Rebuttal Proof of Evidence

[redacted]

Senior Responsible Owner
Immigration Removal Centre Expansion Programme
Haslar Immigration Removal Centre (IRC) Phase 2

Crown Development Application CROWN/2026/0000005

November 2026

1. INTRODUCTION

1.1 This rebuttal proof responds to Main Issue One: Operational Need raised within the Statement of Case of the Rule 13 Party as well as the Proofs of Evidence of [redacted] This rebuttal does not respond to the Proofs of Evidence in relation to planning matters as these are dealt with by [redacted] Rebuttal Proof of Evidence.

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 (CD10.3). The draft SOCG sets out the planning policies in the development Plan, emerging plan and NPPF where there is agreement between the LPA and the Applicant and where there remains an issue between the parties.

2. OPERATIONAL NEED

2.1 No Detention No Haslar argues that the ending of the French “one in, one out” pilot undermines the operational case for additional detention capacity. That conclusion does not follow. The requirement for 1,000 additional places was identified and approved before the French pilot existed. The pilot was therefore not an assumption underpinning either the expansion programme or Haslar Phase 2’s proposed 470-place contribution.

2.2 More fundamentally, ending one returns mechanism does not remove the underlying returns requirement. It may change the route or timing by which some individuals are returned, but those individuals remain within the immigration system and, where they have no lawful basis to remain, their return must be progressed through other lawful routes. The programme addresses demand and resilience across the returns system, including Foreign National Offenders, visa overstayers and failed asylum seekers outside the small-boats cohort. It was not predicated on one mechanism or cohort.

2.3 Nor do headline occupancy figures demonstrate surplus capacity. Physical bed numbers are not equivalent to usable operational capacity. Beds may be unavailable because of cohort compatibility, healthcare and safeguarding requirements, single-room occupancy, maintenance, contingency and the operational headroom required to respond to fluctuations in demand and priority activity.

2.4 The Department has also substantially increased its operational returns capability. As that capability has grown, the availability of usable detention capacity has become an increasingly important constraint on increasing lawful returns activity.

2.5 Haslar Phase 2 would provide 470 of the approved 1,000 additional places. The requirement was considered and approved through the Department’s established business-case and assurance processes and remains the Department’s assessed operational requirement. Haslar was identified, following consideration of alternative sites and capacity options, as a deliverable and operationally suitable location.

2.6 Non-delivery would leave almost half of the approved programme uplift unmet, reduce resilience across the detention estate and materially constrain the Department’s ability to increase lawful returns. Whether any individual is detained remains a separate, case-specific decision, subject to the presumption in favour of immigration bail, assessment of removability and vulnerability, regular review of the lawfulness of continued detention and the Hardial Singh principles.

2.7 The availability of detention capacity alone does not determine whether an individual is detained; detention decisions remain a separate case-by-case process in accordance with the statutory framework and published policy.

2.8 The Rule 13 witnesses raise various concerns about immigration detention policy and about welfare and detention conditions. In my main proof I have explained the way in which these matters are addressed by Home Office policies and processes. Since they are not planning matters, I do not address them further here.

[redacted]

November 2026