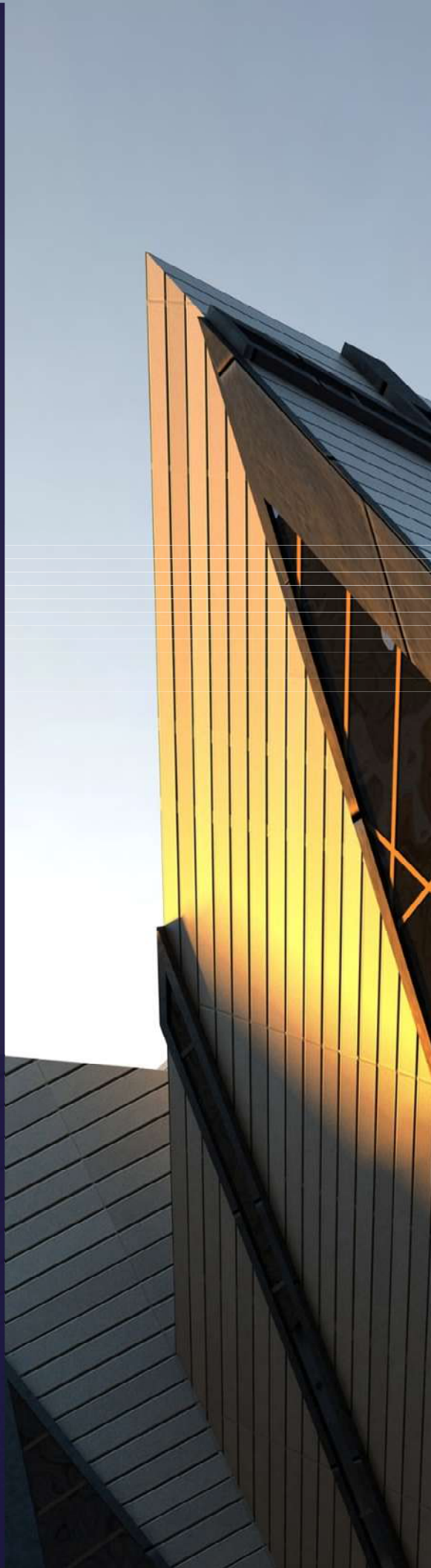
CUSHMAN & WAKEFIELD

Rebuttal Proof of Evidence of [redacted] MRTPI

Haslar IRC

Home Office

DEVELOPMENT & PLANNING | BIRMINGHAM



Better never settles

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1. Introduction

1.1 This rebuttal proof responds to planning matters raised within the Proofs of Evidence of Simon Barnett (CD/10.1) and Richard Whittington (CD/10.2) of Gosport Borough Council. This rebuttal does not respond to the Proofs of Evidence of the Rule 13 Party (CD/12.1-12.4) as these are dealt with by William Round's Rebuttal Proof of Evidence. (CD/8.9). I do, however, comment on the Rule 13 Party's Statement of Case (CD/12.5), which comments on planning matters although these matters are not addressed in any proofs submitted by the Rule 13 Party.

1.2 The main matters to be considered as part of this inquiry are set out in a succinct manner by the Inspector in the Second Pre-Inquiry Note (CD/9.3). This Rebuttal Proof is set out in accordance with the identified topics within the Note.

1.3 A Draft Statement of Common Ground (SOCG) has been prepared between the Applicant and Gosport Borough Council (CD/10.3). The draft SOCG sets out the planning policies in the Development Plan and NPPF, the weight applied to policies contained in the emerging Local Plan, where there is agreement between the LPA and the Applicant and where there remains an issue between the parties.

2. Principle of Development and Need for the Development

Need

2.1 Matters relating to Need for the proposed development are dealt with by [redacted] Rebuttal Proof of Evidence, which responds to points raised in the proofs of evidence of [redacted] and Richard Whittington of Gosport Borough Council, as well as the proofs of evidence of the Rule 13 Party.

Principle of Development

2.2 It is common ground that the majority of the application site is located within the urban area boundary and the area outside the boundary is proposed to be used for car parking in line with the previous use of the land. Once the emerging plan is adopted, there would be a presumption in favour of development across the entire application site.

2.3 Paragraph 5.7 of [redacted] proof states that *"The Council has serious concerns that the proposed scale of the IRC proposals has the significant potential to detract from these wider regeneration objectives and the potential delivery of the key sites within the Haslar Peninsula Regeneration Area."* This replicates comments contained in the LPA's response to the application. However, [redacted] Proof of Evidence does not articulate how the proposal would have wider negative effects on the regeneration of the Haslar Peninsula as outlined in Policy LP6. I have explained in my Proof of Evidence how the existence of Haslar IRC has not prevented substantial investment from coming forward.

2.4 Notwithstanding the concerns raised regarding regeneration, Mr [redacted] proof concludes at paragraph 5.8 that *"the proposals are considered acceptable in principle."*

2.5 I note that at paragraph 4.8 of his proof [redacted] confirms that *"[g]iven its current status, the draft Local Plan and its draft policies should be given no weight in the determination of the Applications."*

2.6 The Statement of Case for the Rule 13 Party argues that the application site is not previously developed land and refers to the case of Dyer. I consider that the Dyer case confirmed that curtilage is a matter of fact and degree having regard to physical relationship, enclosure;, ownership, functional association; and whether the land forms part and parcel of the principal use.

2.7 I consider the following to be relevant. The former playing field area of the IRC lies within the secure perimeter of the IRC and has historically formed part of the operational institution. It is managed as part of the same operational site and contains ancillary infrastructure and functions as part of the immigration detention facility. The expansion land is not detached from the principal use but instead forms an integral part of the operational complex.

3. Landscape and Visual Effects

3.1 Matters relating to Landscape and Visual effects are dealt with by [redacted] Rebuttal Proof of Evidence, which responds to points raised in the proofs of evidence of [redacted] and Richard Whittington of Gosport Borough Council.

3.2 [redacted] [redacted] Proof of Evidence reiterates at paragraph 5.17 that *"a development of the scale for which Outline planning permission is sought could be delivered in a manner that would not give rise to significant harm to the residential amenities of the occupiers of neighbouring properties in terms of loss of light, loss of privacy or any overbearing or unneighbourly sense of enclosure."* I understand there is common ground between the Applicant and the LPA that the scale of development can be accommodated on the site.

3.3 The area of disagreement principally relates to the height of the indicative layout and the consequential visual effects. Paragraph 5.15 of Simon Barnett's proof confirms that matter in commenting on the current indicative proposals. It notes that *"there is still opportunity for significant improvement to be made through revised designs."* I consider design can be dealt with through the reserved matters application.

3.4 [redacted] rebuttal proof demonstrates how the height of the proposed development follows the existing wider pattern of built form and explains how visual impacts are limited to local views rather than being widespread.

3.5 The indicative layout provides separation from Fort Road and from the Haslar Barracks Conservation Area, both of which allow for tree planting to be incorporated in the intervening space, which can be conditioned through a Landscape Plan at Reserved Matters.

3.6 The Applicant has submitted an indicative layout with associated building height parameters. I consider the evidence demonstrates that the height of the indicative proposal is acceptable in principle. The Applicant has evidenced the impacts of the indicative proposal and explained how these impacts are capable of being partly mitigated. In my view, it is not necessary to revise the building height parameters at this outline stage, as the reserved matters application provides the opportunity to test in detail the landscape and visual impacts and how the site can be developed to address impacts as far as possible including the use of materials and landscaping.

3.7 Reducing the development height parameters at the outline application stage may reduce some landscape and visual impacts in the detailed design. However, it would unnecessarily limit development that follows the existing wider pattern of built form and would require a greater proportion of the application site to be developed. I consider the indicative layout provides an appropriate balance. However, the reserved matters application process will enable the final layout and parameters to be tested.

4. Heritage and Conservation

4.1 Matters relating to Heritage and Conservation are dealt with by [redacted] Rebuttal Proof of Evidence, which responds to points raised in the proofs of evidence of [redacted]t and [redacted] of Gosport Borough Council. I note in paragraph 81 of the Rule 13 Party's Statement of Case that it does not intend to call evidence on these issues.

4.2 I consider the evidence provided by [redacted] demonstrates that the significance of relevant heritage assets has been properly understood. The proposal preserves the ability to understand and appreciate the significance of the historic environment.

4.3 It is common ground that no substantial harm would arise to any designated heritage asset. Indeed, [redacted] Rebuttal proof concludes that the proposed development would not affect the significance of heritage assets or result in harm.

4.4 Whilst there is disagreement as to the effects on setting, at most this is limited to low-level less than substantial harm; and any such harm is decisively outweighed by the substantial public benefits delivered by the proposed development, which I have explained in my Proof of Evidence.

Siting

4.5 The indicative site layout and parameters plan indicates how the expansion of the Haslar IRC could be developed. The siting of the proposed development has been informed through discussions with the Local Planning Authority (LPA) and Historic England. The separation between the existing IRC and Conservation Area and the proposed development is considered appropriate by Historic England. Whilst the LPA raised concerns regarding siting, the application response acknowledges the operational importance of siting buildings in reasonably close proximity to the existing IRC. I consider the indicative layout balances these two matters appropriately.

Height

4.6 [redacted] explains why the height of the development proposal (three-storey) does not affect the significance of the relevant heritage assets. I consider the indicative layout is acceptable having regard to heritage and conservation matters.

Scale

4.7 It is common ground between the Applicant and the LPA that the development of the scale for which Outline planning permission is sought could be delivered in a manner that would not give rise to significant harm to the residential amenities of the occupiers of neighbouring properties in terms of loss of light, loss of privacy or any overbearing or unneighbourly sense of enclosure.

Design

4.8 The indicative plans submitted for information present a proposal that mirrors the orientation of the buildings within the Conservation Area. Whilst matters of detail are to be dealt with through reserved matters, the Design and Access Statement shows red brick elevations with repetitive elements reflective of the barracks.

4.9 I note in paragraph 5.13 of Mr [redacted] proof that he considers the application conflicts with NPPF Policy DP3. I understand this is principally due to concern regarding the impact of the proposals on the Haslar Barracks Conservation Area and the setting of the designated historic assets at the former Royal Hospital Haslar, as expressed within the Planning Balance (section six) of Mr Barnett's proof. On the matter of heritage impact, I refer to [redacted] proof and rebuttal proof.

4.10 This planning application is made in outline with all matters reserved for future determination except access for which the existing access points are to be used. The layout and elevation plans

are submitted for information only together with a parameters plan to provide an indication of how a development of the scale proposed can be accommodated within the application site.

4.11 The submission of a Reserved Matters application will enable the assessment of the proposed development against Policy DP3 and the Development Plan. Therefore, I do not consider a conflict with DP3(1) or Local Plan Policy LP10 arises at this stage. Indeed, this matter is noted within paragraph 5.15 of Mr Barnett's proof.

Regeneration

4.12 Paragraph 5.7 of [redacted] proof states that *"The Council has serious concerns that the proposed scale of the IRC proposals has the significant potential to detract from these wider regeneration objectives and the potential delivery of the key sites within the Haslar Peninsula Regeneration Area*." This replicates comments contained in the LPA's response to the application. However, neither [redacted] nor [redacted] proofs of evidence articulate how the proposal would have wider negative effects on the Haslar Peninsula Regeneration Area with Richard Whittington's comments at paragraph 7.7 focussed on the application site, which is not within the regeneration area. I have explained in my Proof of Evidence how the existence of Haslar IRC has not prevented substantial investment from coming forward.

4.13 I note paragraph 77 of the Rule 13 Party's Statement of Case confirms that it will *"defer to the LPA"* on the issue of regeneration.

5. Living Conditions of Local Residents

5.1 [redacted] Proof of Evidence reiterates at paragraph 5.17 that *"a development of the scale for which Outline planning permission is sought could be delivered in a manner that would not give rise to significant harm to the residential amenities of the occupiers of neighbouring properties in terms of loss of light, loss of privacy or any overbearing or unneighbourly sense of enclosure."*

5.2 [redacted] Proof of Evidence at paragraph 5.18 confirms the need to manage construction activities through a Construction and Traffic Management Plan. I confirm the Applicant is agreeable to this, and draft conditions have been agreed with the LPA, as contained within the draft Statement of Common Ground.

6. Other Matters and Planning Balance

6.1 The matters considered in this section are to be dealt with through written evidence in accordance with the second inquiry note.

Access and Highways

6.2 The Proof of Evidence of [redacted] was prepared in advance of Hampshire County Council (HCC) as Local Highway Authority (LHA) confirming no objection to the proposed development subject to conditions and planning obligations.

6.3 The Applicant agrees with the draft planning conditions, as contained within the draft Statement of Common Ground. The Applicant agrees to the planning obligations requested by the LHA and will submit a Unilateral Undertaking in advance of the opening of the inquiry.

6.4 Matters in relation to the effect of the proposal on the local traffic network and parking are dealt with as part of the Rebuttal Proof of Evidence issued by [redacted], which confirms the matters agreed with HCC and responds to matters raised in the Proof of Evidence of [redacted] I also note that the Rule 13 Party confirms in paragraph 132 of its Statement of Case that it will rely on the technical evidence before the inquiry, particularly that of the LHA.

Flood Risk

6.5 I note the LPA makes no additional comments on flood risk as the Environment Agency and HCC (as Lead Local Flood Authority) are satisfied that the proposed development could be operated with minimal risk from flooding, would not increase flood risk elsewhere and is compliant with the requirements of national policy and guidance relating to flooding. It is also noted that the Rule 13 Party confirms in paragraph 170 of its Statement of Case that it will be guided by HCC regarding reducing flood risk elsewhere, although at paragraphs 145 to 171 it contends that the Sequential Test and Exception Test are not met. I refer to my proof of evidence in response to this matter.

Ecology

6.6 Matters in relation to ecology are dealt with as part of the Rebuttal Proof of Evidence issued by [redacted] (CD/8.12) of First Horizon. It is noted that there is now agreement between the Applicant and the LPA regarding the provision of any necessary mitigation for reptiles. [redacted] rebuttal Proof of Evidence explains how any necessary mitigation required in relation to bats can be secured by planning condition and an Addendum ECIA Letter (CD/3.25) explains that updated protected species surveys (bat and reptile) demonstrate that no additional protected species surveys are required to determine the level of mitigation required. The letter concludes that *"Suitable mitigation measures can be incorporated into the proposed application to avoid/ mitigate any potential impacts to the above discussed ecological features and to demonstrate 'no biodiversity net loss' in accordance with NPPF and local planning policy. Maintenance of favourable conservation status can also be demonstrated for resident protected species i.e. Bats & Common Reptiles. As such, no residual impact/ likely significant effect can be expected which would prevent determination of a planning application or development of this site."*

6.7 Referring to paragraph 5.19 of [redacted] Proof of Evidence, confirmation of habitat creation and enhancement at Stubbington is attached at Appendix B demonstrating that mitigation has been secured.

6.8 It is also noted that the Rule 13 Party confirms in paragraph 172 of its Statement of Case that it will not call evidence on ecology issues, although it sets out its concerns in paragraph 172 to 188.

Redactions

6.9 Paragraph 1.5 of the Proof of Evidence of [redacted] states that the Council is *"extremely concerned about the level of redaction of details on the submitted drawings and supporting*

documents, which make a thorough assessment of the proposals very challenging." Notwithstanding this concern, Gosport Borough Council in its capacity as LPA has received the unredacted Application documents and states *"it is able to consider the evidence to see how it impacts upon the issues highlighted by the Inspector in the Pre-Inquiry Note dated 6 October 2026 and to respond accordingly."*

Planning Balance

6.10 In paragraph 6.7 of Mr [redacted] proof he suggests that the national benefits from the proposed development will have *"a more limited local benefit to the Borough"* which appears to reduce the significance, and the weight Mr [redacted] applies to these benefits in the planning balance. He concludes in paragraph 6.10 that the public benefits "to the Borough" do not outweigh the harm.

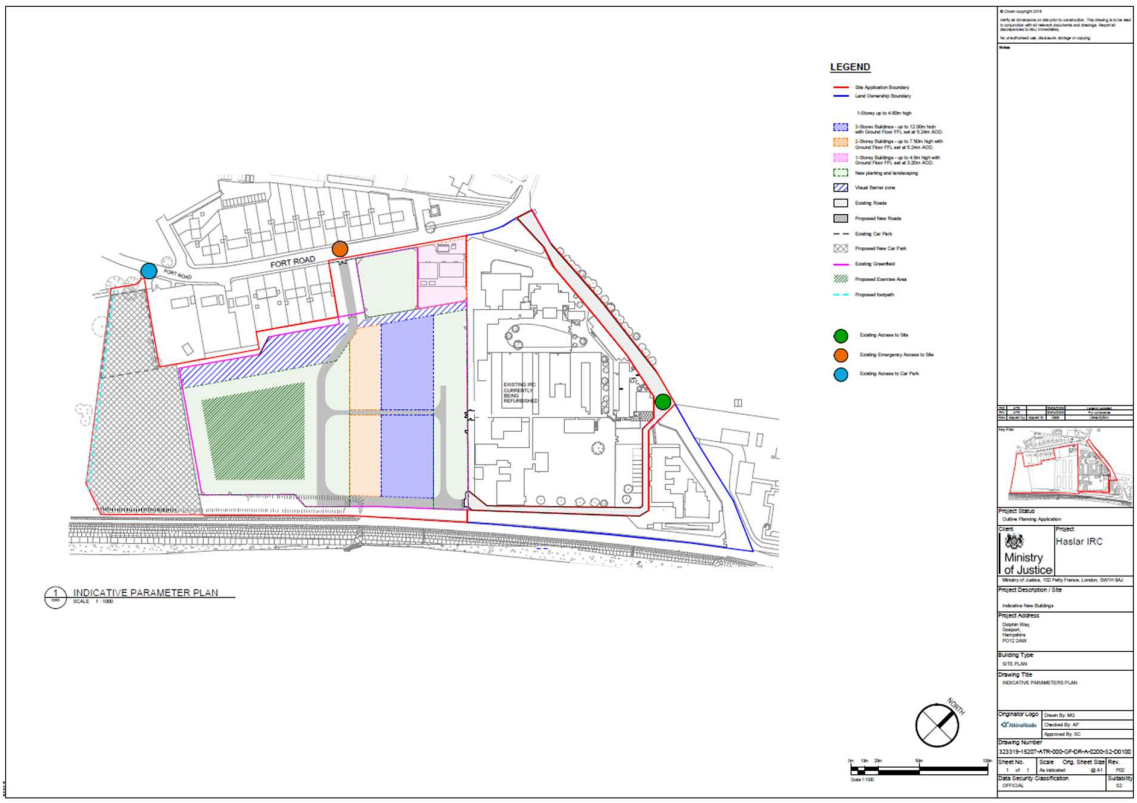
6.11 I do not consider this is the correct test. Public benefits are not confined to the local authority area. Additionally, Policy HC4 directs that substantial weight should be given where new public service infrastructure is proposed. Accordingly, I consider Mr [redacted] does not give sufficient weight to the benefits associated with the proposed development.

6.12 I note that in carrying out a planning balance assessment, Mr [redacted] identifies three areas of harm – harm to the Conservation Area and Heritage Assets, the potential harm to the delivery of regeneration sites and harm to protected species.

6.13 Balanced against these harms (or potential harms) the LPA considered the proposed development is acceptable in principle and is located within an existing settlement. There is agreement that the proposal can be developed without unacceptable impacts on archaeology, flood risk, BNG, pollution and contamination. There is no objection from the highways authority. I also note that in relation to protected species, Mr [redacted] himself accepts that an alternative reptile strategy could be secured by condition (para 5.24). Additionally, the LPA makes "no additional comments" on bats.

6.14 Policy S4 directs applications within settlements to be approved *"unless the benefits of doing so would be substantially outweighed by any adverse effects*". I set out in my proof of evidence the weight afforded to benefits associated with the proposed development, which I consider to significantly outweigh the impacts of the proposed development.

Appendix A – Indicative Parameter Plan



Appendix B – Confirmation of Habitat Creation and Enhancement

Confirmation of Habitat Creation and Enhancement

Internal Conservation Covenant and Site Reference: Wild Stubbington Brent Geese

Client: Wild Capital

Client ref for site: BGS-250425002

Phase: NA

As a Responsible Body designated under the Environment Act 2021 by Defra, we are issuing this form as confirmation of implementation under the requirements of the Biodiversity Net Gain system in England and any requirement of the conservation covenant signed and held with ourselves.

Report/Evidence File Title: Stubbington Establishment Evidenced WC.pdf

Date Received: 24.6.26

Site Visit: Not deemed necessary

Date of Responsible Body Confirmation of Creation and Enhancement: 24.6.26

Future Anniversary date [Start of Management and Monitoring Period]: 18.3.26

Expected end date of 80 year Management and Monitoring Period: 17/3/2106.

Authorised and signed for RSK Biocensus:

Name:
Signature: [redacted]

Role: Director and Lead for Responsible Body
Date: 24.6.26

Standard Certification of Implementation V1.2 June 2025



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