously developed land*" in the NPPF also expressly excludes "*land in built-up areas such as residential gardens, parks, recreation grounds and allotments*". The land in Area B is described as "*playing fields*" (as accepted at paragraph 6.14 of the Planning Statement), which is recognised in HC7 of the NPPF as a type of recreational land. The separation between Area A and Area B is reflected in the treatment of those areas across both the Adopted Plan and the Emerging Plan. In the Adopted Plan, only Area A is designated as the Haslar Barracks Conservation Area. In the Emerging Plan, Area B is also labelled as a Brent Goose and Wader Core Area governed by D5 of the Emerging Plan, while Area A remains the Haslar Barracks Conservation Area. That differentiation demonstrates that, even if Area B was once part and parcel of Area A, that classification is no longer tenable, and has degraded further since the divergent usage of the two

[6] *R (Hampshire County Council) v Secretary of State for Environment, Food and Rural Affairs* [2022] QB 103, [65].
[7] *Dyer v Dorset County Council* [1989] QB 346, 357-8.
[8] *Methuen-Campbell v Walters* [1979] QB 525.

sites for heritage and conservation value respectively. Area B therefore ought not benefit from the brownfield designation. It should be treated the same as Area C, which is not considered to be previously developed land.

30. The assessment of this Application against the NPPF should be undertaken in this context. As Area B is not previously developed land, it should not be considered as an effective use of previously developed land under L1, L2 of the NPPF. It also should not be considered a sustainable use of brownfield land under the Gosport Borough Local Plan.

Local Plans

31. The adopted local plan for Gosport Borough is the Gosport Borough Local Plan 2011-2029 ("the Adopted Plan"). The principle of the development is inconsistent with the Adopted Plan. In particular, the development:
    - is inconsistent with regeneration objectives for the Haslar Peninsula in LP6 (see below Main Issue One);
    - disproportionately affects heritage assets in LP11 and does not conserve the character and appearance of the Conservation Area per LP12 (see below Main Issue Two);
    - does not facilitate accessibility to the new development per LP22, does not adequately provide sites and parking per LP23, and forecloses public access to the coast and countryside per LP37 (see below Main Issue Four);
    - creates an unacceptable flood risk per LP45 (see below Main Issue 5);
    - compromises the integrity of habitats per LP42 and harms protected species and their habitats per LP44 (see below Main Issue Six); and
    - creates adverse environmental impacts from air, noise, and light pollution per LP46, as well as an unacceptable contamination risk per LP47 emerging from lead concentrations (see below Main Issue Three).
32. In addition to the Adopted Plan, it is also necessary to consider the Application against the Gosport Borough Local Plan 2042 ("the Emerging Plan"). While the Emerging Plan is yet to be adopted, DM4 of the NPPF expressly states that relevant policies in emerging development plans may be given weight according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to relevant policies, and the degree of compliance of the relevant policies in the emerging plan to the policies in the NPPF. The Emerging Plan is in an advanced stage of development, and is being progressed toward submission by Gosport Borough Council. The objectives of the Emerging Plan are explicitly identified as a main issue in this inquiry.
33. The Planning Statement notably only extracts relevant policies of the Adopted Plan. It does not properly consider the implications of aspects of the Application being expressly inconsistent with the Emerging Plan. This is significant, especially because of the heightened focus of climate change adaptation and mitigation in the Emerging Plan. In summary, the development:
    - is inconsistent with adaptation and mitigation to climate change per D1 (see below issue Main Issue Five);

- compromises the preservation and enhancement of the Borough's Local Ecological Network per D5 (see below Main Issue Six);
- creates unacceptable flood risk and coastal erosion per D7 (see below Main Issue Five);
- undermines healthy community per D8 (see below Main Issue Five Issue Three and other material planning considerations);
- undermines the historic environment of Gosport per D10 (see below Main Issue Issue Two);
- stretches infrastructure provision counter to D11, including flood risk, transport, and community infrastructure (see below Main Issues Three, Four and Five);
- fails to prioritise sustainable travel per D12 (see below Main Issue Four);
- undermines general development policies on design and heritage in DE1-DE7 (see below Main Issue Two); and
- compromises general development policies on the local environment in LE1-LE14 (see below Main Issues Five and Six).

Equality and human rights

34. Section 149 of the Equality Act 2010 requires the relevant public authority, in exercising its functions, to have due regard to the statutory equality needs. The duty is one of substance, not form. *R (Bracking) v Secretary of State for Work and Pensions* [2013] EWCA Civ 1345 emphasises informed and rigorous consideration by the decision-maker before the decision.[9]
35. The Equality IA is relevant evidence, not a substitute for the planning decision-maker's own statutory assessment. Its reliance on the Schedule 18 exception for specified immigration and nationality functions cannot simply be imported into the distinct TCPA planning function. That matters because the Inspector must consider the different needs and disadvantages identified in the proofs, not only the Applicant's conclusion that general policies and the same regime apply to all.
36. The Human Rights Act 1998 requires the decision-maker to act compatibly with Convention rights. Article 8 interests in privacy, psychological integrity and family contact are plainly engaged by the identified living and visiting arrangements. Any interference attributable to the authorised development requires proper consideration of justification and proportionality. Article 3 is absolute, and an established incompatibility could not be outweighed by operational benefits.

Conditions and obligations

37. Where acceptability depends on mitigation, the mitigation must be capable of lawful and effective control. Conditions must meet the *Newbury* requirements of planning purpose, relationship to the development and reasonableness, together with the current policy requirements of necessity, precision and enforceability. A negatively worded or "Grampian" condition may be lawful where

[9] Equality Act 2010, s 149; *R (Bracking) v Secretary of State for Work and Pensions* [2013] EWCA Civ 1345, [26].

there is a real prospect of the necessary action occurring; it should not be used where an acceptable solution has not been demonstrated in principle.[10]

38. The published section 106 heads are non-binding. If a Crown undertaking or other mechanism is relied upon, the Inspector must identify its actual terms and legal effect. A label is not a substitute for enforceability.

Part C — NDNH's position on the seven issues

Main Issue One: Whether the principle of the development is acceptable, having regard to the operational need for the proposed expansion and the regeneration objectives for the Haslar Peninsula, including those in the emerging Gosport Borough Local Plan.

39. The issue of operational need is relevant in several ways. It is, at its broadest, a general material planning consideration about whether the scale, location and claimed operational benefits of this particular 470-place expansion are substantiated against the wider planning balance.

40. The second way in which operational need is relevant is that need can be an express or relevant consideration in certain planning balances struck by the development plan. That includes, for example:

- DE4 of the Emerging Plan which requires "*a clear and convincing justification*" for development that would harm the significance of a designated heritage asset;
- LP13 of the Adopted Plan which requires benefits of the development to outweigh historical, architectural or archaeological significance if a proposal results in harm to a locally important heritage asset;
- LP44 of the Adopted Plan expressly states that planning permission will not be granted on a site that would adversely impact a protected species or its habitat "*unless it can be clearly demonstrated that there is an overriding need for the development that outweighs the significance of the nature conservation feature*"; and
- LP44 provides that planning permission will not be granted for development "*which would adversely affect, directly or indirectly, features of nature conservation importance unless it can be demonstrated that the justification for the development outweighs their importance for nature conservation or amenity value*".

41. The third way is that if the development conflicts with the Adopted Plan, the burden will then be on the Applicant to prove that material considerations (such as the operational need for the development) outweigh the statutory duty to make a decision in accordance with the development plan per s 38(6) of the *Planning and Compulsory Purchase Act 2004.* Operational need is therefore relevant both in a more general sense and also in the specific balance of the development plan.

[10] *Newbury District Council v Secretary of State for the Environment* [1981] AC 578, 599–601; National Planning Policy Framework (August 2026) policy DM6.

42. NDNH submits that the Applicant has not demonstrated an operational need for the development. The objective of increasing enforced returns is not itself evidence of the amount, timing or location of additional accommodation required. The Applicant must substantiate the link. Acceptance of national importance for the Crown procedure does not decide that question.

43. In relation to that distinction, NDNH does not seek to challenge here the Government's broad objective of increasing removals as policy context. The Inquiry is nevertheless entitled to scrutinise the narrower planning judgment that the objective requires the particular expansion sought. *Hillingdon* at [61]-[62] makes clear that government "policy" is not automatically a "no-go" area at a planning inquiry, especially where the chosen means has direct local planning consequences. The Applicant must therefore evidence the site-specific proposition on which it relies.

44. The proofs illuminate different parts of that enquiry. Professor Bosworth addresses capacity, effects on the local community and those detained within Haslar, detention duration, and alternatives within her research expertise. Mr Manoharan challenges the disclosed reasoning and basis for need. Ms Incledon provides evidence on healthcare provision in IRCs and how safeguards operate in practice. This evidence is particularly relevant to the assumptions about duration (including in particular the vast numbers of detainees who are released on bail), safe allocation and effective review on which a reliable capacity assessment depends.[11]

<u>The claimed capacity shortage and the undisclosed model</u>

45. The Planning Statement describes insufficient detention capacity as a "critical bottleneck" [5.17] and says that current demand "vastly outstrips supply" [5.5]. It links expansion to enforced returns, foreign national offenders, sentencing changes and the UK–France arrangement. The Planning Statement describes a model based on case flows, bed nights and return assumptions, and asserts at paragraph 5.31 that forecast demand exceeds even the planned additional 1,000 places.[12]

46. Three propositions require separate examination: an existing inability to accommodate people whom the Home Office would otherwise detain; a requirement for resilience in detention capacity; and a forecast requirement arising from future case flows or operational objectives. The expression "current demand" should not conceal the distinction between unmet present placement requests and capacity sought to support a future level of returns.

47. Occupancy can itself be constrained by supply, and an apparently empty place may not be suitable or available for a particular detainee. Likewise, a general statement about pressure on the system does not establish the magnitude of a shortage, the extent to which it is physical rather than operational, or why permanent additional accommodation of this scale is the necessary response.

[11] Bosworth, paras 1.1–1.6; Manoharan, paras 1.1–1.9; Incledon, paras 1–3.

[12] Cushman & Wakefield, Planning Statement (July 2026), paras 5.5–5.16, 5.22–5.31.

48. Bosworth's evidence at paragraphs 2.7-2.9 is illuminating in this respect. She records that the IRC estate has an operational capacity of 2,555 places, and identifies 1,941 people in IRCs on 30 June 2026. NDNH considers that her analysis calls into question the Applicant's assertions.[13]

49. Mr Manoharan's evidence identifies the circular reasoning underpinning "need" and the rationale asserted for Haslar.[14] NDNH adopts that criticism of the disclosed reasoning. What is absent is a sufficiently informative account of its material inputs, workings and outputs to test the particular development requirement.[15]

50. The questions are whether the assumptions are empirically grounded, current and reasonable; whether the model has been tested against actual outcomes; and how sensitive the result is to changes that could materially affect capacity. The applicant should identify its forecast period and the expected opening date of Phase 2, the assumptions about case progression and removability, and explain any gap between predicted and actual use. A forecast of estate-wide demand does not, without further explanation, substantiate the proposed contribution at this site.

51. The parliamentary record reinforces the disclosure issue. Calum Miller MP asked for the modelling underpinning expansion, including projected occupancy at Campsfield and Haslar by detainee category. The answer of 14 September 2026 stated that the Home Office does not routinely publish modelling underpinning policy and operational decisions. That answer did not provide the requested substantiation or determine what may lawfully be withheld from this inquiry. NDNH's application letter seeks the material necessary to test the actual case for permission.[16]

52. NDNH accordingly maintains its primary application for disclosure. The Inspector's access to a model, or an assurance that it supports expansion, is not a substitute for the opportunity to obtain advice and challenge the assumptions on which the applicant relies.

53. The evidential burden on need rests with the applicant insofar as it relies on need as a threshold policy condition and as a substantial planning benefit. NDNH is not required to prove the absence of need to the same extent. The recent appeal decision at Meadowgate Farm, Cob Kiln Lane, Urmston (APP/Q4245/W/25/3369329) [14], in the context of establishing unmet need for development in the context of development in the Green Belt, illustrates the orthodox point that the scheme promoter must provide sufficient evidence to demonstrate the need relied upon. *Tameside* is supplementary: it concerns the duty of the decision-maker, in this case the Inspector, to take reasonable steps to acquaint itself with the information necessary to decide a material question. It does not permit the transfer of the applicant's evidential burden to NDNH, nor require

[13] Bosworth, paras 2.7–2.9 and 5.8–5.9; Planning Statement, section 5, particularly para 5.18 and the capacity table. The figures do not establish a common dated measure of deployable capacity.

[14] Manoharan, para 3.5–3.8 and 5.1.

[15] Planning Statement, paras 5.22–5.25 and 5.31; Bosworth, paras 5.1–5.10; Manoharan, para 4.5.

[16] HC Written Question UIN 28667 (Calum Miller), tabled 9 September 2026, answered 14 September 2026, 'Immigration Removal Centres: Campsfield House and Haslar'. The answer states that the Home Office does not routinely publish modelling underpinning policy and operational decisions.

the Inspector to accept an untested assertion because the applicant is another government department.[17]

Statistics

54. The official June 2026 Home Office statistics report 22,037 detention entries during the preceding year, a 2% increase, and a 7% increase in returns from detention. They record 2,152 people held at the end of June, 7% more than a year earlier, including 190 held in prisons under immigration powers. Those measures concern different populations and periods and must not be conflated.[18]

55. Those figures do not establish a proportional relationship between more returns and more bedspace in IRCs. The number of places required depends on detention duration and the timing and composition of admissions as well as the annual volume of cases. A system can have broadly equal admissions and departures yet operate at full capacity. The model must explain these relationships rather than use overall arrivals or returns to justify IRC demand. Duration and throughput are relevant questions. NDNH relies on these as matters requiring reconciliation with the applicant's forecast.[19]

56. The official release also records that 51% of detention leavers in the year ending June 2026 were bailed and 46% were returned.[20]

57. Manoharan records individuals detained for over a year, including one person detained for two years and nine months, notes HMIP records showing one person was released after three and a half years as well as concerning gaps between Rule 35 reports being made and investigated. In one case, a report documenting torture was made on 4 January but was not considered until 15 January, when the evidence was accepted and the person released.[21]

58. Incledon explains that a Rule 35 report should prompt a review, but that it does not automatically require release, and identifies failures in the reporting process. These accounts do not quantify avoidable detention. They do require the Applicant to explain whether its duration assumptions depend on processes and safeguards functioning as intended.[22]

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[17] *Secretary of State for Education and Science v Tameside Metropolitan Borough Council* [1977] AC 1014, 1065; *R (Friends of the Earth Ltd) v Secretary of State for International Trade* [2023] EWCA Civ 14, [57].

[18] Home Office, 'How many people are detained under immigration powers in the UK?', Immigration system statistics, year ending June 2026 (27 August 2026), sections 1–3. These are annual flows or specified end-period stocks, as identified in the text.

[19] Planning Statement, section 5, particularly para 5.18 and the capacity table. The figures do not establish a common dated measure of deployable capacity.

[20] Bosworth, paras 2.10 and 5.11–5.12; Home Office, 'How many people are detained under immigration powers in the UK?' (27 August 2026), section 3; Home Office, 'Immigration bail', guidance on the Secretary of State's power to grant bail. NDNH relies on outcomes of detention episodes, not a claim about whether individuals are ever subsequently removed.

[21] Manoharan, para 4.7.

[22] Amnesty International UK, consultation response on CROWN/2026/0000005 (July 2026), paras 3–10 and the discussion of the Statement of National Importance; Manoharan, paras 2.3–2.5 and 3.2; Incledon, paras 7–9. The witnesses' selected cases are not an estimate of avoidable bed-days across the estate.

Changes in policy, the UK–France arrangement and prison pressures

59. The forecast must reflect the applicable legal and operational framework at the time the proposed capacity would be used. The Home Office's current guidance recognises a presumption in favour of immigration bail, the use of alternatives wherever possible and detention for the shortest necessary period, alongside individual immigration-control, public-protection and absconding considerations. NDNH is entitled to ask whether the model underlying the proposed expansion gives practical effect to that policy.[23]

60. That is particularly given that a key policy assumption of the demand modelling for Haslar has since fallen away. The UK-France Agreement is a key part of the demand modelling and the reason why operational capacity in Haslar is said to be necessary. The Planning Statement states at paragraph 5.9 that the Home Secretary's pledge to further scale up removals to France under the UK-France Agreement "*underscores the sustained political interest in enforced returns and the operational capacity required to support them*". Under existing and proposed supply, the Planning Statement explicitly says that the demand model includes assumptions about how overall demand is expected to change including because of the returns agreement with France (that being the only expressly mentioned assumption apart from sentencing changes). The UK-France Agreement was not renewed after 1 October 2026.

61. The assumption that the UK-France Agreement would continue at the time of Haslar's expansion was a key disclosed policy assumption of the demand modelling that led to the capacity proposed for Haslar. As that assumption has proved to be untrue, NDNH submits that any need claimed by the Applicant *must* be less than stated in this Application. It is not necessary to identify the precise extent of this reduction, or even to see the modelling, to infer that this is true. The Applicant cannot maintain the same demand modelling now that the UK-France Agreement has ceased. The Applicant cannot rely on other policy changes as evidence of the same demand. There is currently no foreseeable replacement to the UK-France Agreement and, whether or not policy changes are pursued in other places, that is irrelevant to the fact that the original demand modelling for this Application is now based on a false assumption. If the Applicant seeks to justify its places remaining the same, it must produce new modelling and disclose the basis for that calculation. It cannot rely on the same number and the same policy assumptions which led to its original number.

62. This is particularly in circumstances where the non-disclosure of demand modelling conceals the extent to which demand is truly affected by the cessation of the UK-France Agreement. The Home Secretary expressly acknowledged in the course of parliamentary questioning that the numbers for the UK-France Agreement "*are still relatively small*" and that it was "*operationally difficult … to scale up very large numbers of removals every week into the French system*".[24] In the absence of

[23] Home Office, 'Detention: general instructions' (updated 21 September 2026), 'General principles' and 'Presumption in favour of immigration bail'; Bosworth, para 2.10. The guidance also requires consideration of individual public protection and absconding risks.

[24] Q87 of HC 662, 15 September 2026, in the course of Shabana Mahmood giving oral evidence to the Home Affairs Committee; Bosworth, para 5.5

disclosure, it is unclear whether demand modelling on need was based on or projected from the actual removals that occurred, or whether they were based on the numbers that were desired from an expansion of the agreement. In either case, there is no basis to conclude that the same number still stands, or to speculate that the same number applies because of other (as yet unidentified) policies, in the absence of a fundamental premise of the Applicant's modelling.

63. In relation to prison pressures and sentencing policy changes, a person's release from criminal custody, eligibility for removal and lawful detention under immigration powers are distinct matters. Changes can increase transfers into the detention estate, shorten custody, alter timing or facilitate direct removal; their net effect must be evidenced. IRC accommodation is not general overflow prison accommodation. The Applicant has not identified the relevant measures, affected populations, detention periods and net bed-day consequences.[25]

64. Incledon's evidence about 20 clinically assessed clients associated with the UK–France scheme illustrates a further point which applies more broadly to other policy changes. A new operational cohort may bring substantial vulnerability and safeguarding requirements, not merely a number of bodies to be accommodated. The evidence illustrates why the model and the welfare assessment must use a consistent account of the population and the accommodation and review arrangements it requires.[26]

Alternatives, scale and the residual requirement

65. The historical evidence is relevant. The Home Office attributes the fall in annual detention entries from 32,447 in 2015 to 24,480 in 2019 partly to changes in detention use and greater use of alternatives following the Shaw review. It shows that demand is affected by operational and policy choices which a reasoned forecast should address.[27]

66. Bosworth's evidence identifies housing, community-based casework, information and support as components of alternatives which can improve wellbeing and engagement. Her literature review for the second Shaw review is directly relevant to the range of options that should be considered. The question for this Application is the extent to which alternative arrangements are applicable to the populations in the forecast, what they could provide on the relevant timescale, and what additional detention requirement remains.[28]

[25] Planning Statement, paras 5.10–5.12; Bosworth, paras 2.11 and 5.3–5.4; Home Office, 'Detention: general instructions' (updated 21 September 2026), general principles and guidance concerning foreign national offenders.

[26] Incledon, para 9, citing Medical Justice, Politics over People? (2026). This is an initial set of 20 clinically assessed clients detained in connection with the UK–France scheme between mid-August and the end of October 2025, not a representative survey of the scheme.

[27] Home Office, 'How many people are detained under immigration powers in the UK?', Immigration system statistics, year ending June 2026 (27 August 2026), sections 1–3. These are annual flows or specified end-period stocks, as identified in the text.

[28] Bosworth, paras 1.3 and 5.12–5.14, including the literature review in Stephen Shaw, Assessment of Government Progress in Implementing the Report on the Welfare in Detention of Vulnerable Persons (Cm 9661, 2018), 213–247. The proof also refers to the International Detention Coalition's There Are Alternatives (2015).

67. The Community Support Project is a concrete example. It has reported 95% non-reoffending and 83% completion outcomes. Those figures are not removal rates, nor proof that every proposed detainee is eligible, nor a calculation of beds released. NDNH relies on the example as evidence that structured support for a relevant group warrants careful examination.[29]

68. NDNH submits that where credible evidence identifies a means capable of materially reducing the assumed requirement, the Applicant should explain its allowance for it or its reasoned rejection. The issue is the residual need, not whether alternatives are preferable in the abstract.

69. Physical alternatives also require scrutiny. Appendix D to the Planning Statement assesses other locations using criteria including a minimum 200-bed development, availability and ownership. The DAS notes that proposed building heights have been stepped down in proximity to the residential area to address visual and contextual impacts, but three-storey development is still contemplated in the central area of the site. That does not answer whether a smaller capacity, rather than a different configuration of the same capacity, could materially reduce harm while meeting the evidenced requirement.[30]

70. *Wrotham Parish Council v Secretary of State for Housing, Communities and Local Government* [2026] EWHC 165 (Admin), [89]-[91], recognises that disproportionate scale and unnecessary elements are matters for planning judgment. The overall requirement and scale must be substantiated, including the operational or economic basis for the minimum capacity used in the alternatives exercise.[31]

Additional benefits and the conclusion on need

71. Employment benefits must account for the nature of employment, leakage, displacement, and economic multipliers. The LCIA identifies 341 PYE net additional jobs during the construction phase and 243 FTE jobs created during the operational phase.[32] The Planning Statement uses the figure of 265 staff,[33] and describes these as 'full time' jobs at paragraphs 6.16 and 6.17.

72. The employment benefits must also be assessed against the absence of local socioeconomic impacts, noting that the LCIA recognises the "*relatively insignificant*" boost to the economy emerging from employment estimates while noting that the nature of the site as a secure IRC means that the residents are unlikely to have any socioeconomic impact on businesses surrounding the site.[34] The overall employment benefit is therefore marginal. This asserted benefit should also be assessed alongside counter-factual regeneration objectives in the Haslar Peninsula (described

[29] Bosworth, para 5.17, citing Detention Action, 'Community Support Project'. The reported outcomes concern project completion and reoffending among participants with significant barriers to removal; they are not removal or bed-day measures.

[30] Planning Statement, Appendix D; AtkinsRéalis, Design & Access Statement (May 2026), 22, 34; *R (Governing Body of Langley Park School for Girls) v Bromley London Borough Council* [2009] EWCA Civ 734, [51]–[55].

[31] *Wrotham Parish Council v Secretary of State for Housing, Communities and Local Government* [2026] EWHC 165 (Admin), [89]–[91].

[32] AtkinsRéalis, Local Community Impact Assessment (21 May 2026) (LCIA), 4–5, 8, 24–27.

[33] Planning Statement, paras 3.5, 3.13, 6.16, 6.17, 6.114.

[34] LCIA, 27.

below), in circumstances where the IRC makes adjacent areas (that could offer alternative, more stable employment to the local community) less attractive sites for development.

73. A published Accounting Officer Assessment records financial scrutiny of the expansion programme. The planning question remains what additional benefits are attributable to this phase, their deliverability, and whether the comparisons are appropriate. The published assessment records business-case and value-for-money scrutiny but does not disclose the quantitative whole-life cost assessment.[35]

74. Taken together, the evidence identifies material questions about the nature of the alleged shortfall, the deployment of existing accommodation, detention duration, changing cohorts, alternatives and the timing and scale of the proposed contribution. NDNH's conclusion is that the Applicant has not demonstrated the claimed requirement for these 470 additional permanent places through sufficiently disclosed and tested evidence.

75. The Inspector should accordingly find that the asserted operational need and benefit of the development is materially weakened by evidential deficiencies. Permission should not be justified by assuming a capacity benefit whose evidential foundation remains unproven. If the development otherwise conflicts with the development plan, as the remaining issues argue, the Applicant's inability to prove operational need will attract limited to no weight in the planning balance such that it could not displace the duty in s 38(6) of the Planning and Compulsory Purchase Act 2004.

The principle of the development is inconsistent with regeneration objectives

76. The majority of considerations under the Local Plans are covered in more detail under other issues to which those policies are more relevant. The focus of Issue One is on the regeneration objectives of the Haslar Peninsula. These issues must be considered as a framing for, and cumulatively with, the other ways by which the principle of the development undercuts a wide range of policies across the Local Plans (as described in below issues). Issue One must be read with Main Issues Two to Six as overlapping reasons why the principle of the development is unacceptable.

Regeneration objectives

77. NDNH are concerned regarding the Proposal's conflict with the regeneration objectives for the Haslar Peninsula. However, NDNH will defer to the LPA on this issue. In summary, Area A borders the Haslar Peninsula to the north, but the Haslar Peninsula does not include the application site. The Planning Statement states at paragraph 4.38 that the land north of Dolphin Way forms part of the Haslar Peninsula Conservation Area. It acknowledges at paragraph 6.2 that the development must be considered in the context of the regeneration of the Haslar Peninsula through commercial and residential uses that preserve the area's heritage, but considers at paragraph 6.4 that the site is adjacent to the Haslar Peninsula so is acceptable in principle. LP3 (Adopted Plan)

[35] Home Office, Immigration Removal Centre Expansion Programme: Accounting Officer Assessment (approval dated 6 December 2024; publication updated 6 July 2026).

and D2 (Emerging Plan) says that development proposals will be permitted in the urban area provided that it accords with other policies in the Local Plan, which includes the policies in LP6 and RA6 which respectively govern the Royal Hospital Haslar site which directly adjoins the development to the north.

78. NDNH further notes that the density of the IRC, including its intention to detain 600 persons within its floorspace, places significant strain on infrastructure which is already strained. Southern Water identified (as explained at paragraph 7.137 of LP6) that "*there is insufficient capacity in the local sewerage system to meet the anticipated demand from the development proposed at Royal Hospital Haslar*". While RA6 notes that conditions were attached to the outline consent for this purpose, it nonetheless emphasises at paragraph 3.348 the necessity of protecting existing onsite infrastructure. Under the Emerging Plan, RA6 contemplates up to 300 residential dwellings and up to 320 retirement/care units. The IRC, once expanded, will detain 600 persons and comprises a significant outlay on local utilities, including sewerage as well as water supply, telecommunications, electricity, and gas supplies, which each undermine the infrastructural objectives of the Haslar Peninsula.

79. NDNH reiterates that the question of regeneration objectives requires reading Main Issues Two to Six below not only as independent material planning considerations that weigh toward refusal, but also as cumulative reasons why the regeneration objectives outlined above in Issue One are harmed so significantly.

80. On Issue One, NDNH asks the Inspector to find that the Applicant has not demonstrated an operational need for the development, and therefore that the principle of the development is unsound. The development also undermines the Adopted Plan and Emerging Plan, including the regeneration objectives in the Haslar Peninsula particularly when Issue One above is read alongside Main Issues Two to Six below.

Main Issue Two: The effect of the proposed development on the character and appearance of the area, including the character or appearance of the Haslar Barracks Conservation Area, the setting and significance of nearby heritage assets, and the wider regeneration of the Haslar Peninsula.

81. The effect of the proposed development on the character and appearance of the area covers the development's effect on the character or appearance of the Haslar Barracks Conservation Area, the setting and significance of nearby heritage assets, and the wider regeneration of the Haslar Peninsula. NDNH are concerned regarding the impact of the proposed development on these issues. NDNH do not intend to call evidence on these issues and instead provide an outline of their concerns in the succeeding paragraphs.

Heritage Effects

82. It is important to make a key distinction clear. The Planning Statement identifies the site as "*adjacent*" to the Haslar Barracks Conservation Area. This is because the site boundary in Area A only applies to Dolphin Way and an access route from Dolphin Way into Area B. On this basis, the Heritage Impact Assessment ("HIA") states that, because the site is adjacent to the Haslar Barracks Conservation Area, the development has no direct impacts on designated heritage assets (at (iii)). The assumption that this highly circumscribed site boundary precludes heritage impacts is an overly literal assessment that lacks contextual grounding.

83. First, the site boundary in Area A lies inside the Haslar Barracks Conservation Area. The access route goes directly through the Haslar Barracks Conservation Area Boundary, including the route through to Area B. Thus, the Application site is not only adjacent to the Haslar Barracks Conservation Area. The HIA expressly acknowledges this by saying that access to the development area "*crosses through the Haslar Barracks Conservation Area*" at paragraph 6.3.2.

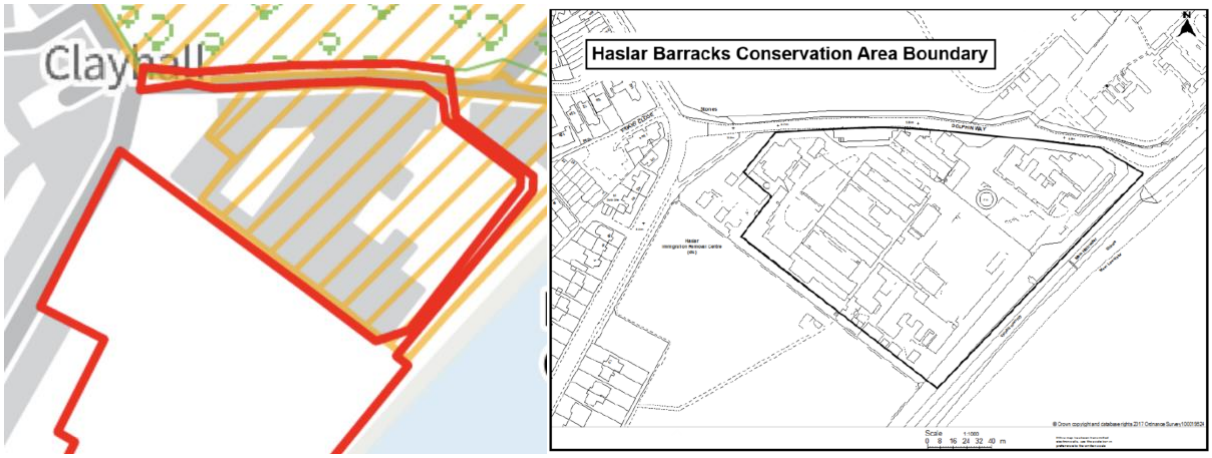


Figure 2: Designated heritage assets, from the HIA. The yellow area shows the Conservation Area, which includes and does not carve out the site boundary.
2017 Ordnance Survey 100019624 of the Haslar Barracks Conservation Area Appraisal (2018) showing the Haslar Barracks Conservation Area Boundary, which extends around the entirety of Area A with no exception for the access route.

84. Secondly, the existing IRC is *effectively co-extensive with the Haslar Barracks Conservation Area, and comprises the buildings of the Haslar Barracks*. Appendix B of the Planning Statement explains the refurbishment works which have taken place already in relation to the existing IRC, including the demolition of ancillary buildings and structures within the Haslar Barracks Conservation Area pursuant to application reference 23/00346/FULL. NDNH accepts that these works are not within the site boundary of this application. That does not mean that an assessment of heritage impact can ignore that any expansion under Phase 2, according to this application, is part of the same IRC which is set to reopen in 2027 under Phase 1 inside of the Haslar Barracks Conservation Area. The heritage impacts caused by the expanded operation of the IRC, which will

encompass Areas A, B, and C in their entirety (not just the access route in Area A) requires attention to how the overall IRC will undermine heritage value. It is inappropriate to artificially isolate the site boundary of this application without understanding how expansion in Phase 2 builds upon, and will operate together with, Phase 1.

85. Accordingly, the existing refurbishment works occurring inside of the Haslar Barracks Conservation Area show that this application must be understood as a continuation of harm already actively occurring to the heritage value of the Haslar Barracks Conservation Area. The existing barracks are being repurposed for its reopening as an IRC, which has already included demolition in the Haslar Barracks. Even though the site is separated from the western edge of the barracks by a high fence, the proposal is nonetheless to incorporate the entirety of Area B west of the barracks into the IRC.

Haslar Barracks Conservation Area

86. Under the Adopted Plan, Area A forms the Haslar Barracks Conservation Area, which was designated by Gosport Borough Council in 2017 following the adoption of the Adopted Plan. That designation continues in the map attached to the Emerging Plan.

87. The protection of conservation areas is governed by overlapping policies:

- Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to the desirability of preservation or enhancement of the character and appearance of a conservation area.
- HE1 of the NPPF provides for planning for the historic environment, and HE2 emphasises that development plans should seek to safeguard the importance and long-term future of conservation areas. HE4 notes that heritage assets are "*an irreplaceable resource*" and should be conserved, rather than harmed. In the case of a designated heritage asset, any harm is "*a matter of considerable importance and weight"* and "*substantial weight*" should be given to the asset's conservation (HE6).[36] A conservation area designated by a local planning authority under s 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a designated heritage asset under the NPPF. HE9 also explicitly emphasises the retention and conservation of character and appearance in conservation areas.
- LP12 provides that proposals for development will be permitted provided that the location, form, scale, massing, density, height, layout, landscaping, use and external appearance of the development "*conserves or enhances the special historic or architectural interest of the Conservation Area*" and "*conserves or enhances the setting of the Conservation Area and is not detrimental to inward or outward views*". DE5 of the Emerging Plan preserves the same test. This extends, per paragraph [8.56] of the Adopted Plan, to consideration of

[36] See also *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] EWCA Civ 137.

"*the historic relationship between buildings and spaces*". The character of a Conservation Area is such that "*the loss of either a single building or a small group … can have a significant and often disproportionate impact on the area's appearance*" (paragraph 8.59). This is also reflected in paragraph 8.58 of DE5 in the Emerging Plan.

88. The Haslar Barracks Conservation Area Appraisal (2018) emphasises at page 19 that, "*[d]ue to the level of survival of the original complex and the historic plan form of the site <u>any development</u> is likely to impact on the character of the former barracks as a whole*" (emphasis added). It also explicitly contemplates Area B at page 22: that the western boundary to the site (which is the boundary between Area A and Area B in the Planning Statement) "*should retain a landscaped strip of land between the existing buildings and any future development to its south-west: possibly with consideration given to tree planting and a footpath link to the waterfront to ensure a degree of separation*". Any development would therefore need to "*have regard to the context of the Barracks site to ensure it would not be overbearing in form or harm its setting*".

89. The development expressly undermines the character and appearance of the Haslar Barracks Conservation Area through significant changes which affect the heritage value of the site. The Haslar Barracks site was developed in 1802 as "*nearly all single storey, and retain the original plan form*". It is a rare example of an intact barracks specifically constructed in the Napoleonic era, and "*appears to be the only significant regimental infantry barracks' complex that survives in England relating to the threat of invasion in the years leading up to the Battle of Trafalgar*".[37] The "*simple, plain, and functional*" character of the buildings is true to the original plan form of Haslar Barracks.[38] The proposed development constructs blocks directly adjacent to the Haslar Barracks Conservation Area, which completely alter the simple, single-storey architectural design of the barracks by introducing three-storey accommodation blocks. Historic England was expressly of the view that the proposed three-storey buildings are "*probably large enough to appear overbearing*" and criticised the "*starkly utilitarian*" architecture.[39]

90. These visual impacts are proposed to be mitigated by placement of the proposed buildings approximately 20m back from the conservation area and a landscape buffer in the intervening area, placing the CASU and dining hall to the southwest of the accommodation block, and placing the security fence closer to the proposed accommodation buildings (paragraph 6.5.15 of the HIA). However, the proposed buildings will, following Phase 1 and 2, be part of the same IRC as the buildings in the Haslar Barracks Conservation Area, such that the overbearing character of the new three-storey buildings will be seen as part of the same complex. That inevitably compromises the character and appearance of the barracks, as the proposed development in Phase 2 will subsume the existing barracks into a larger area that is understood more as an IRC than as a distinct site of

[37] Haslar Barracks Conservation Area Appraisal (2018) 1, 3–4.
[38] Haslar Barracks Conservation Area Appraisal (2018) 9.
[39] Historic England, Pre-Application Advice on Haslar IRC (28 November 2024).

historic, conservation value. That change in use is relevant to how character and appearance must be understood.

91. As per the Parameter Plan,[40] the closest proposed buildings to the Haslar Barracks Conservation Area are three-storey buildings, with one-storey buildings and green space proposed further to the west. The more modern style of the buildings will undermine the historic nature of the adjacent barracks. As such, the HIA incorrectly considers that the "*starkly utilitarian*" appearance of the proposed buildings is of minimal impact as the barracks itself is utilitarian in character (paragraph 6.5.18 of the HIA). The proposed buildings are of fundamentally different styles which do not share the Napoleonic construction of the existing barracks and undermine their character and appearance.

92. Further, the development contradicts the objective of conserving and enhancing the Haslar Barracks Conservation Area by making it more publicly accessible. NDNH accepts that it is not strictly legally necessary for a development to make a positive contribution to preservation or enhancement (although we maintain our above submission that it does actively cause harm) per *South Lakeland District Council v Secretary of State for the Environment* [1992] 2 AC 141. However, that the absence of any positive contribution remains relevant in the wider planning balance, even if it is not strictly a legal requirement.. This is also because LP12 of the Adopted Plan specifically refers to enhancement of Conservation Areas, rather than their mere preservation.

93. As the IRC is a secure facility with fencing around the totality of both the Haslar Barracks Conservation Area and Area B, the expansion will completely prevent public access to the barracks through the access route from Dolphin Way, and enjoyment of the barracks from the west. The Appraisal contemplated a footpath link to the waterfront through Area B, but this proposal eliminates the potential of viewing the barracks from the west. The proposal also retains and expands the boundary wall. To justify that approach, the HIA is based on the assumption that Haslar Barracks was designed as an enclosed site, such that views are of limited importance as the site was always designed to be enclosed (see paragraphs 6.5.19, 6.5.11). That approach, however, expressly contradicts the desired objectives for the Haslar Barracks Conservation Area, which include conserving and enhancing the site through lowering the boundary wall, removing modern fencing and barbed wire, and improving public accessibility and enjoyment of the area.[41] The Application does the opposite, by retaining fencing and constructing further fencing and security measures. That fencing, along with the construction of proposed buildings in Area B, also forecloses the possibility of restoring the historic connection between Haslar Barracks and Fort Monckton through retaining open space in Area B.[42]

[40] Design and Access Statement, 22.
[41] Haslar Barracks Conservation Area Appraisal (2018) 20.
[42] HIA, 6.4.14.

94. In these circumstances, the Inspector is invited to question whether the embedded mitigation measures and the incorporation of Historic England's recommendations truly result in "*no harm*" to the Haslar Barracks as the HIA concludes at paragraph 6.5.19.

Non-visual impacts on heritage assets

95. *Palmer v Herefordshire Council* [2016] EWCA Civ 1061 also clarifies, at [5], that heritage value is not exclusively visual, but also can be harmed in non-visual ways, such as noise and smell. The lack of visual impact is central to the HIA's dismissal of impact in relation to both the Fort Monckton and the remainder of the assets in the Study Area. That ignores that these assets can be harmed in non-visual ways. NDNH highlights two potential risks.

96. First, archaeological significance. The Appraisal identifies that ground disturbance or building works could reveal evidence of specific regiments occupying the site, historic drainage patterns, and the functional use of parts of the site or lost buildings.[43] The Archaeological Desk-Based Assessment ("ADBA") notes mitigation through an archaeological watching brief within the existing IRC in Area A, and concludes that there is a potential for buried archaeological remains but low potential for such remains to have survived or for the proposed development to harm any archaeologically significant remains.[44] However, no watching brief is recommended for the new works, including as a result of findings of the archaeological watching brief for the existing IRC.[45] The ADBA does not explain why the existing archaeological brief justifies a recommendation of no equivalent brief for the expansion, in circumstances where the main archaeological concern appears to be the Monckton Hutments, including the potential for archaeological remains from the former camp incinerator.[46] The Monckton Hutments relate to the Fort Monckton area, which is located at the other end of the site boundary to the existing IRC, and bounds the site to the southwest.

97. Secondly, harm is caused by the direct and edge effects of increased traffic and car parking, which are non-visual but nonetheless significant following *Palmer*. This issue is explored in further detail below in Issue Four but is relevant here because of traffic flows emerging from the concentration of heritage assets in the Haslar Peninsula and along Fort Road toward Anglesey and Alverstoke. The Haslar Peninsula Conservation Area includes 26 listed buildings. The historic park and grounds of the Royal Hospital Haslar are a Grade II Registered Park and Garden, and adjoin Area A to the north. Fort Monckton, as well as Fort Gilkicker, are only accessible by car through Fort Road. Further west, the Anglesey and Alverstoke Conservation Area contains 37 listed buildings. The Haslar Peninsula is connected to Gosport Town Centre by Haslar Road, passing over a single lane bridge over Haslar Creek which is signal-controlled. Hampshire County Council as the

[43] Haslar Barracks Conservation Area Appraisal (2018) 22.
[44] Archaeological Desk-Based Assessment (ADBA) (April 2026) para 5.3.1, 6.1.2.
[45] ADBA, 5.3.6, 6.2.4.
[46] ADBA, 6.2.2.

Highway Authority has expressed that any new development on the Haslar Peninsula should not result in significantly more traffic, noting that highway improvements are constrained by a limited road network to the west.[47] The development is expected to result in 774 traffic movements per day. The noise, surface erosion, and air pollution caused by traffic movements are all harms to heritage sites along this route. These are non-visual impacts which harm heritage assets, notwithstanding that they are not covered by the HIA. In the wider planning balance, congestion also impedes public access to the heritage assets primarily accessed through crossing Haslar Creek, including those situated on Fort Road. The car park in Area C, in particular, will experience heightened noise and pollution which has the potential to spill over into the Stokes Bay Conservation Area to its west.

Landscape and visual impacts on character and appearance

98. Character and appearance remains relevant as it relates to landscape and visual impact. This section should also be read as supporting why the visual impacts for heritage assets, described above, are significant.

99. The Landscape and Visual Impact Assessment ("LVIA") accepts localised adverse effects, including post-construction effects assessed up to minor adverse for the setting/character of the Gosport and Fareham Coastal Plain landscape character area and application site landscape features, and moderate adverse for the England Coast Path. The LVIA also describes adverse visual effects, including major-moderate impacts for residential amenity.

100. The LVIA does not deny visibility of new buildings from outside the IRC, including from residential areas. The fence of the IRC is overlooked by and runs very close to residential properties on the north side of Fort Road.[48] The LVIA accepts that the taller buildings on site will be visible (paragraph 5.7). Fort Road & Clayhall Road are residential roads, from which the three-storey buildings and security infrastructure will be partially visible (paragraph 5.24). That will extend to walking and cycling routes in Gosport, as well as the England Coast Path (paragraphs 5.28 to 5.35). The dwellings on the northwestern site of Fort Road will have visibility of the three-storey development area and is considered to be "*medium-high*" (paragraph LVIA, 5.44). The proposal therefore detracts from the residential amenity of the surrounding area by its visual impacts.

101. To conclude that such impacts are acceptable, the LVIA relies heavily on the possibility of mitigation through planting (LVIA, 5.10, 5.15, 5.21, 5.25, 5.27, 5.33, 5.35, 5.38, 5.40, 5.45, 5.47, 5.51, 5.53). However, it expressly acknowledges at paragraph 6.1 that tree planting opportunities are limited by security requirements, with a 15m exclusion zone from outer and inner perimeter fences for tree canopies. That concession at paragraph 6.1 is not mentioned in any preceding paragraphs which rely on planting as mitigation. The LVIA does not appear to have accounted for

[47] Gosport Borough Council, *Infrastructure Assessment Report: To support the Publication Gosport Borough Local Plan 2042 (Regulation 19) (March 2026) and Addendum* (July 2026) 56.
[48] Planning Statement, para 6.79.

security restrictions on planting when assessing the overall landscape and visual impacts of the development. That suggests that landscape and visual impact are likely to have greater significance of effect than suggested in the LVIA.

102. The LVIA also has a number of other deficiencies that NDNH believes are likely to lead to underestimated assessments of significance. For example, the LVIA makes no mention of the additional impact of lighting, including light pollution. The Planning Statement indicates that external amenity lighting is required to be provided, including in the extended car parking area (paragraph 6.94). The Indicative Lighting Assessment says that "*[a]ny impacts arising from the proposed lighting scheme shall be assessed*" but to NDNH's knowledge, no mitigation is currently agreed.[49]

103. The Inquiry should consider the sensitivity of the affected receptors, duration of effects, winter visibility, and the extent to which mitigation depends on planting which is not possible as a result of the development's security requirements. NDNH invites the Inspector to afford considerable weight to the accepted local landscape and visual amenity harm, including the three-storey height of the proposed buildings in Area B that will remain visible above the boundary fence. The Inspector should further consider whether the planting proposals relied upon by the Applicant are deliverable and durable, and to ask whether the LVIA has accounted for limitations on those proposals.

Regeneration objectives in the Haslar Peninsula

104. The expansion has impacts on the neighbouring Royal Hospital Haslar site to the north of the IRC and the wider Haslar Peninsula. As explained in Main Issue One, LP6 governs the regeneration of the Haslar Peninsula and emphasises that development must not "*detract from the character, setting and appearance of the Listed Buildings and the Historic Park*". LP6 also provides for the protection and enhancement of heritage assets, including ensuring that the historic features and setting of the site is respected (paragraph [7.133]). Similarly, in RA6, "*particular regard*" will be given to the protection of the unique historic landscape of Royal Hospital Haslar as a Registered Park and Garden (paragraph 3.336), including the impacts of associated parking and bin/cycle storage (paragraph 3.337).

105. The expanded IRC detracts from the character and appearance of the Haslar Peninsula. Particularly, its status as an expanded and operational IRC will affect the setting of the historic park immediately north of Dolphin Way, including the extent to which it remains an attractive site for the tourist/visitor uses contemplated for the Regeneration Area. The landscape and visual impacts described above in relation to the LVIA also make Haslar Peninsula a less attractive site for residential/commercial mixed-use development, because of the potential for visibility of the

[49] AtkinsRéalis, Indicative Lighting Assessment (May 2026) para 4.

IRC from neighbourhoods in the Haslar Peninsula and the compromised visual setting of the surrounding coastline and England Coast Path.

106. On Issue Two, NDNH asks the Inspector to find that the scheme would harm heritage assets, cause material harm to character and appearance including through landscape and visual impacts, as well as undermine the regeneration of the Haslar Peninsula. The weight of these considerations should be deemed significant and carried into the relevant planning balance.

Main Issue Three: The effect of the development on the living conditions of neighbouring occupiers, with particular regard to outlook, privacy, noise, lighting, traffic and construction activity.

107. In relation to Main Issue Three, NDNH will call evidence relating to the impact on community cohesion. NDNH also refers to the exclusion and redaction of evidence, which makes it challenging to properly scrutinise the effect of the development on living conditions for neighbouring residents. At a minimum, the proposed development will result in increased light pollution, privacy issues, operational and construction noise, and construction traffic.

Impact on Community Cohesion

108. The Chair of NDNH, Mike Brown, identifies significant community tensions in Gosport and neighbouring Portsmouth since the Government's announcement in September 2022 of its intention to reopen and expand Haslar IRC.[50] He describes a series of demonstrations and incidents involving groups opposed to immigration, including racist abuse, verbal aggression, threats and violent disorder. Brown identifies Haslar as a focus for mobilisation, with the proposed reopening and expansion forming part of the stated grievances motivating some of these actions.

109. Brown identifies accounts from members of the local community describing the disrespectful behaviour of demonstrators, hate speech, offensive language, racial abuse and verbal aggression.

110. Residents have reported feeling frightened, vulnerable and, in some cases, trapped in their own homes. His evidence describes the particular intimidation experienced by people of colour, including reports of residents barricading themselves inside their homes during demonstrations. These incidents have also involved road obstructions and disruption to public spaces, affecting residents' sense of safety and their ability to move freely within their neighbourhoods.

111. While not all incidents were specifically directed at Haslar, Brown's evidence identifies the proposed IRC as a recurring focus of protest activity and a grievance around which opposition has been mobilised since the announcement of its reopening and expansion in 2022. NDNH submits that this establishes a sufficiently direct connection between the proposed development and the reported community tensions to make their effects on neighbouring living conditions a material planning consideration. The documented incidents of intimidation, public disorder and disruption to local residents demonstrate that these concerns are not merely speculative.

[50] Brown, pp. 7-12.

112. Policy P5(1) of the NPPF is relevant in that development proposals should anticipate and address possible malicious threats and other hazards (whether natural or manmade) in relation to their occupiers and users, and locations where large numbers of people are expected to congregate.[51] Policy P5(1)(b) states that "Proposals for major development in such locations should be informed by the most up-to-date information available from the police and other relevant agencies about the nature of potential threats and their implications, and appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security". The potential for further disruption and adverse effects on residential amenity must be considered in determining the acceptability of the proposed development.

Noise

113. NDNH considers that the Noise Assessment prepared by First Horizon is possibly based on unrepresentative baseline data. The measure of Background Sound Levels to which future noise levels would be compared is based on a survey which:
    a. Took place nearly three years ago (11 January 2024); and
    b. Lasted only 17 hours on a Wednesday (NA 3.2);
    c. And excluded noise data recorded during daytime hours (NA 4.1.3).
114. Only 13.5 hours of noise data was used to supply the Background Noise Level for a site which will be in constant use. The survey excludes weekends and risks artificially raising the baseline level and increasing the noise limit at which the Centre can operate.
115. Redactions to the Noise Assessment, Transport Assessment and Travel Plan, particularly in respect of staffing, shift patterns and car parking, prevent a proper assessment of the operational noise impacts of the development. PS 3.5 proposes a substantial increase in the number of people and vehicle movements. NDNH submits that full, unredacted disclosure of this information is essential to an informed assessment.
116. The Noise Assessment does not consider construction noise at all and there is insufficient information in the Application in respect of construction movements and activities. The Local Community Impact Assessment (LCIA) at 5.2.1 notes that the construction phase has the potential to result in health impacts on neighbouring residents from noise caused by construction vehicles, construction plant, machinery and construction processes.
117. NDNH submits that disclosure of the Applicant's full site and construction plans is necessary to assess the noise impact of the construction phase on neighbouring residents. A further noise assessment is required to obtain a reliable measure of background noise and consider the construction phase. At present, there is no evidential basis on which the Inspector can be satisfied that construction impacts will be acceptable.

[51] National Planning Policy Framework (August 2026) chapter 17 P5(1).

Light

118. NNDH considers that the external lighting would impact neighbouring residents, particularly on Fort Road. Policy LP46 of the Gosport Borough Local Plan 2011–2029 allows external lighting in urban areas only where it does not significantly impact residential amenity.
119. The scheme proposes lighting columns up to six metres high (PS, 3.6), lighting all access roads, outdoor spaces, perimeters, roof plant, car parks and entrances. That lighting serves security as well as amenity, so is likely to be more intrusive.
120. The Indicative Lighting Assessment ("ILA") gives no adequate basis for finding that light spill will be mitigated in that it:
    a. Redacts fence and pathway lighting, and the Ministry of Justice Category C design guidance it follows is unpublished, so the evidence cannot be tested;
    b. Relies on indicative plans, deferring key features to "further stages of design";
    c. Acknowledges a risk of "nuisance light spill" to Fort Road;
    d. Relies on retained trees as a visual barrier, which conflicts with the LVIA's 15m canopy exclusion zone (LVIA, 6.1);
    e. Omits existing IRC lighting, leaving cumulative impacts unassessed.

Privacy / Outlook

121. There is insufficient evidence within the Design and Access Statement or the Engagement Report to demonstrate that residents' apprehension of privacy will be addressed or mitigated. Consultation with residents revealed significant concerns regarding privacy and overlooking, especially arising from the proposed three storey buildings. As noted within the Engagement Report, it was a *"significant concern amongst residents and the local MP"* with the increased height raising *"fears of overlooking into domestic properties, as the buildings would be taller than the perimeter fence, thus allowing IRC residents to see into gardens and homes"*. This concern persisted even after being advised of the site layout, as *"the overall sentiment was negative"*.[52]
122. The Engagement Report suggests mitigations including: (a) the presence of the existing solid fencing surrounding the site; (b) the orientation of the proposed buildings, such that the three storey buildings will be positioned on the south east side of the site and further away from residential properties; and (c) the presence of the landscaping. The Design and Access Statement also, with regards to LP10, stipulates that there will be a "visual barrier" to prevent overlooking, presumably referring to the site fencing and landscaping. However, it is unclear whether these three feasibly support resident privacy,[53] and as has been outlined above, NDNH have concerns regarding the feasibility of some of these measures in terms of their compatibility with security requirements.

[52] Engagement Report, [4.5].
[53] Engagement Report, page 10 - 11; DAS [5.6.4].

Other concerns

123. NDNH notes that additional pressure will be put on existing essential infrastructure, e.g. the water and sewerage network (see Paragraph 77 above), along with increased demand on NHS services in the locality as noted by several local residents in their representations regarding the proposals.

Living conditions of future occupiers

124. NDNH notes that the Inspector has not included the effects on the living conditions of detainees within the seven main issues set out in the first Pre-Inquiry Note. While NDNH accepts that the Inquiry is not the appropriate venue to litigate government immigration policy, it is of note that in the Campsfield Inquiry, impacts on detainees was expressly listed as a topic of concern.

125. NDNH submits that the present Inquiry cannot simply exclude considerations relating to the future occupants of the development and invites the Inspector to consider that the conditions of detainees very much intersects with material planning concerns. P3 of the NPPF requires consideration of any sensitivity of a site's intended occupiers. It requires development to provide healthy living conditions for occupiers, avoiding exposure to unacceptable levels of noise and artificial light. NDNH maintains, therefore, that the development, and in particular the arrangement and construction of the accommodation blocks, should be assessed in respect of the impact on the living conditions of future occupiers.

126. Concerningly, the indicative general arrangement plans of the accommodation blocks and most of their sections are withheld. The elevations and site plans are redacted including redactions of areas apparently intended for recreational space. Accordingly, NDNH and other parties are unable to assess the land-use implications of the proposed organisation and massing for detainees' living conditions (see Main Issue 7).

127. Additionally, the Noise Assessment does not consider the impact of noise on the accommodation areas. Plant material will be located above the accommodation blocks and the potential noise impact on future occupiers has not been considered. Similarly, the ILA is concerned exclusively with the impact of light pollution and mitigating measures on neighbouring residents, despite the potential impacts of bright security lighting on detainees.

128. While the Application states that the organisation and massing of the site will comply with the Detention Services Order 06/2018 (DSO) and Detention Centre Rules 2001 (DCR 2001) only limited detail is provided (PS 6.27-6.31). DM7 of the NPPF states that decision-makers should assume separate regulatory regimes will operate effectively. Matters controlled by those regimes may nonetheless be material considerations where they have land-use implications. The organisation and massing of the site, including the accommodation blocks and recreational space, are such matters.

129. NDNH considers this issue in further detail in Part D of this Statement of Case, and invites the Inspector to consider this issue as a material planning consideration for the proposed development.

Conclusion on Main Issue Three

130. In summary, owing to the exclusion and redaction of evidence, NDNH submits that there is insufficient information to demonstrate that the effects of the development on the living conditions of neighbouring residents, through noise and light, and of future occupiers, would be acceptable.

Main Issue Four: Whether the proposed access arrangements, local highway network, parking provision and emergency access arrangements would satisfactorily accommodate the development.

131. The traffic issue contains both conventional highway questions and the separate sustainable-location question under TR3 of the NPPF. NDNH also relies on TR4, concerning safe and inclusive access, servicing, emergency vehicles and parking, and TR6 concerning the assessment and mitigation of transport impacts during construction and operation. Access is not a reserved matter. The Application must therefore demonstrate that the proposed access arrangements can satisfactorily serve the expansion from 130 to 600 detainees.
132. NDNH has not instructed a transport expert and will rely on the technical evidence before the Inquiry, particularly that of Hampshire County Council ("HCC") as the local highway authority.

Outstanding highway concerns

133. HCC's Local Highway Authority response dated 7 August 2026 identifies outstanding questions concerning access design, trip generation, parking, sustainable travel and the Travel Plan.[54] It recommends further information be acquired before it can agree upon the transport impacts and suitable mitigation. Gosport's Regulatory Board resolution of 29 July 2026 also records concerns about cumulative traffic, bus provision, constrained peninsula access and redacted material relating to transport (see NDNH's response to Main Issue Seven below for further detail).[55] The Inspectorate is invited to establish whether those concerns have been resolved.
134. The Transport Assessment (**"**TA") predicts that the Dolphin Way/Fort Road and Military Road/Fort Road junctions would operate within capacity in its 2030 development scenario. However, spare capacity at those junctions does not establish the safe operation of Dolphin Way, the adequacy of parking or the acceptability of effects further along the road network.
135. The TA's redactions withhold substantial parts of the staffing profile, parking-demand calculations and trip-generation tables.[56] HCC states that the redactions prevent it from commenting fully on relevant matters. NDNH echoes this concern and queries whether the assumptions supporting the conclusions in the TA can be adequately tested. NDNH maintains its separate disclosure request.

[54] TA, 6.3–6.4; HCC, pp. 4–12.
[55] Gosport Regulatory Board minutes, 29 July 2026, item 15.
[56] TA, 4.3–4.4 and 5.2.

Construction

136. Under TR6, where proposals would have a severe adverse impact on the transport network or an unacceptable impact on highway safety, taking account of proposed mitigation, they should be refused. This applies equally during the construction and operational phases.

137. The Outline Environmental Management Plan ("OEMP") anticipates approximately 19 months of works and provides for a subsequent Construction Environmental Management Plan ("CEMP") and Construction Logistics Plan ("CLP"). It does not, however, establish the anticipated construction movements or demonstrate in sufficient detail how contractor parking, deliveries and emergency access, including temporary parking during works to the Sea Wall Car Park, would be accommodated alongside the refurbished centre's operation. The Inquiry should establish whether an acceptable solution has been demonstrated and which measures must be secured by condition.

Operation and Travel Plan

138. For the operational period, the assessment depends on assumptions about staff shifts and journeys outside conventional peak hours. The Travel Plan provides measures and targets but uses a provisional modal-split assumption and relies on future surveys and monitoring. It assumes 80% of staff will drive a car or van and seeks a reduction to 70% over five years. It proposes a coordinator, information packs, cycle facilities and monitoring. However, monitoring does not itself mitigate an impact.[57] NDNH seeks confirmation through the expert evidence that the assessment adequately addresses shift handovers, reasonable alternative operating patterns and cumulative effects on the surrounding network. It acknowledges that the TA includes background traffic growth and a sensitivity test.

139. For the operational period, it relies on a single survey day, one junction, and one future year.[58] The Inquiry should establish what Travel Plan measures are funded and deliverable from occupation, what baseline is used, and what enforceable remedial action follows if targets are not achieved.[59]

Visitors

140. The TA states that all visitors will arrive by minibus from Gosport ferry/bus station, whereas the Planning Statement provides for dedicated visitor parking and estimates 10-15 daily visitors.[60] The Applicant should reconcile those accounts and explain whether the proposed minibus service can accommodate realistic visiting demand, including visiting hours, capacity, and accessibility. Moreover, the Applicant should explain the basis and scope of the 10-15 visitor estimate (which NDNH notes should not be interpreted as a binding limit), including whether it covers legal, family and welfare visits, and demonstrate that access arrangements would accommodate realistic demand without unnecessarily restricting visits.

[57] TA, 5.4–5.7 and 6.2–6.4; TP, 5–7 and Appendix A.
[58] TA paras 2.5.4, 7.3.1, 7.5.1.
[59] TP p 5-7 and Appendix A.
[60] TA, 4.9; PS, 3.16–3.17.

Access, parking and accessibility

141. As to access, Dolphin Way would accommodate vehicles alongside retained parking and use by pedestrians on the England Coast Path.[61] NDNH seeks assurance that the proposed single-lane working and vehicle manoeuvres can operate safely without impeding access to the coastal path, obstructing emergency movements or exposing pedestrians to risk. The availability of the separate blue-light access onto Fort Road drawing construction and operation must be secured.[62]

142. As to parking, the TA identifies 294-302 operational spaces and separately refers to 20 public spaces. NDNH seeks assurance that the definitive provision is consistent across the plans and will meet demand, particularly at the time of shift handovers, without creating unacceptable parking overspill or obstructing safe access.

143. As to accessibility**,** the TA records only four daily services on the local bus (Bus 11), between approximately 10:03 and 15:03.[63] That service cannot support staff journeys outside these hours. The Travel Plan nevertheless relies on reducing staff car use through sustainable alternatives and contemplated improvements.[64] The Applicant should identify which services or funded improvements staff can use for each shift, rather than relying on proximity to bus stops and how delivery will be secured.

Conclusion on Main Issue Four

144. NDNH submits that the above matters must be resolved before Main Issue Four can be considered satisfactorily addressed. NDNH's position will be informed by the expert evidence before the Inquiry and any further information disclosed.

Main Issue Five: Whether the development would be safe and acceptable having regard to flood risk, coastal change, climate-change resilience and emergency evacuation arrangements.

NPPF and Local Plan

145. LP45 of the Adopted Plan provides that for development proposals in sites not allocated in the Adopted Plan itself, the Sequential Test must be followed, and if this is not met, the Exception Test and associated criteria in the NPPF must be met to the satisfaction of the Council.

146. Policy D7 of the Emerging Plan reiterates the importance of ensuring that development proposals in areas at risk of flooding demonstrate that they are necessary and can be made safe for their lifetime without increasing the risk of flooding elsewhere. It further states that development proposals on sites where there is an identified flood risk within Flood Zones 2 and 3 must pass the Sequential Test and the Exception Test where necessary.

[61] TA, 4.2 and 4.11.
[62] HCC, p. 4.
[63] TA, 3.3 and Table 3-2.
[64] TP, 5–7.

147. Policy F2, 1(d) of the NPPF provides that when planning for effective flood risk management and seeking to manage residual risk, opportunities should be sought to relocate development to more sustainable locations (F2, 1(d) NPPF).

148. Furthermore, F3(2) NPPF states that: *"Inappropriate development in vulnerable coastal areas should be avoided when identifying suitable locations for development, so that risks arising from coastal change are not exacerbated",* and that land that is or is likely to be required for current or future coastal change risk management should be safeguarded.

149. The Sequential Test applies in the present case as outlined at F5(1) NPPF, namely that: *"development proposals should not be located in areas at risk of flooding where alternative sites, appropriate for the development, are reasonably available in areas with a lower risk of flooding."*

150. As outlined at F6(1)(b) NPPF, in certain other circumstances set out in Annex F, table 3, in addition to satisfying the sequential test in policy F5 where applicable, development will only be appropriate where an 'exception test' is satisfied. The exception test involves demonstrating that the development would meet all the following criteria:

    i. Provide wider sustainability benefits to the community that outweigh the flood risk;
    ii. Be safe for its anticipated lifetime in accordance with policy F7; and
    iii. Not increase flood risk elsewhere and, where possible, reduce flood risk overall.

151. PPG Guidance on Flood Risk and Coastal Change is also instructive when considering the Proposal's acceptability in respect of flood risk.[65]

The Application

152. The Proposals are in Flood Zones 2 and 3. As the submitted Flood Risk Assessment ("FRA"), Coastal Modelling Report ("CMR") and Flood Evacuation Management Plan ("FEMP") confirm, the proposals relate to a "more vulnerable" use. There is a moderate risk of tidal flooding from the centre to north-west "where the proposed accommodation blocks are proposed".[66] The Sequential Test and Exception Test must therefore be passed in accordance with the Adopted Plan and NPPF.

153. Paragraph 023 of the Flood Risk and Coastal Erosion PPG is clear that avoiding flood risk through the Sequential Test is the most effective way of addressing flood risk. The Sequential Test should be met in the present case rather than the Applicant relying upon having a freeboard above the design flood level and measures including using ground floor rooms for non-sleeping accommodation.

Sequential Test

154. Paragraph 6.4.3 of the FRA considers that the Sequential Test is passed as the Proposed Development is an expansion of its existing use and is relatively small in comparison to the existing

[65] *Flood Risk and Coastal Change* <https://www.gov.uk/guidance/flood-risk-and-coastal-change#the-sequential-approach-to-the-location-of-development>.
[66] Paras 1.5, 5.3.31, Flood Risk Assessment.

size of the site, and this is the only reasonably available land supporting an expansion as it lies within its existing boundaries.

155. NDNH do not consider that this reasoning provides sufficient justification for considering that the Sequential Test is passed:

    a. First, the expansion is not "relatively small in comparison to the existing size of the site". The existing IRC has a total floorspace of 5,300 sq m and the proposed IRC Extension is for a further 3,258 sq m, representing a 61.5% increase in floorspace**.** Further, the expansion will result in a 361.5% increase in capacity of detained persons.

    b. Second, NDNH disputes that the site is the "only reasonably available land". As stated at Paragraph 027a of the PPG, Flood Risk and Coastal Erosion provides, it may "be relevant to consider whether large scale development could be split across a number of alternative sites at lower risk of flooding where those alternative sites would be capable of accommodating the development in a way which would still serve its intended market(s) as effectively". Furthermore, Paragraph 028 explicitly provides that alternative sites do not need to be owned by the Applicant to be considered "reasonably available".

156. Without prejudice to NDNH's position that the Applicant has failed to demonstrate a need for the development, the Applicant has failed to consider alternatives to expanding existing sites within Home Office / public ownership. Specifically, there has been a failure to consider flood risk in the site selection exercise detailed in Appendix D of the Planning Statement. NDNH's position is that this is not the only reasonably available land supporting an expansion.

157. If the Sequential Test is not met, the Applicant relies upon *Gladman Developments Ltd v SSHCLG and Lancaster CC* [2026] EWHC 51 (Admin) for the proposition that the failure of the test may be outweighed by the benefits of the proposed development.[67] However, the facts of the present case are readily distinguishable from *Gladman Developments*. In *Gladman Developments*, all reasons for refusal had been resolved with the exception of flood risk. The Inspector erred by finding that the lack of a Sequential Test was fatal to the proposal without carrying out any meaningful balance of the other material planning considerations.[68]

158. NDNH do not suggest that the Proposal's failure of the Sequential Test is "fatal" to the grant of Planning Permission. However, the Applicant has not demonstrated that the "benefits of the proposed development" outweigh the Proposal's failure of the Sequential Test.

159. As outlined in this Statement of Case, the Proposal's compatibility with Adopted and Emerging Plan policies, the NPPF, and other material considerations raises serious concerns. Most fundamentally, the Applicant has failed to demonstrate the operational need for the additional detention capacity sought, there are a plethora of concerns regarding the Proposal's impact on living conditions and local residents, and there are significant redactions which hinder a thorough assessment of the Proposal's acceptability,

[67] Paragraph 6.72, Planning Statement.
[68] *Gladman Developments*, paragraph 40.

160. Accordingly, the Applicant's reliance on *Gladman* to diminish the significance of the Sequential Test is misguided. The Proposal's failure of the Sequential Test is a factor which weighs against the grant of Planning Permission.

Exception Test

161. In the event it is considered that there are no reasonably available, lower risk sites, suitable for the proposed development, NDNH submit that the Exception Test is not met. Each limb of the test will be addressed in turn:

Provide wider sustainability benefits to the community that outweigh the flood risk

162. The Applicant has failed to demonstrate that the proposal would provide wider sustainability benefits to the community that outweigh the flood risk. While the Sustainability Statement concludes that the development *considers* sustainability, it does not demonstrate that the development positively benefits sustainability. To the contrary, the development undercuts sustainability benefits recognised by the PPG, such as the reuse of brownfield land as part of local regeneration, an overall reduction in flood risk through flood risk management infrastructure, or SuDS that significantly exceed SuDS policy requirements. The LPA has concerns that the expansion and proposed scale of the IRC may detract from wider regeneration objectives for the Haslar Peninsula. The FRA at paragraph 1.5 finds a high risk of surface water flooding, and paragraph 7.2.16 states that infiltration-based SuDS have not been utilised.

163. Accordingly, on this basis, in accordance with Paragraph 036 PPG Flood Risk and Coastal Erosion, the Exception Test has not been satisfied and planning permission should be refused.

Be safe for its anticipated lifetime in accordance with policy F7; and

164. Notwithstanding that the Flood Risk Assessment now includes a freeboard above the design flood level, NDNH submit that there are further concerns which call into question the safety of the Proposal from a flood risk perspective, and its compliance with Government Policy on Flooding.

165. NDNH are principally concerned with the adequacy of the FEMP. Paragraph 2.3.4 of the FEMP states that in the event of an extreme flooding event, "the whole site would be required to evacuate". The Council have noted that further information is required on how evacuation would be managed in a significant breach, particularly considering the secure nature of the site and the additional measures required for the extra-secure unit.[69]

166. Whilst NDNH will defer to the Gosport Borough Council's Emergency Planning team to confirm the contents of the FEMP are satisfactory, NDNH echo the concerns raised by Coastal Partners that because the proposed evacuation route for 2122 requires travel across areas of 'significant'

[69] Planning Statement, Appendix C.

and 'extreme' flood hazard, *"safe access and egress may not be possible during a tidal flood event for the duration of the lifetime of the development"*.[70]

167. NDNH further note that the FEMP is based on present-day depths of flooding, which does not assist in demonstrating that the FEMP would be viable over the Proposal's anticipated lifetime, although NDNH recognise that it is intended as a "living document".[71]
168. Furthermore, the FEMP does not address the Care and Separation Unit, or what specific provision will be made for particularly vulnerable detainees or those with mobility issues.
169. In line with these concerns, NDNH does not consider that the second limb of the Exception Test is met.

Not increase flood risk elsewhere and, where possible, reduce flood risk overall

170. NDNH will be guided by Hampshire County Council regarding reducing flood risk elsewhere. However, NDNH notes that while the FRA acknowledges two areas of potential high risk surface water ponding in the north of the site,[72] the drainage strategy is contrary to the hierarchy of discharge (it uses sewers which are the last resort, rather than SuDS or watercourses). Southern Water has not permitted surface water discharge to the foul or combined sewer network. Sewer capacity is therefore already low and relies entirely on the private sewer system. NDNH considers this has the potential to present a flood risk and a drainage problem generally.

Conclusion on flood risk

171. For the aforementioned reasons, NDNH submits that the Applicant has not demonstrated that the Sequential Test is passed or that the Exception Test is satisfied, contrary to LP45 and policies F5 and F6 of the NPPF. . As per Policy F6 of the NPPF, development will only be appropriate where an Exception Test is satisfied. Accordingly, the Development is not appropriate and militates against the grant of Planning Permission.

Main Issue Six: The effect of the development on ecology, biodiversity, protected species and habitats, the coastal environment and public access to the coast.

172. The question to be determined is the effect of the development on ecology, biodiversity, protected species and habitats, the coastal environment and public access to the coast. NDNH are concerned regarding the impact of the proposed development on these issues. NDNH do not intend to call evidence on these issues and instead provide an outline of their concerns in the succeeding paragraphs based on the information that has been disclosed.
173. Protected species are designated under the Habitats Regulations 2010, Wildlife and Countryside Act 1981, and other Acts including the Protection of Badgers Act 1992. The proposed development is required to comply with Biodiversity Net Gain ("BNG") requirements under the Environment

[70] Planning Statement, Appendix C.
[71] Paragraph 1.1.3 FEMP.
[72] Paragraphs 5.5.8 and 5.5.10, Flood Risk Assessment.

Act 2021 – it must achieve a 10% net gain in biodiversity. The Emerging Plan expressly applies the mitigation hierarchy in LE8, which is also reflected in art 37A of the Town and Country Planning (Development Management Procedure) (England) Order 2015. That clearly states that avoidance or reduction of biodiversity loss must come first, followed by the enhancement or restoration of biodiversity on-site, with the third option being the creation or enhancement of off-site habitats and lastly, the use of biodiversity credits.

174. LP44 provides that planning permission "*will not be granted on a site that would have an adverse impact on a protected species or its habitat unless it can be clearly demonstrated that there is an overriding need for the development that outweighs the significance of the nature conservation feature*". To give effect to LP44, planning conditions may be imposed to facilitate the survival of individual members of the species, reduce disturbance to a minimum, provide alternative habitats to sustain at least the current levels of population of the species, and take opportunities to enhance habitat. Development proposals should ensure that habitats and species on the UK List of Priority Habitats and Species and included within Hampshire Biodiversity Action Plans are protected and their populations strengthened. Planning permission will not be granted for development "*which would adversely affect, directly or indirectly, features of nature conservation importance unless it can be demonstrated that the justification for the development outweighs their importance for nature conservation or amenity value*". The Solent Recreation and Disturbance Project is also a relevant consideration (LP44, paragraph 12.84).

175. The Application raises several acknowledged ecological issues, as outlined at paragraph 6.49 of the Planning Statement:

- The site is in the zone of influence for designated areas and the southwestern part of the site is a 'core area' under the Solent Waders and Brent Goose Strategy.
- While no bat roosts and badger setts exist on site, a sensitive lighting strategy and sensitive construction practices are required to manage impacts in the local area.
- The initial clearance/construction works should be programmed outside of the nesting season of breeding birds.
- There is a small population of common lizards, and opportunities for priority species, such that sensitive clearance is proposed.

176. *R v Cornwall County Council, ex parte Hardy* [2001] Env LR 25, [73] provides that full environmental information must be placed before the decision-maker before approval can be granted. A lack of information cannot be remedied by planning conditions but is rather material to whether there are significant impacts in the first place.

177. NDNH is concerned that errors of law have been committed at both stages of the Habitats Regulations Assessment (HRA). The HRA includes two forms of assessment: Stage 1 (screening), and Stage 2 (appropriate assessment – as required under regulation 63(1) of the Conservation of Habitats and Species Regulations 2017).

178. At Stage 1, significant effects must be assessed, without considering mitigation measures which are to be considered at Stage 2 (*Gladman Developments Ltd v Secretary of State for Housing, Communities And Local Government* [2019] EWHC 2001 (Admin) at [64]; following *People Over Wind and Sweetman v Coillte Teoranta* [C-323/17] at [37]). Considering mitigation measures at Stage 1 amounts to "*pre-empting or second-guessing the outcome of the Appropriate Assessment*" and doing so is "*illegitimate*" (*Canterbury City Council v Secretary of State for Housing, Communities and Local Government* [2019] EWHC 1211 (Admin) at [77]). The HRA itself recognised that mitigation measures cannot be considered at Stage 1 (paragraph 1.5.3 HRA). Contrary to this, the HRA Stage 1 assessment determined that impacts of dust ([A] in Table 2, HRA) and aquatic silt/pollution runoff ([B] in Table 2, HRA) are negligible on the assumption that "standard control measures "i.e. Drainage and flood measures..etc. to be detailed within the final construction design / site layout and CEMP" would limit these pollutants (page 15, HRA). The error relating to dust pollutants is repeated in the Air Quality Assessment which states that there would be "negligible effects" provided that the "identified mitigation measures" in table 14 of that document are implemented.

179. The Applicant relies upon the case of CJEU C-323/17 *People Over Wind and Peter Sweetman vs Coillte Teoranta* to support the proposition that "other measures" including design, location, layout or standard conditions (for example construction practices), which may provide some mitigation, but are intrinsic or essential to the project itself, are permitted for inclusion in a Stage 1 assessment, rather than being considered as Stage 2 mitigation measures.[73] In *People Over Wind,* the applicant sought to include measures that would be taken to control surface water run-off to prevent silt or other pollutants entering watercourses by way of a condition in a Construction Management Plan as part of the Stage 1 assessment (which is precisely what the Applicant seeks to do). The CJEU held that this was inappropriate and would compromise the practical effect of the Habitats Directive in general. Accordingly, the Applicant's reliance on this case to support their position is not understood.

180. This is a 'significant' error of law (*Canterbury*, [100]). The later completion of a Stage 2 Assessment does not "justify" of mitigation in the first stage: *Gladman Developments* at [64]. This erroneous Screening Assessment relates to nearly all the protected sites material to this application. he dust and silt/pollution runoff stands to harm rare plants and invertebrates, wintering fowl feeding and breeding, and both point source and diffuse groundwater pollution (pages 15 to 19, HRA).

181. In Stage 2, the Stubbington Brent Geese Reserve is supposed to act as a "*replacement*" habitat (paragraph 6.55 Planning Statement; see also paragraph 2.5.6 of the Ecological Impact Assessment ("**ECIA"**). This is among the last resorts (following avoidance and mitigation) in the mitigation hierarchy. *T C Briels v Minister van Infrastructuur en Milieu* (Case C-521/12) distinguishes

[73] Paragraph 1.5.3 of the HRA.

between mitigation (that lessens the negative effects of a project) and compensation (which counterbalances the failure to do so with different, positive effects).[74] *Briels* establishes that positive effects from the creation of new habitat (even if that area is bigger and of higher quality) are compensatory in nature. Those effects are "*highly difficult to forecast with any degree of certainty*" and speculative. For that reason, under the precautionary principle, decision-makers should avoid falsely characterising compensatory measures as mitigating measures to circumvent the requirement to satisfy derogation in Article 6(4) of the EU Habitats Directive ([32]–[33]). Article 6(4) involves proving "*overriding public interest*" and "*no alternative solutions*" to derogate using compensatory measures ([34]), as enshrined by Regulations 64 and 68 of the Conservation of Habitats and Species Regulations 2017 (extended to Ramsar sites in England by the Planning and Infrastructure Act 2025).

182. NDNH accepts that a distinction can be drawn based on whether an application site is directly inside or outside of a designated site. The present situation is different from the way that distinction was made at [73] of *R (Staunch Campaign Ltd) v North Northamptonshire Council* [2026] EWHC 1962 (Admin). In that case, *Briels* did not apply because a replacement habitat was properly mitigation, as it was preventative — avoiding significant adverse effect from occurring to the designated site in the first place by mitigating loss which was also outside the designated site. However, the fact that the application site is outside the designated site does not, in this case, mean that the Stubbington Brent Geese Nature Reserve serves a preventative function. The HRA describes the reserve as "*adequate compensation for loss of land*" at page 27 and an "*offset*" of the loss of Functionally Linked Land ("**FLL**") at paragraph 6.2. It does not characterise the reserve as serving a preventative mitigation function. The HRA concludes that the derogation consideration under Stages 3 and 4 (which requires overriding public interest and no alternative solutions) is not required because of the compensation and offsetting emerging from the Stubbington Brent Geese Reserve (paragraphs 6.2 to 6.3). The HRA, rather than treating the reserve as a matter properly for derogation assessment under *Briels*, assumes that the fundamentally compensatory effects of the reserve can properly conclude the assessment at Stage 2. That approach is wrong in law and is counter to *Briels* and the Conservation of Habitats and Species Regulations 2017. In any case, the Planning Statement presently makes no case for derogation based on overriding public interest or no alternative solutions.

183. As a result of the Stage 1 and Stage 2 errors, including that the Planning Statement makes no derogation case, the Inspector cannot ascertain that the development will not adversely affect the integrity of designated sites, and therefore cannot agree to the application or defer the issue by conditionalisation (regulation 63(5) of the Conservation of Habitats and Species Regulations 2017).

[74] See also *Edel Grace and Peter Sweetman v An Bord Pleanála* (Case C-164/17).

184. NDNH are further concerned that the strategy described at paragraph 6.56 of the Planning Statement for the creation of Stubbington Brent Geese Reserve replaces a core area with a candidate area. LP44 expressly incorporates the Solent Waders and Brent Goose Strategy (SWBGS) as a consideration when determining planning applications (paragraph 12.84). Under the SWBGS, core areas are defined as sites with either a network value, the maximum score of 7 in 3 metrics of GB Importance, SPA Importance, and SPA Assemblage, and/or a maximum count of bird use of 1000 or more. Under the SWBGS, Area B of the application site is classified as a core area. The application site overall is also nearby other core areas, including sites G01 and G31.

185. The Stubbington Brent Goose Reserve, which is supposed to compensate the loss of the BG:C Area in Area B of the application site, appears to be located in Candidate Site F170 identified off Burnt House Lane.



The first map is extracted from Wild Capital's webpage on Stubbington Brent Goose Reserve, which shows only a general location and states that the reserve is "an arable field off Burnt House Lane in Stubbington".

The second map shows F170 of the Solent Wader and Brent Goose Strategy *"SWGBS" Network, which is shown to be a "Candidate Site" off Burnt House Lane.*

186. The SWGBS notes that the suitability of sites for brent geese "*depends on distance from the coast*" and that brent geese "*use a great deal of energy travelling between feeding areas, so tend to preferentially select sites adjacent to the coast*".[75] Additionally, brent geese are affected by disturbance, flying away and resettling when levels of disturbance increase. The SWGBS considers that decision-makers have not properly considered the existing loss of brent goose feeding sites to development around the Solent, and that cumulative impact or knock-on effect for other sites (page

[75] Page 9, SWGBS, available at: https://solentwbgs.wordpress.com/wp-content/uploads/2025/04/solent-waders-brent-goose-strategy-2024.pdf

27). The ecological coherence of the network must be considered (page 38) and impact should be considered "*alone and in combination with other proposals*" (page 39).

187. F170 is an inland site which is more difficult for brent geese to reach. The fact that F170 has not been identified as anything other than a candidate site so far, with only less than 3 records in total, demonstrates that it has not historically been identified either as a core area or as a primary or secondary support area for brent geese. It is also significant that F170, while nearby to some secondary support areas, is not part of the same core network as G63, which roughly corresponds to Area B of the application site, which is highly proximate to three other core areas along Fort Road (G01, G31, and G50) as well as primary, secondary, low use, and candidate sites further down Fort Road toward the west (G23C, G23B, G23A, G53, G06) and alongside Dolphin Way (G64).

188. The non-disclosure of information in the HRA further prevents proper evaluation of whether compensation achieved through the Stubbington Brent Goose Reserve suffices. Yet, even the publicly available information demonstrates serious doubts as to whether the HRA is lawful and whether compensation is feasible.

Main Issue Seven: Whether sufficient information has been provided to enable the relevant planning effects of the development to be properly assessed.

189. NDNH's case is that a number of documents appear to be absent, and many documents which have been made available withhold or redact key information. NDNH echoes the position of the Local Planning Authority, Gosport Borough Council ("the LPA"),[76] which maintains that extensive redaction of the documentation hinders meaningful scrutiny of the Application.

Statutory Framework

190. On 21 July 2026 the Secretary of State made a direction under section 293H(7) TCPA 1990 that the information identified in Annex A is "sensitive". Article 54 of the Town and Country Planning (Crown Development) (Procedure and Written Representations) Order 2025 restricts public disclosure of that information. It does not, however, establish a closed-material Inquiry procedure.

191. Section 321 of the TCPA 1990 contemplates the use of sensitive information during the inquiry process. Under section 321, evidence relevant to national security may be heard or inspected only by specified persons. The Pre-Inquiry Note provides explicitly that no direction under section 321 is contemplated, meaning the Inquiry appears to be proceeding on the basis that no party will have complete access to information relating to the Application.

192. The Planning Inspectorate's Crown Procedural Guide, at paragraph 5.4.1, describes an Inquiry as a public process for investigation and formal testing of evidence. NDNH's position is that those purposes cannot be achieved in circumstances where full disclosure has been withheld.

[76] LPA Representations dated 6 August 2026.

Procedural Fairness

193. A party must know the case it has to meet and have a reasonable opportunity to adduce evidence and make submissions in response: *Secretary of State for Communities and Local Government v Hopkins Development Ltd* [2014] EWCA Civ 470 at [47].

Redactions and Missing Material

194. By a letter dated 26 October 2026, NDNH applied to the Planning Inspectorate for disclosure of missing, redacted and withheld application material. Its requests are summarised non exhaustively below for the assistance of the Inquiry and other parties:
    a. There is no Statement of National Importance, and no demand modelling/need assessments to evidence the apparent operational need for the re-opening and expansion of Haslar IRC, as relevant to Main Issue One.
    b. The Site Plans are heavily redacted and much of the indicative design is undisclosed. This makes it challenging to assess the effect of the proposal on the character and appearance of the area, as relevant to Main Issue Two.
    c. Information relating to vehicle movements, volume of vehicles on site, car and cycle parking capacity, shift patterns and staff numbers is heavily redacted. This undermines NDNH and other parties' ability to meaningfully assess noise impacts, traffic and the effect of the development on neighbours, as relevant to Main Issues Three and Four.
    d. The Coastal Modelling Report and Environment Agency Correspondence is heavily redacted, with entire pages not disclosed, as relevant to Main Issue Five.
    e. The Biodiversity Net Gain Calculation is redacted in its entirety. Without the underlying metric setting out the baseline condition and value of the site, NDNH's position is that Main Issue Six cannot be assessed in its entirety.

Conclusion on Main Issue 7

195. By way of conclusion, NDNH concurs with the LPA that there is insufficient information to properly assess the planning effects of the proposal and which is causing material prejudice to the parties' ability to scrutinise the Application. NDNH emphasises that, as the Inspector has concluded, closed evidence cannot be used for the purposes of the inquiry if no direction under s 321(3) is made. The Inspector is required to proceed only on the basis of open documents available for public inspection.

Part D – Other material considerations: effects on detainees

The planning issue and the evidential basis

196. As outlined above in relation to Main Issue Three, NDNH notes that the Inspector has not included effects on detainees within the seven issues outlined in the first Pre-Inquiry note, and the Second

Pre-Inquiry note confines the oral session on living conditions to nearby residents. NDNH respectfully submits that the effects of the development on detainees, as its future occupiers, are nonetheless a material consideration which must be taken into account, as set out in the succeeding paragraphs.

197. The proposed additional 470 places would increase the establishment's capacity by approximately 362% relative to the refurbished 130-place centre. This represents a substantial change in institutional scale, requiring the Applicant to demonstrate that the proposed development can operate effectively for the intended 600-person population.

198. The Planning Statement confirms that Haslar closed in 2015 and that the refurbished 130-place centre is expected to reopen in 2027. The proposed expansion is therefore being considered before the refurbished establishment has re-established an operational record demonstrating how its staffing, healthcare, communal facilities and safeguarding arrangements will function in practice. The absence of that evidence is relevant to the weight which can be attached to assumptions about the effective operation of the substantially expanded establishment.

199. Policy P3 of the NPPF, as explored under Main Issue Three, requires consideration of the sensitivity of intended occupiers and users when considering the likely impacts of pollution, and requires development to provide healthy living conditions. Policy LP10 of the Adopted Plan also requires high-quality design and accessibility for all users, while LP46 addresses pollution, including the effects of air, noise and light pollution on health and living conditions.

200. It follows that the health and well-being of detainees at any future Haslar IRC cannot simply be excluded as falling under the umbrella of "Government immigration policy". That a matter intersects with immigration policy does not remove its land-use implications and NDNH's position is that the health and well-being of future occupants must be taken into account by the Inquiry, including any particular sensitivities that detainees as a group or on an individual basis experience.

201. NDNH's case is that immigration detainees represent a particularly sensitive group and it will call evidence to that effect.

202. The inability of detainees to leave the IRC is one central consideration. Unlike ordinary occupiers, they cannot respond to excessive heat, noise, an unsuitable shared room, isolation or inaccessible facilities by leaving the building or using alternative accommodation. The development therefore determines and fixes their exposure to, and ability to avoid, those conditions. That feature strengthens the planning connection between the physical and operational environment and its effects on health, privacy, social contact and dignity.

203. NDNH relies on four sources of evidence. Bosworth's academic research addresses institutional scale, relationships and the experience of detention. Manoharan gives evidence based on his lived experience, professional work and current support through AVID, expressly distinguishing individual examples from representative evidence. Incledon gives organisational evidence based on Medical Justice's clinical and casework experience. Brown draws on his direct experience of

Haslar IRC as a former volunteer visitor to detainees and Chair of the Haslar Visitors Group from 2007 to 2010, providing a site-specific historical perspective.

204. Their evidence supports two related propositions which weigh against permission. First, expansion would expose more people at this site to established risks associated with a restrictive and uncertain environment. Second, increasing institutional scale and pressure on shared facilities and staff may also intensify those risks for both new and existing detainees. Bosworth concludes that size matters; smaller institutions are safer, more respectful and more capable of delivering purposeful activity. On the evidence presently available, the Applicant has not engaged with the relationship between scale and occupiers' living conditions.

205. The Equality Impact Assessment states that the design will take account of Stephen Shaw's reviews of welfare in immigration detention, including through the size and layout of rooms and provision of facilities and services. The disclosed material does not demonstrate how this will be achieved at the proposed scale, particularly given that the indicative general arrangement plans of the accommodation blocks are withheld (see Main Issue 7).

206. The Applicant has failed to demonstrate that the expanded physical environment would adequately respond to the vulnerabilities which its intended population can be expected to include.

Scale and access to shared facilities

207. Bosworth's MQLD research found lower reported distress and better outcomes across several measures in smaller facilities such as Tinsley House and Dungavel, which also had less penal architectural forms. This is relevant comparative evidence, but not a numerical rule that a centre below 400 is safe and one at 400 is unsafe. Differences in design, population and management must also be considered.

208. Bosworth explains that uncertainty, language barriers, turnover and administrative demands make meaningful staff-detainee relationships difficult, and that larger settings can compound those difficulties. The Applicant has not demonstrated how the proposed layout, staff deployment and arrangements for association will preserve meaningful contact and access to activities at that substantially increased scale.

209. The Planning Statement anticipates an increase from 149 staff at the refurbished 130-place Haslar IRC to 414 staff at the proposed 600-place establishment. Bosworth notes that staff numbers may not expand in line with the detained population and that no rationale is provided for staff/detainee ratio, nor how staff will be deployed across the two sites. The Applicant relies on material which is incomplete, including redacted staffing profiles, which undermines the ability of NDNH and other parties to scrutinise meaningful access to facilities and staff coverage.

210. The relevant question is usable provision at full intended occupation. The Applicant has not demonstrated who can reach the shared facilities, when they can do so, what staffing or assistance is required, or whether simultaneous demand creates material exclusions or delay. It has therefore

not established that the retained and new accommodation operate together as an acceptable living environment.

Bedrooms, privacy, accessibility and separation

211. The Planning Statement identifies proposed single and double-occupancy rooms measuring between 9 and 11 square metres, with integral toilets and basins in new-build accommodation. The Equality IA also confirms that refurbished Phase 1 rooms will primarily be twin-bedded, with a limited number of single rooms, and acknowledges accessibility limitations in the older buildings. Although the Applicant states that the accommodation will comply with Rule 15 of the Detention Centre Rules 2001 and Detention Services Order 06/2018, it has not demonstrated how the proposed room sizes and configurations will provide adequate usable space, privacy in sleeping and sanitation, or appropriate accommodation for those detainees whose particular vulnerabilities make sharing unsuitable.

212. In particular, the Planning Statement does not clarify whether the 9–11 square metre range applies equally to single and double-occupancy rooms, or how much usable space remains once beds, storage and other fittings are accounted for. The Applicant should identify the number of single-occupancy rooms available for detainees for whom sharing is unsuitable and how risk-assessments will be carried out.

213. The proposed Care and Separation Unit requires particular attention. The Planning Statement identifies a purpose-designed, single-storey unit of approximately 485 square metres, while the Equality IA states that it will accommodate detainees removed from normal association under Rule 40 or temporarily confined under Rule 42, with access to welfare support, healthcare, legal advice, faith provision and multidisciplinary reviews. Incledon's evidence explains that isolation of vulnerable people, particularly those with mental-health difficulties or at risk of self-harm, can exacerbate distress and risk. The floorplans for the unit are substantially redacted and the disclosed material does not establish its access to daylight, outdoor space and facilities for recreation. The description of the unit as providing care does not, by itself, demonstrate that it will offer a therapeutic environment.

214. The Equality IA acknowledges that the refurbished Phase 1 buildings have limitations in meeting modern accessibility standards and relies on the proposed Phase 2 development to provide improved accessible accommodation. The Applicant has not demonstrated how detainees who experience disabilities will obtain equivalent access to accommodation, healthcare, activities and other shared facilities across the combined establishment.

Visiting, legal contact and the transport assumption

215. The Planning Statement anticipates 10-15 visitors per day, despite the proposed increase to a 600-person establishment. The Applicant expressly relies on advance booking of 24 hours to control visitor numbers and arrival times, while also identifying virtual visits as a means of reducing

journeys to the site. The Equality IA relies on contact with legal advisers, family members and other external contacts as part of the safeguards available to detainees. Bosworth expresses concern at the anticipated visitor numbers, notes reliance on virtual visits, and records HMIP's finding that Haslar detainees previously received fewer visits at most other centres due to the distance, cost and difficulty of making the journey to Gosport (see also Manoharan's evidence on the difficulty of obtaining legal representation in those circumstances).

216. The Planning Statement identifies dedicated pedestrian entrances and parking for visitors, while the Equality Impact Assessment refers to confidential meetings with legal representatives and facilities supporting external communication. However, the disclosed material does not establish the number, privacy, accessibility or practical availability of visiting and consultation spaces.
217. Manoharan's experience explains the value of a relationship with someone independent of the detaining institution, while Bosworth identifies contact as protective of mental health. Brown's experience illustrates the practical significance of access to visitors and legal representatives, particularly for detainees who may be unfamiliar with the immigration system or face language and other barriers. The broader question is whether the design and operating arrangements make reliable access possible, rather than merely providing a notional entitlement.
218. The Applicant has not demonstrated that remote contact provides equivalent privacy, reliability or accessibility, or that it can replace the distinct functions of family contact, independent support and confidential legal consultation.

Healthcare and the effectiveness of safeguards

219. NDNH acknowledges the healthcare provision proposed for Haslar, including NHS England-commissioned services, initial reception screening, primary healthcare and access to local secondary-care facilities. NDNH seeks confirmation that the healthcare accommodation and supporting infrastructure are adequate for the intended population.
220. The Planning Statement records a 524-square-metre healthcare building within the refurbishment works, while the Design and Access Statement identifies medical accommodation, observation rooms and a purpose-designed Care and Separation Unit. However, the existence of dedicated accommodation does not establish the capacity or effectiveness of the clinical services on which the Applicant relies. The disclosed material does not explain how the number, arrangement and accessibility of consultation and observation facilities will support timely assessment, treatment and clinical reporting for the proposed 600-person population. Redactions to the relevant floor plans further limits scrutiny of those arrangements.
221. The Local Community Impact Assessment states that healthcare services at Haslar will be commissioned by NHS England and that the expansion is not expected to affect the availability of local primary healthcare services.[77] It also relies on the availability of local medical facilities,

[77] Paragraph 5.2.2, LCIA.

operating in partnership with NHS England, to meet additional healthcare needs arising from the expanded population. The assessment does not substantiate them through a detailed analysis of clinical capacity, appointment availability, specialist provision or the demand generated by 600 detainees. NDNH does not assert that local healthcare services necessarily lack capacity. It submits that the Applicant must provide a sufficiently robust evidential basis for the conclusions on which it relies.

Thermal conditions, daylight and the occupied construction site

222. The accommodation's environmental performance is particularly important because detainees' opportunities to adapt are restricted. Manoharan identifies risks by reference to comparable custodial environments. These accounts justify examination of actual conditions and continuity of access.

223. At any re-opened or expanded Haslar IRC, detainees will be dependent on the design and operation of the accommodation, including ventilation, cooling, daylight and access to alternative spaces. The Design and Access Statement identifies controlled access and circulation arrangements within the proposed accommodation. These restrictions make it particularly important to establish that acceptable environmental conditions can be maintained throughout occupation, including during prolonged periods of high temperatures.

224. The Design and Access Statement identifies the proposed accommodation blocks and building-envelope arrangements, while the Applicant's Sustainability Statement addresses the environmental performance of the proposed development. However, the disclosed design information does not establish how acceptable thermal conditions, ventilation and daylight will be maintained under the restrictions associated with secure occupation. In particular, the Applicant should demonstrate that the relevant assessments account for actual occupancy, restrictions on opening windows and movement between spaces, night-time temperatures, future climate conditions and the resilience of mechanical ventilation or cooling systems.

225. The Home Office's accommodation requirements provide a relevant benchmark: DSO 06/2018 provides room temperatures must not exceed 28 degrees celsius. The Applicant has not adequately demonstrated that the proposed secure accommodation at Haslar will meet those requirements in practice, including at night, during prolonged periods of heat, where occupants' ability to adapt their surroundings is restricted, and in the event of mechanical or power failure.

226. Phase 1 remains occupied while Phase 2 is constructed. The Local Community Impact Assessment expressly anticipates that the refurbished 130-place IRC will remain operational during construction of the proposed expansion. It acknowledges that construction activity may affect the health and wellbeing of those occupying the refurbished centre through noise, dust, vibration and disruption to environmental conditions. In particular, it identifies potential effects on stress, anxiety and sleep disturbance. The Applicant has not addressed how construction phasing and mitigation will protect detainees from cumulative effects on noise, air quality, ventilation, sleep, outdoor

access, healthcare, visiting, utility continuity and emergency arrangements. The reliance on construction management measures does not, without sufficient site-specific evidence, establish an acceptable living environment for people who are by definition unable to leave the site of their own volition.

Conclusion

227. By way of conclusion, NDNH invites findings that the intended population is particularly sensitive to the proposed environment; that expansion gives rise to evidenced risks through both additional exposure and institutional scale. On the open evidence, NDNH submits that the Applicant has not demonstrated that the proposed layout, accommodation, shared facilities and environmental conditions would provide acceptable living conditions for the intended 600-person population and future occupants of the site. These are land-use considerations which NDNH say weigh against permission, without prejudice to NDNH's separate disclosure application and related submissions as to procedural fairness and its ability to test any contrary case the Applicant seeks to advance.

Part E — Conclusion

228. On the evidence available, NDNH submits that permission should be refused because the proposal's unresolved environmental, transport, infrastructure and welfare harms outweigh its claimed benefits, while the scale of additional need remains inadequately demonstrated. Alternatively, no favourable determination should be made until outstanding evidence is lawfully disclosed, parties have a fair opportunity to scrutinise and respond to it, and all necessary mitigation is secured through enforceable conditions and obligations. NDNH maintains its disclosure application, which should be determined before the affected merits evidence is heard and is not waived by participation in the Inquiry.

Appendix 1 — Evidence to be called

NDNH presently intends to rely on the following evidence.

Witness / evidence	Proposed scope	Inquiry issue(s)
Professor Mary Bosworth	Operational need; capacity; impact on local community.	Main Issues One, Three, Seven
Gee Manoharan / AVID	Current factual evidence from independent visiting networks and the lived operation of detention	Main Issue Three, with relevance to One
Lisa Incledon, Clinical / public-health expert	Foreseeable mental and physical health effects of secure detention environments; significance of vulnerability and duration; distinction between healthcare provision and prevention of environmental harm; assessment of proposed safeguards.	Main Issue Three
Mike Brown (NDNH)	His experience volunteering at Haslar, conditions of detention on detainees, work with NDNH, and impact of Haslar's reopening on local residents.	Main Issue One, Three