

Submissions on the Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 (SI 2024/411) and the Town and Country Planning (Former RAF Scampton) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 (SI 2024/412), and government response

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Submission from Colin West, Wethersfield resident and Parish Councillor

The Home Office has this week laid a Special Development Order to permit the development and use of the airbase at former RAF Wethersfield in Essex to house up to 1700 asylum seekers for three years from April 11th 2024.

The base is currently home to around 550 asylum seekers under emergency use legislation which expires next month.

The Home Office should have applied properly for planning consent through Braintree District Council - they have had the last eleven months to do so. However, they do not wish to engage with the local residents or their representatives, nor with the potential downside risks of using the airbase. They have spent the last year obfuscating, avoiding engagement, and making errors in announcements which may be mistakes or may be deliberately misleading.

We are stymied in possible communication with our MP as he is the Home Secretary and cannot be involved. His minister, Tom Pursglove, who should deal with the matter ignores communications on the subject.

The operation of the base to date has been expensive - set up costs of nearly ten times the estimate of £5m - and problematic with behavioural and mental health issues for the asylum seekers housed there. The estimated saving compared to using hotels for the next three years is £0.5m, which is a small sum and which experience would tell us is grossly optimistic. It is based on a capacity of 1700, and recent announcements have said that the base will run at only 800 for the foreseeable future. There will be no financial saving from using the base, it will be more expensive than using hotels - so why do it?

More worryingly, the use of an SDO to facilitate by-passing awkward issues will allow denial of serious environmental issues. I will mention only one - the presence of polyfluoroalkyl substances (PFAS, also known as forever chemicals) which are present in the soil and groundwater on and around the base. These chemicals are bad news for the health of fauna generally and humans specifically. They were used on the base for firefighting training and demonstrations over several decades from 1952 until a few years ago.

Hotspots of PFAS have been identified around the base. The Home Office will not allow sampling on the base. There is therefore no knowledge to inform an environmental assessment nor a safety assessment of occupation of the base by hundreds of asylum seekers and dozens of staff to service their accommodation. Building works will also release PFAS into the agricultural and residential areas around the base as well as into water courses which will transport them widely downstream through Essex to the sea.

Please consider challenging the SDO and getting the government to debate the matter such that they have to face the facts before waving through permission to use the base, cost taxpayers unnecessary money, risk damage to local wildlife and biodiversity, and risk the health of asylum seekers and workers on the base.

22 March 2024

Submission from Sally Grindrod-Smith, Director Planning, Regeneration and Communities, West Lindsey District Council

Former RAF Scampton is one of the best-preserved examples of the 'Expansion Period' airbase and as such is considered to be of national significance. Not only is the physical site exceptionally well preserved with the C-Type Hangars and Officer's Mess being Grade II Listed, but it is also of significant social importance due to its association with the Dambusters, 617 Squadron and Guy Gibson.

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The Central Lincolnshire Local Plan was formally adopted in 2023 by the Central Lincolnshire Joint Strategic Planning Committee and is therefore considered to be up to date. The plan makes specific provisions for the site of RAF Scampton, providing a positive vision for the area addressing economic, social and environmental priorities in conformity with requirements of the National Planning Policy Framework.

Due to the remarkable historical status of the site, there remains significant public interest in the site and its future. As such, the Council have been clear that the use of a Special Development Order as a planning tool is entirely inappropriate and fails to ensure extensive and robust consultation be undertaken as part of the decision-making process.

This intentional circumvention of the planning process has been evidenced through the National Audit Office investigation into asylum accommodation which not only concluded that the policy approach to the development of large sites could not be deemed value for money, but that the Home Office acknowledges that stakeholder engagement was limited, and emergency planning powers were used ahead of thorough consultation with key stakeholders.

West Lindsey District Council made a comprehensive representation to the Home Secretary prior to the Order being laid. See attached. In summary and following a thorough assessment of the information provided to the Council, it is concluded that the Special Development Order proposal presents an extreme departure from the adopted Local Plan and guidance within the National Planning Policy Framework.

With the laying of the Order it is now possible to understand the conditions which have been imposed on the Home Secretary in order to mitigate the impact of the proposal. It is clearly unprecedented to have such an Order, urgent by nature, with almost thirty complex conditions associated, some of which are to be discharged ahead of use of the Site for asylum accommodation purposes.

The Order makes provision for the Secretary of State for Department for Levelling Up Homes and Communities to approve the discharge or amendment of these conditions.

It is unclear from the drafting of the Order, how, if at all, it is proposed that local stakeholders, such as the Local Planning Authority will be engaged in the discharge or oversight of such conditions. Naturally our communities will turn to the Local Planning Authority to ensure conformity with such critical conditions, which are in effect being relied upon to mitigate the

serious impacts of the development proposal, yet there is no role afforded to key local stakeholders.

In summary, West Lindsey District Council have been very clear from the outset that the site of RAF Scampton is not suitable for the provision of asylum accommodation. The use of a Special Development Order seeks to circumvent due process and presents an extreme departure from adopted local and national planning policy.

3 April 2024

I. Introduction

This evidence relates to SI 2024/411 (more fully referenced above) (“**SDO**”) and has been compiled by the following organisations who wish to raise a number of policy concerns with the Committee:

- The Wethersfield Airbase Scrutiny Committee (formed by Wethersfield Parish Council under the Local Government Act 1972), which comprises representatives of 13 parish councils whose parish boundaries surround Wethersfield Airbase in North Essex (“**WASC**”);
- The Fields Association, a residents association representing local residents and businesses adjacent to Wethersfield Airbase and within the wider Braintree district;
- The Helen Bamber Foundation, a medical and legal charity working with survivors of torture and trafficking whose clinicians have carried out suitability assessments of people in Wethersfield (“**HBF**”);
- Humans for Rights Network, an organisation providing complex casework and access to justice for asylum seekers and migrants in the UK (“**HfRN**”). HfRN has over 350 clients in Wethersfield to whom it has provided or is in the process of providing casework support;
- Care 4 Calais, an organisation providing direct aid and I-I casework support to individuals accommodated in Wethersfield (“**C4C**”); and
- Rainbow Migration, an organisation supporting lesbian, gay, bisexual, trans, queer and intersex (LGBTQI+) people through the asylum and immigration system (“**RM**”).

Evidence has also been provided by local volunteers currently providing conversational English sessions on site.

2. Executive Summary

In summary the policy concerns we wish to highlight to the Committee and which we consider to be of interest to the House as per the Committee’s Term of Reference (“**ToR**”) are as follows:

- Unsuitability of the site due to its isolated location, prison like surroundings and large number of residents compared to the local community, preventing community cohesion, and causing harm to the mental well-being of the residents. (Paragraph 3(a) ToR)
- Lack of safety for those who live and work at the site, due to the way it is being operated, the unsuitability of the accommodation and the large number of

vulnerable asylum seekers being housed there, all of which is resulting in significant harm being caused to them. (Paragraph 3(a) ToR)

- Use and operation of the site does not provide value for money, nor has there ever been any intention for the site to do so. This is highlighted in a recent report by the National Audit Office which revealed actual set up costs for Wethersfield were 10 times higher than budgeted and the Home Office was aware prior to development of the site, that successful delivery to time, cost and quality was unachievable. (Paragraph 3(a) ToR)
- Failure to set out the planning justification for the grant of planning permission in conflict with national and local planning policies or to engage with local communities, the Local Planning Authorities and other statutory bodies. (Paragraph 3(a) and 3(d) ToR)
- The conditions set out in the SDO indicate the potential inadequacy of, inter alia, water supply, drainage, concerns regarding safety from historic contamination, radiation and unexploded ordnance, yet the order permits the continued use of the site prior to the assessment of those important matters. (Paragraph 3(a) ToR)
- The SDO process undertaken means that there has been no opportunity for scrutiny of, or input into, the planning conditions to which the SDO is subject. The parliamentary process in relation to SDO's means that Parliament can either let the SDO continue, or annul it. Parliament has no power to amend it. (Paragraph 3(a) and 3(e) ToR)
- The Home Office's deliberate avoidance of submitting a planning application in the usual way, via the Local Planning Authority, excludes any meaningful scrutiny of, or community consultation regarding, the impact of these proposals and bypasses the usual planning controls. The SDO has also been laid at almost the last opportunity to do so, despite Home Office knowing since at least October 2023 that an SDO would be sought (Paragraph 3(a) and 3(e) ToR)
- The SDO grants Home Office planning permission (subject to certain conditions), to construct or convert buildings for training facilities relating to any of the Home Secretary's functions. No details of this broad use have been provided. (Paragraph 3(d) ToR)
- The SDO refers to the decision by the Secretary of State that the development will not be EIA development as defined in regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment Regulations 2017). Given the large number of planning conditions attached to the SDO, this decision is surprising. A copy of the screening direction carried out in early February 2024 which concluded that this was the case, together with a copy of the information submitted as part of the screening request, should be made publicly available. (Paragraph 3(d) ToR)

- The SDO is subject to numerous planning conditions which need to be fulfilled either prior to any service user being accommodated on site, or prior to the number of service users increasing above 580. Given that the site is already operational with 645 residents on site (as at 28th March 2024), details of how the planning conditions have been fulfilled (if they have been), should be detailed in Schedule I and made available as part of the SDO. (Paragraph 3(d) ToR)

3. Unsuitability of the Site – Location

- 3.1. Wethersfield is situated in rural Essex. Wethersfield Airbase sits 9 miles from the nearest town by road and 1.7 miles from the nearest village of Wethersfield, with no easy safe walking access into the village. Wethersfield is a third tier village within the local Councils hierarchy which means it lacks most of the facilities required to meet day to day needs, with very poor rural public transport links. A bus service is provided by the site operator and runs from the Airbase to nearby towns each day (Braintree 9 miles, Chelmsford 21 miles, Colchester 25 miles). However, with nothing to do within easy or independent reach of the site, a very high level of boredom is noted among the men who are accommodated there, which has significant consequences on both the safe operation of the site and the men's mental health as detailed below. In addition, the bus services provided are regularly oversubscribed with residents reporting difficulties registering to leave the site via the service.
- 3.2. The Parish of Wethersfield has a population of 1,298 (the village itself has 700) and the SDO proposes to locate up to 1,700 men on the site. This disparity in numbers makes it very difficult for those housed at Wethersfield Airbase to be integrated within the local community.
- 3.3. James Cleverly, MP for Braintree and Home Secretary, expressed concerns that its remote location and surroundings "would mean the site wasn't appropriate for asylum accommodation."
- 3.4. The Home Office's own Community Impact and Insight Assessment of the site⁸ states that "as this is a rural location there is no street lighting – this has the potential for accidents once the site is occupied." With the warmer weather recently, it has already been evident that more of the site's residents are starting to walk into the villages of Wethersfield and Finchingfield, with no street lighting and footpaths only in certain areas, this potential for accidents recognised by the Home Office has not been addressed.

⁸ See Appendix A

- 3.5. There is a clay pigeon shooting range nearby, from which gunshots can frequently be heard and the SSHD's EIAs recognised that the nature of Wethersfield, as a former military barracks, means that *“for some asylum seekers these associations may trigger memories of past trauma in their home countries, which is why the site may not be suitable for those who are vulnerable or have serious mental health needs”*. Many residents report this impact directly to Care4Calais who have provided one-to-one casework support to 197 residents of the site thus far and run a twice weekly drop-in session in a local town for any residents that wish to attend. Attendance rates at the drop-in vary between 40 to 200 people for each session. The institutional, military environment is regularly described as like a “prison” which reminds people living there of past experiences of arbitrary detention, modern slavery, trafficking, torture and/or serious physical harm. Particularly stark are reports from those housed on site who explain they never considered themselves to experience mental health concerns prior to being moved there.
- 3.6. Local volunteers provide twice weekly conversational English sessions on the site and hope to introduce music and gardening sessions. However, these initiatives are limited by the restricted pool of volunteers available to help within such a small community and the lack of support and funding from the responsible statutory agencies. Frequently some of the men who wish to attend these sessions are turned away due to lack of capacity in the room provided on site, and the number of volunteers available. The sessions are not run during school holiday periods and there is a concern amongst the volunteers that when these on-site sessions are unavailable the mental health of some of the learners will be impacted further. Whilst the local volunteers wish to help as much as possible, what can be offered to such a large group of men is very limited and relies on the goodwill, ability and stamina of volunteers to continue provision of this support.
- 3.7. The prison-like setting of the site can be particularly retraumatising for LGBTQI+ people seeking asylum, who may have been arrested, detained, imprisoned, tortured or otherwise persecuted by the state in their country of origin for being LGBTQI+. The geographic isolation of Wethersfield acutely impacts LGBTQI+ people seeking asylum, who are often particularly isolated, as many have been rejected by their families and may have limited support networks in the UK. Being accommodated far from any potential LGBTQI+ support groups, community networks or support services can exacerbate these issues. These concerns are also highlighted in RM's report, “Risks to LGBTQI+ people initial and contingency accommodation”⁹.

4. Unsuitability of the Site – Environmental Concerns

⁹ [Rainbow Migration's briefing on the risks to LGBTQI+ people in initial and contingency accommodation - Rainbow Migration](#)

- 4.1. A Geo-Environmental Report carried out by consultants, Buro Happold in April 2023¹⁰, on behalf of WASC identifies 20 potential sources of contamination which could be present **almost anywhere on the site** due to its history as an RAF and USAF base. The report highlights how a thorough assessment of risks needs to be carried out and plans to manage contamination need to be in place before **any development** occurs on site. In addition to the Buro Happold Report, ground condition reports commissioned by the Ministry of Justice in connection with the site, namely the Stantec – New Prisons, Preliminary Grounds Conditions Assessment dated September 2022¹¹ and the Mace Group Feasibility Report dated 25th February 2020¹², both identify a high risk of contamination due to historic use of the site. The Mace report also recommends that “more detailed than usual contamination surveys will be required to determine the location, extent and type of contamination and what the remediation works might be.” All three of these reports were reviewed by the Home Office in March 2023, prior to their occupation of the site. It is therefore of concern that ground contamination is only now being dealt with as a condition of the SDO if the number of service users is increased above the seemingly arbitrary number of 580. One of the main site control measures in relation to Land Contamination for those already living on site (referred to in Schedule 3, paragraph 14 (b) of the SDO) is signage encouraging good hygiene procedures such as hand washing or sanitation before eating, which given the potential risks identified, does not seem adequate. In failing to address the concerns raised in these land condition reports, the asylum seekers, site staff and volunteers have been, and are currently, at a high risk of serious ill health due to exposure to potential class I hazards. This is in breach of the Home Office’s commitment to provide safe housing for asylum seekers and also safe working conditions for its employees and volunteers. The SDO acknowledges some of these issues, a year too late, however its conditions still fall short of making the site safe.
- 4.2. Concerns regarding the adequacy of the sewage system were highlighted to the Home Office in March 2023, by Ground Control, the owners of a large area of land bordering the Airbase boundary.¹³ The report by Ground Control provided evidence of overflowing manholes as a result of sewers running from the Airbase to the Wethersfield Water Recycling Centre and expressed concerns that the Home Office proposals to house a significant number of people at the base would “exacerbate the current situation” causing “more frequent environmental impacts”. Belatedly these concerns are now being addressed as a planning condition of the SDO, but only if the number of service users is increased by more than 580.

¹⁰

<https://static1.squarespace.com/static/61d89f42895b8835d83c2663/t/643ec1738ff2cf40b270a5f5/1681834377279/Geoenvironmental+Desk+Study+report+18+April+2023.pdf>

¹¹ See Appendix B

¹² See Appendix C

¹³ See Appendix D

- 4.3. The SDO refers to the decision by the Secretary of State that the development will not be EIA development as defined in regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment Regulations 2017). A copy of the screening direction carried out in February 2024, together with the information submitted as part of the screening request should have been made publicly available as part of the SDO process.
- 4.4. The screening direction issued by the Secretary of State in relation to the initial development of the site for a 1-year period concluded that this was not EIA development due to the limited impacts of the temporary 1 year use of the site and because only minimal groundworks for connection of utilities would be required. The current Screening Direction is surprising given that the development is now being authorised for a further 3 years and the Home Office is aware that more extensive groundworks than originally envisaged, have already and may in the future, need to be carried out to deal with (in particular) the drainage difficulties on site. Typically, development of this scale has required an Environmental Statement, which would need to be considered in advance of the SDO. For example, when the Ministry of Justice submitted a screening opinion to the Local Planning Authority at the end of 2021 for the use of Wethersfield Airbase for one or two proposed prisons, each housing 1700 inmates, it fully accepted that an EIA would be required due to the extensive potential environmental effects of the proposed development. Many of the same considerations apply to the Home Office's current proposals for the site, particularly given that the SDO authorises the construction of up to 4631 sq metres of modular buildings and operational development works including provision of foul water drainage, new substations and fuel storage tanks. Several of the planning conditions to which the SDO is subject would have more appropriately been dealt with within the scope of an EIA, allowing for these issues to be considered fully and transparently providing a measure of accountability to the public.

5. Unsafe operation of the site and harm to asylum seekers

- 5.1. Letters from David Neal, the then Independent Chief Inspector of Borders and Immigration, to The Rt Hon James Cleverly dated 20th December 2023 and to Tom Pursglove MP dated 9th February 2024¹⁴ raise serious concerns regarding the safe operation of the site. In both letters, David Neal highlights the lack of purposeful activity on site and the deleterious effect this has on residents' mental health leading to a heightened risk of disorder. He refers to witnessing "an overwhelming feeling of hopelessness caused by boredom which invariably, in my opinion, leads to violence." He warned that if numbers were increased from 555 to 800 men on site as was at that time planned this would "increase the risk of a serious incident

¹⁴ See Appendix E

impacting on the safety and wellbeing of Home Office Staff, contractors and service users onsite”.

- 5.2. A recent letter from Tom Pursglove MP to The Rt Hon James Cleverly dated 16th March 2024 confirms that the Home Office have “taken into account lessons learnt as we have increased our occupancy on site at Wethersfield” and have made a decision to cap the regular occupancy at 800 service users. This fails to recognise the safety risks of increasing numbers to 800 highlighted by David Neal and it is concerning that the decision to cap numbers at a lower level than 1700 is not reflected at all in the wording of the SDO.
- 5.3. The recent report by the National Audit Office, Investigation into asylum accommodation 20 March 2024¹⁵, (the “**NAO Report**”) highlights incidents of unrest at Wethersfield, including hunger strikes and reports of fights and vandalism. The letter from David Neal to Tom Pursglove MP dated 9th February 2024 also refers to the attempted suicide of a service user on site in January 2024. Since January 2024 HfRN is aware of at least 5 separate attempted suicides by men in Wethersfield. C4C reports safeguarding concerns relating to the welfare of residents of the site to the relevant authorities (namely the Home Office, the accommodation provider Clearsprings Ready Homes, Migrant Help and the local authority adult safeguarding team). Currently staff and volunteers are raising and/or escalating existing reports on a near daily basis, which has been the case for a number of weeks. Most reports relate to instances of attempted suicide and/or self-harm and/or people expressing suicidal ideation, hopelessness and despair.
- 5.4. Room sharing, and the resulting lack of privacy and safeguarding concerns, is an intrinsic feature of Wethersfield. Yet the NAO Report notes that “since June 2023, the Home Office has recorded room-sharing as a potential factor in safeguarding incidents. By the end of January 2024, it had identified 857 incidents where room-sharing was considered as a potential factor including nearly 283 incidents involving suicide or self-harm”.
- 5.5. RM have documented the risks of room sharing for LGBTQI+ people seeking asylum, including abuse and harassment, both from others in the accommodation and from staff. RM have found homophobic, biphobic and transphobic harassment to be systemic in initial and contingency accommodation; their report on *LGBTQI+ people’s experience of immigration detention*, conducted with the University of Brighton, highlights examples of LGBTQI+ people having to share locked rooms with people who were openly abusive towards them as LGBTQI+ people, including people only being removed from dangerous room-sharing situations once verbal abuse had escalated to physical¹⁶. The Government in response to the Women and Equalities Committee inquiry (June 2023) into equality and the asylum process has stated¹⁷ that ‘where a Service User is identified as vulnerable or at risk (which may include LGBT Service Users), the Provider is obligated to specify how the Accommodation

¹⁵ <https://www.nao.org.uk/wp-content/uploads/2024/03/investigation-into-asylum-accommodation.pdf>

¹⁶ [LGBTQI+ people’s experiences of immigration detention: A pilot study - Rainbow Migration](#)

¹⁷ [Equality and the UK asylum process: Government response to the Committee’s Fourth Report \(parliament.uk\)](#)

Proposed is [sic] meets their specific needs... Service Users who the department or the Provider have identified as having specific needs or being at risk... are not to share sleeping quarters with other unrelated adults.’ RM is concerned that this is not happening in practice, and neither the Home Office nor accommodation providers are adequately recognising that LGBTQI+ people are vulnerable or at risk of harm in shared rooms or ex-military sites, nor providing suitable accommodation as soon as they become aware of the fact.

- 5.6. A report was published by The Helen Bamber Foundation and Humans for Rights Network in December 2023, entitled *Ghettoised and Traumatised: The experience of men held in Quasi-Detention in Wethersfield*¹⁸. This report highlights their findings, via clinical assessment and casework, that the use of Wethersfield for men seeking asylum has already caused irreparable and profound harm to the service users. They found that men held there have reported anxiety and depression, suicidal ideation, intense desperation and fear, self-harm and acute sleep deprivation, due in part to the following factors:
- 5.6.1. *“Isolation:* Wethersfield’s remote location and restricted access exacerbates feelings of detachment from society, while lack of adequate facilities heighten tensions in the site as more men are placed there;
 - 5.6.2. *Detention-like setting:* The camp’s resemblance to a prison, with barbed wire and surveillance, triggers traumatic experiences among residents, many of whom have had experiences of other ‘camps’, in Egypt and Libya for example;
 - 5.6.3. *Lack of privacy and shared facilities:* Overcrowded living conditions significantly impact residents’ mental health, and increase the risk of communicable diseases spreading;
 - 5.6.4. *Inadequate healthcare:* Healthcare services are insufficient, with concerns about the lack of trauma focused support and barriers to accessing care.”
- 5.7. Feelings of anxiety amongst those housed at Wethersfield are heightened because of the lack of certainty regarding their futures, due to the changes in the asylum system to be introduced by the Illegal Migration Act 2023 and the concern regarding the Government’s Rwanda policy. No legal advice surgeries are being provided in Wethersfield and the effect this uncertainty is having on the residents’ mental health is reflected within the HBF and HfRN report and has also been witnessed by the local volunteers. C4C also supports several individuals who report that staff members of the site, in particular the welfare teams, regularly make threats to residents’ asylum claims as a way to manage the site. For example, suggesting that reporting mental health concerns will negatively impact their claims, threatening that residents will be deported, sent to Rwanda, or forced to leave and become homeless. This exacerbates existing feelings of insecurity, anxiety, and fear amongst residents.

¹⁸ https://www.helenbamber.org/sites/default/files/2023-12/HBF%20HRNF%20Ghettoised%20and%20traumatised_report%20on%20Wethersfield_December23.pdf

5.8. Whilst those involved with the asylum centre at Napier Barracks have reported an improvement in conditions there since it was first opened, this has primarily been attributed to the reduction in number of occupants together with a restriction in the length of time men are housed there to between 60 and 90 days with an assurance that their asylum claim will be progressed and/or they will be moved on to dispersal accommodation (a house or flat share) during that time. These restrictions were introduced following the case of *R (NB & Ors) v Secretary of State for the Home Department* [2021] EWHC 1489 (Admin), in which Mr Justice Linden ruled on 3rd June 2021 that:

- 5.8.1. The accommodation at Napier barracks was inadequate in that it did not meet the minimum standards required by the Immigration Act 1999 Section 96 IAA;
- 5.8.2. Both the process for selecting people to be sent to Napier Barracks, and the process for monitoring their ongoing suitability whilst there, were flawed and unlawful;
- 5.8.3. From 15th January 2021, when residents were given an order not to leave the site until they were permitted to leave, the claimants were unlawfully detained, both under common law and under the European Convention of Human Rights.

The Court found that if the barracks were going to continue being used then there would need to be “substantial improvements in the conditions there, and lower numbers of asylum seekers living there for significantly shorter periods, with measures to reduce the risk of Covid infection which are consistent with PHE advice”.

Despite this ruling and the experience at Napier Barracks, the number of asylum seekers the Home Office has chosen to accommodate at Wethersfield is far greater than those accommodated at Napier. Furthermore, asylum seekers can be housed at Wethersfield for 9 months with their asylum claims not being progressed at all during that time.

5.9. The HBF and HfRN report also highlights that the ‘screening process’ for deciding who should be placed in Wethersfield is fundamentally flawed. The SSHD’s Equality Impact Assessments, conducted in March 2023, prior to Wethersfield becoming operational, and in December 2023, six months into its use, identified the barracks as “unlikely to be suitable” for asylum seekers who had experienced past trauma, physical and mental disability, and complex health issues including serious mental health problems where there is a high risk of suicide or serious self-harm or harm to others. The assessments found no practical adjustments could be implemented to make the barracks suitable for physically and mentally disabled asylum seekers. However, lawyers Deighton Pierce Glynn have represented approximately 70 individuals accommodated at Wethersfield, of whom 80% have been transferred out as they were victims of trafficking, victims of torture or individuals with severe

mental health problems who were unsuitable to be accommodated there. Between Wethersfield opening and the end of January 2024, 231 people were wrongly moved to Wethersfield and subsequently moved out having been identified as unsuitable by the Home Office in line with the Allocation of Asylum Accommodation Policy.¹⁹

- 5.10. HfRN has also identified 16 children wrongly treated as adults and placed at serious risk of harm there.
- 5.11. Whilst local volunteers do not initiate conversations with the men regarding their mental wellbeing or the facilities at Wethersfield, they have reported that in the course of their interactions, the men frequently express dissatisfaction with the lack of wifi, boredom (many report sleeping for large periods of the day as there is nothing else to do), dissatisfaction with the food and not being able to cook their own food, equipment in the gym being constantly broken and feelings of despair and depression. These concerns were also highlighted in the HBF and HfRN report.
- 5.12. One of the planning conditions attached to the SDO is the provision of a low-level trauma-informed mental health support service and confidential health advice on site. However, Medecins Sans Frontieres and Doctors of the World have been providing mobile health clinics outside the gates to Wethersfield due to concerns over the adequacy/existence of this on-site health provision.
- 5.13. Multiple legal challenges have been issued by asylum seekers accommodated at Wethersfield and four have been selected as lead claimants to proceed to a substantive hearing in July 2024. The Claimants challenge the use of RAF Wethersfield to house asylum seekers on six grounds, including that the Home Secretary has failed to provide a dignified standard of living and that the conditions and regime at Wethersfield amount to unlawful discrimination and create a real risk of a breach of the European Convention on Human Rights. It is also argued that the Home Office has failed to protect asylum seekers from racial violence and harassment.

6. Not Value for Money

- 6.1. The Home Office has stated that intention behind the use of large sites like Wethersfield for asylum accommodation is to reduce the use of hotels and thus reduce costs to the taxpayer. However, the NAO Report identifies the following:
 - 6.1.1. that the budgeted set up costs for the Wethersfield site were £5m, but that the actual cost has been £49m;
 - 6.1.2. the Home Office pursued the large sites programme despite “repeated” assessments by both the Infrastructure and Projects Authority and within its own department that successful delivery of the programme to time, cost and quality was unachievable;

¹⁹ Freedom of Information Request response 6th March 2024, reference: FOI2024/01501

- 6.1.3. the Home Office “prioritised awarding contracts quickly, and modifying existing contracts over fully-competitive tenders”. At Wethersfield this included contracts with Portakabin Limited for £8m, Kier plc (value not recorded) and Clearsprings Ready Homes Limited for £101m which were awarded without using a competitive tendering process;
- 6.1.4. the Home Office has capped the regular occupancy for Wethersfield at 800, (although this is not reflected in the SDO), far fewer than the 1700 it originally planned. The NAO expects that this will reduce the value for money of the site by around £54m.
- 6.2. The Accounting Officer Advice in relation to the Asylum Accommodation at Wethersfield dated 24th March 2023 and addressed to Tricia Hayes, Second Permanent Secretary²⁰ assumes that 1,700 bedspaces will be available with an 85% occupancy rate, i.e. 1,445 occupants over 5 years. Given that we understand the Home Office is looking to now reduce occupants to below 580, we anticipate the value for money justifications of the site will drop below even the figure referred to in the NAO Report.
- 6.3. As referred to in section 4 above, concerns regarding the suitability of the site in particularly in relation to contamination and the capacity of the sewage network were highlighted to the Home Office prior to its occupation of the site in March 2023, but at that time were dismissed. These issues (together with others) are now being addressed in planning conditions attached to the SDO and are likely to increase the costs of developing the site further.
- 6.4. An internal Home Office e-mail dated 7 February 2023²¹ recommends that the Second Permanent Secretary reserves the lease from Portakabin of up to 1130 bedspaces for a period of 12 months at a cost of up to £72 million. The intention to pay £175 per person per night to lease a bedspace within a portacabin for use at sites such as Wethersfield, clearly demonstrates value for money in comparison to hotel use was never a priority.

7. Planning Objections to use of the Site

- 7.1. As no planning application to the Local Planning Authority has been made, despite the Home Office having sufficient time to do so, it is unclear how the Home Office justifies the development in conflict with national and local planning policies. Section

²⁰ See Appendix F

²¹ See Appendix G

55 of the Town and Country Planning Act states that without adequate justification proposals should be determined in accordance with the development plan.

- 7.2. There are compelling planning objections to the development and there is no indication that these have been addressed. The airbase is in a remote location and fails to meet the national policy of locating major development in accessible locations to ensure all development is sustainable. Moreover, the site is outside any area allocated for development and should thus be treated as open countryside where only uses and buildings compatible with such rural areas, (such as farm buildings and local enterprise), would be permissible. The SDO permits a precise figure of 4631sq m of floorspace over the base level of existing military buildings. In effect, assuming all existing buildings are retained, this could amount to around 50 portable buildings of poor appearance set in open countryside.
- 7.3. The SDO contains several conditions which require further details to be submitted should more than 580 service users be accommodated on the site. There is no information as to why this figure has been chosen but these details involve the submission of an unusual level of detail, to include such matters as land contamination, drainage, drinking water, an Operational Management Plan (with very detailed requirements relating to policies on such matters as local activities and standards of behaviour) and a phasing scheme of facilities and services. These concerns should have been addressed before first occupation of the site and not after an arbitrary level of 580 service users has been reached. In any case, it is understood that this level has already been exceeded so that a breach of planning control is likely to occur once the SDO comes into effect.
- 7.4. Furthermore, the SDO gives consent to the development but requires further details to be submitted to the Secretary of State regardless of the 580 threshold being reached. These include a travel plan (before 11 July 2024) a detailed construction and environmental management plan (before any work commences), site control measures, radiological and unexploded ordnance surveys and risk assessment measures.
- 7.5. The extent of the SDO demonstrates that the use commenced in April 2023 without proper assessment of planning matters or any assessment of local impact and that there are some very important planning issues outstanding some of which are having to be addressed belatedly through planning conditions imposed by the Secretary of State. Whilst it is accepted that some matters pointed out by local communities and the LPA from the outset are now acknowledged as being material considerations, the use should not be permitted to continue until all these matters and other key issues have been properly addressed and the local communities given an opportunity to become fully engaged.

8. Deliberate use of planning processes to exclude all public comment and consultation

- 8.1. The decision to use Wethersfield Airbase to accommodate asylum seekers was formally made by the Home Office in March 2023 and was initially carried out as permitted development under Class Q of the Town and Country Planning General Development Order 2015, which permits emergency development on Crown Land for a time limited period of up to twelve months. The application of emergency powers under Class Q to authorise the use of Wethersfield Airbase for housing asylum seekers is currently subject to review in the Court of Appeal and is listed to be heard on 11th and 12th June 2024.²²
- 8.2. The SDO extends planning permission to use Wethersfield Airbase as asylum accommodation for up to 1700²³ service users until 10th October 2027. The SDO also grants the Home Office permission to construct buildings and to carry out material changes to buildings, engineering or other works (subject to certain conditions) for the purpose of asylum accommodation or to provide training or education facilities for **any** of the Home Secretary's functions.
- 8.3. This avoidance by the Home Office of submitting a planning application to the Local Planning Authority in the usual way, has prevented any meaningful scrutiny of the impact of these proposals on either the local community or the welfare of those housed at Wethersfield and has avoided all the usual planning controls. It has also meant that there has been no opportunity for those with clear concerns regarding the site to have any input into the planning conditions which are imposed. By using an SDO the Home Office is also bypassing the specific provisions for urgent Crown applications contained in legislation under s.293A of the Town and Country Planning Act 1990.
- 8.4. The NAO Report confirms that before opening Wethersfield "the Home Office took 'limited engagement' with local stakeholders and used emergency planning regulations. It negotiated agreements to use the sites before engaging with the relevant local authorities or making public announcements." This decision not to engage was deliberate. On 3rd March 2023 a submission was made by the Home Office to the Minister for Immigration and the SSHD which stated, "As per your direction we have not initiated communications and engagement with the local leaders, statutory organisations, and the local community."
- 8.5. In a letter dated 27th October 2023 from The Rt Hon Robert Jenrick to The Rt Hon Priti Patel it was confirmed that Class Q was being used to "stand up the

²² R (on the application of Gabriel Clarke-Holland v Secretary of State for the Home Department and Secretary of State for Levelling Up, Housing and Communities, R (on the application of West Lindsey District Council) v Secretary of State for the Home Department, R (on the application of Braintree District Council) v Secretary of State for the Home Department [2023] EWHC 3140 (Admin)

²³ No more than 580 asylum seekers may be accommodated on the land until the Home Secretary has submitted for approval an operational management plan.

development for the initial period” and that an SDO would be sought to enable the use of Wethersfield (and Scampton) for a further 3 years. Despite the Home Office knowing in October (if not earlier) that it would use an SDO to extend the use of Wethersfield Airbase, it has left it until the last possible opportunity to lay the SDO in Parliament (planning permission under Class Q runs out on 16th April 2024) and has done so just days before the Parliamentary Easter recess on 26th March, thus reducing the amount of time available for Parliament to scrutinise the SDO. The Home Office used the same tactic in relation to the Town and Country Planning (Napier Barracks) Special Development Order 2021. The Committee’s report in relation to the Napier SDO stated that, “Since the date that the current planning permission expires has been known for 12 months, we found this reason for laying a potentially controversial instrument when Parliament was not sitting unconvincing.” It appears no lessons have been learnt from that.

- 8.6. A letter from Braintree District Council to Liam Burns, Portfolio Director, Accommodation Programme (non Detained), of the Home Office²⁴ dated 29th January 2024 expresses the local authority’s concern regarding the lack of consultation, “By not using the local planning system and by making a deliberate choice to neither consult with or engage throughout the process of identifying Wethersfield for use as an asylum centre, the Home Office has repeatedly bypassed the local community, residents and stakeholders, depriving them of the opportunity to engage positively and express valid concerns to be addressed”, and which runs contrary to the national guidance within the National Planning Policy Framework.
- 8.7. The NAO Report highlights that the Home Office envisages some of its larger scale sites will become part of its longer-term plans for asylum accommodation over the next 10 years. Given that this might be the case for Wethersfield it strengthens the argument that continued use of the site should be subject to proper scrutiny through the proper planning process.
- 8.8. We would also question whether it is appropriate to use an SDO to enable the Home Office to obtain planning permission to construct or convert buildings for training facilities relating to **“any of the Home Secretary’s functions.”** No details of this use have been provided, despite its obvious broad scope.

9. Conclusion

The organisations listed in section 1 (Introduction) conclude that Wethersfield Airbase is not a suitable location for large scale housing for those seeking asylum and that the unsafe operation of the site is causing harm to those living and working there. An SDO is not appropriate for authorising use of the site for this purpose and prevents any meaningful scrutiny of, or input into the impact of this Home Office proposal.

3 April 2024

²⁴ <https://www.braintree.gov.uk/downloads/file/3865/letter-to-home-office-wethersfield-sdo-process>

Government's first response

The Minister of State, on behalf of the Secretary of State has granted planning permission for development following a request, and associated submission of planning proposals, from the Home Office. As with any other planning decision, the Minister considered the planning merits of the proposal, having regard to the relevant material considerations, and took decisions without pre-determination and on the basis of the evidence and advice in front of him at the time. In each case planning permission was granted subject to conditions: officials will undertake periodic spot checks on behalf the SSLUHC, to make sure the Home Office is complying with the conditions attached to the planning permissions.

The Department has made sure that administrative arrangements are in place so that there is a separation between the conflicting functions of Government as the planning decision-maker and as the promoter of the development.

The questions that you have raised on behalf of the SLSC address the functions of planning decision maker and that of promoter. Consistent with the principle of separation of function we have set out at Annex A to this letter responses to questions relating to the role of DLUHC, this should be read in conjunction with the corresponding document from the Home Office at Annex B.

RESPONSE FROM THE DEPARTMENT FOR LEVELLING UP, HOUSING AND COMMUNITIES

Q 1: Could you explain please why the Government made use of the Special Development Order Procedure, rather than apply for regular planning permission for the Wethersfield and Scampton sites?

There are several ways of granting planning permission. Special Development Orders (SDO) are an established part of the planning system and allow His Majesty's Principal Secretaries of State to grant planning permission by secondary legislation.

The Home Office requested the use of SDOs to balance local interests with an overarching critical national interest, specifically the increasing numbers of asylum seekers that the Home Secretary has a statutory duty to support. The Home Office demonstrated an immediate and pressing need for accommodation and pressure on the availability of asylum accommodation at a national scale. On an issue of larger than local importance such as this it is appropriate for planning decisions to be taken by Ministers. Of the Ministerial routes open for seeking planning permission other than via an SDO, none could address the Home Secretary's need for certainty on when decisions would be taken.

Q 2: The EMs make clear that there is no statutory requirement to consult before making an SDO and then explain the three-stage engagement process. Could you provide more information please on how local communities were consulted and given the opportunity to ask questions and to raise concerns?

The Department is not under any statutory duty to consult when making an SDO. Nor, in these cases case, was there considered to be a legitimate expectation of consultation.

The Home Office did engage with various parties as set out in Annex B, a report of this engagement, copies of correspondence, and other material was provided to DLUHC as part of the

Home Office's planning proposal. Where direct correspondence was received by DLUHC in respect of the sites this was also taken into account where relevant.

Q 3: Would the regular local planning application process have given local communities more comprehensive opportunities to raise objections?

The planning proposal was not subject to the statutory consultation timescale associated with applications to local planning authorities. A like for like comparison is misleading however, for development that is of larger the local importance and where engagement took place prior to requesting planning permission, as set out in Annex B. Such engagement at an early stage can be used to identify, understand, and seek to resolve issues associated with a proposed development before planning permission is sought.

Local planning authorities are required to undertake a formal period of public consultation, prior to deciding a planning application however, pre-application engagement by a prospective applicant is encouraged but not mandatory (except for certain applications for wind turbine development).

Local planning authorities have discretion about how they inform communities and other interested parties about planning applications. Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out minimum statutory requirements for applications for planning permission. The time period for making comments will be set out in the publicity accompanying the planning application. This will be not less than 21 days, (18-days in the case of an application for public service infrastructure development made on or after 1 August 2021) or 14 days where a notice is published in a newspaper.

Q 4. Neither EM mentions the expected costs of the developments under the two SDOs. What are the expected costs and why are they not set out in the EMs? This seems to be key information regarding the SDOs.

As with any other planning decision, the Minister considered the planning merits of the proposals, having regard to the relevant material considerations, and took decisions without pre-determination and on the basis of the evidence and advice in front of him at the time.

Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Whether or not a finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms.

The cost of constructing, operating, and decommissioning the sites is a matter for the Home Office.

Q 5: There appears to have been a reduction regarding the expected occupancy of both sites, in the case of Scampton from 2,000 people to 800 and in the case of Wethersfield from 1,700 to potentially 800. Why has the expected occupancy been reduced and could you confirm please how many people the Department expects to accommodate at each site?

The Home Office sought planning permission to accommodate up to 2,000 asylum seekers at the former RAF Scampton and up to 1,700 at the former RAF Airfield Wethersfield. The Minister took decisions on the proposals and evidence in front of him at the time.

Q 6: Will the sites be developed to provide the bigger capacity as originally planned, in case more capacity than is currently expected is needed in future?

Conditions attached to the planning permissions granted by the SDOs place a limit on the number of asylum seekers that can be accommodated on the sites at any one time: the limit for the former RAF Scampton is up to 2,000 and that for the former RAF Airfield Wethersfield 1,700. Exceeding these numbers would be a breach of planning control.

Q 7: Could the SDOs be extended beyond their current end date of 2027, and, if so, would this require further legislation?

The planning permissions granted by the SDOs are temporary. In each case the development must cease by 10 April 2027, and the land must be restored to its previous condition by 10 October 2027.

It will be for the Home Office to decide the scale, nature, and location of asylum accommodation required beyond this date and whether to seek planning permission for any proposed development.

Q 8: The EMs refer to specific concerns that were raised about the provision of healthcare for mental health and trauma from torture and about infectious disease outbreaks. How are these concerns being addressed in relation to the Wethersfield and Scampton sites?

The Home Office has published suitability assessment criteria that will be applied to determine whether to house an asylum seeker at a former military site. The suitability criteria set out in the Home Office's '*Allocation of asylum accommodation policy*' Version 11.0 published on 12 February 2024.

Responsibility for determining whether the sites are suitable for an individual rests with the Home Secretary. The planning permissions are, however, subject to conditions to make sure that the Home Office sets out the policies and procedures it will put in place to apply the suitability criteria it has published when assessing whether the accommodation and services are unsuitable for an individual or have become unsuitable for an individual. Conditions attached to the planning permissions require that where the Home Secretary determines the site is unsuitable for an individual, that individual must be removed within 48 hours (unless to do so where this may adversely affect their or another's welfare).

Further conditions require:

- Core facilities and services to be provided, including a medical centre and medical isolation facilities, and for those accommodated on site to have access to services that include low level mental health support, medical health screening, and immunisation.
- The Home Secretary to satisfy the Secretary of State that the facilities and associated services are adequate to meet the anticipated phased increases in the number of asylum seekers to be accommodated on the sites.
- The level of service provision on each site to be kept under review, and engagement with the relevant health bodies.
- An Operational Management Plan that includes policies, procedures or standards relating to amongst other things, preventing or mitigating the outbreak or spread of infectious diseases, including a programme of immunisation against such diseases.

SPECIFICALLY IN RELATION TO THE WETHERSFIELD SDO:

Q 1: Why did the Government not engage more with the local community?

The Department is not under any statutory duty to consult when making an SDO. Nor, in this case, was there considered to be a legitimate expectation of consultation. The Home Office did engage with various parties as set out in Annex B, a report of this engagement, copies of correspondence and other material was provided to DLUHC as part of the Home Office's planning proposal. Where direct correspondence was received by DLUHC in respect of the site this was also taken into account where relevant.

Q 2: Have local tests and an environmental assessment of the site been carried out, given the concerns about the risk of contamination as a result of the site's previous military use?

The site has a number of on-site contamination risks arising from its former military use. An assessment of the environmental impacts of the development was undertaken by suitably qualified and experienced professionals which did not reveal any concerns that were not manageable.

Conditions attached to the planning permissions address any potential risks to human health arising from potential contamination. These conditions include for example, site control measures and a monitoring and investigation programme.

Q 3: Is it correct that the set-up costs have increased almost tenfold from the original estimate of £5m?

The cost of constructing, operating and decommissioning the site is a matter for the Home Office.

SPECIFICALLY IN RELATION TO THE SCAMPTON SDO:

Q 1: Will measures be taken to protect listed buildings on the site?

The grant of temporary planning permission does not include planning permission for the use or development of the listed aircraft hangars and the Officers' Mess other than the provision of protective fencing (as required by a condition attached the planning permission) and works to protect, repair or maintain the heritage assets and set out in a Heritage Management scheme to submitted by the Home Secretary to the Secretary of State for his approval.

There is no change to the requirement for the Home Office to seek listed building consent, where applicable, under the Planning (Listed Buildings and Conservation Areas) Act 1990.

Response from the Home Office

Q1. Could you provide more information please on how local communities were consulted and given the opportunity to ask questions and to raise concerns?

The Home Office has engaged local stakeholders, including councils and MPs to understand their views and act upon them as the sites developed since spring 2023 when the decision was first made to use the sites for asylum accommodation, and since the subsequent decision to seek a further period of planning permission.

The Home Office has been working with stakeholders to assess risks and the mitigating actions that can be taken locally. This has been done by a variety of routes, including Multi-Agency Forums (MAF), set up by the Home Office and involving all key local public agencies. Wethersfield and Scampton MAFs each have subgroups which cover key issues such as community safety, how the sites are developing and planning.

In October 2023, the Home Office informed local stakeholders of Scampton and Wethersfield of its intention to seek planning permission through the use of Special Development Orders.

Senior stakeholders were informed in October 2023 of the SDO plan, including local MPs, council leaders and chief executives, the ICB, senior police leads and Strategic Migration Partnerships.

Stakeholders have also been kept continuously updated through local community newsletters and public factsheets which have been updated for Scampton and Wethersfield every few weeks. The products, published on gov.uk, have contained updates to explain to local community the process for seeking an SDO.

The Home Office also published leaflets on gov.uk to provide stakeholders and the community with information on the SDO for both sites on 7 December 2023.

Further details about the SDO proposals were communicated to stakeholders at the various MAF meetings for Wethersfield and Scampton in December 2023.

Two community events were held on 30 November 2023 for vulnerable residents and local businesses in the Scampton area. These informed the local community by providing update on the site and information about the plan to use an SDO. The community and stakeholders asked questions of Home Office representatives.

In January 2024, technical stakeholders including statutory bodies were contacted and updated on the proposals for both Wethersfield and Scampton. For Wethersfield, 22 stakeholders were contacted; in Scampton, 20 stakeholders were contacted. All technical stakeholders had the opportunity to respond to the information the Home Office sent them. The department subsequently responded to all correspondence sent by the technical stakeholders to answer questions they had about the process and the implications for their area.

Throughout the process, senior stakeholders have had the opportunity to engage and question the Home Office, including about the SDOs. Every fortnight the Home Office's Chief Operating Officer in ASRA (Asylum Support, Resettlement and Accommodation) Andrew Larter meets with chief

executives and directors of Lincolnshire County Council, West Lindsey District Council, Lincoln City Council and Braintree District Council.

For Wethersfield, Home Office officials meet staff for the constituency offices of the Rt Hon James Cleverly MP and Rt Hon Dame Priti Patel MP weekly.

The Home Office has also regularly meet with Wethersfield Parish Council to update them on the site and the SDO.

The department also supports local MPs for the Wethersfield area, James Cleverly MP, and Priti Patel MP, to answer questions from local residents through correspondence they receive.

For Scampton, the Home Office has offered to meet Scampton Parish Council and neighbouring parishes every month to update about the site, including the SDO process.

Members of the community are able to contact the Home Office via public.enquiries@homeoffice.gov.uk - an email which is available on the gov.uk and through the community newsletters.

Q2. Neither EM mentions the expected costs of the developments under the two SDOs. What are the expected costs and why are they not set out in the EMs? This seems to be key information regarding the SDOs.

Between 2023-24 to 2026-27, Wethersfield is due to cost £338.7million. This includes site acquisition, set up and running costs.

Between 2023-24 and 2026-27, Scampton is due to cost £403.7million. This includes site acquisition, set up and running costs.

We have always been clear that the use of asylum hotels is unacceptable, and that's why we acted swiftly reduce the impact on local communities by moving asylum seekers on to alternative accommodation like barges and former military sites.

Large sites provide adequate and functional accommodation for asylum seekers and are designed to be as self-sufficient as possible with on-site facilities, helping to minimise the impact on local communities and services. Their larger capacity allows us to be agile in responding to fluctuations in demand.

While the NAO's figures include set-up costs, it is currently better value for money for the taxpayer to continue with these sites than to use hotels.

Q3. There appears to have been a reduction regarding the expected occupancy of both sites, in the case of Scampton from 2,000 people to 800 and in the case of Wethersfield from 1,700 to potentially 800. Why has the expected occupancy been reduced and could you confirm please how many people the department expects to accommodate at each site?

Implementing a cap on occupancy demonstrates that our priority is listening to local concerns, mitigating impacts, and managing the sites safely.

The capacity caps allow us to maintain absolute focus on service delivery.

The regular occupancy numbers at Scampton will be a maximum of 800 asylum seekers, reduced from 2,000.

The regular occupancy for Wethersfield will be a maximum of 800 service users, reduced from 1,700.

If additional surge capacity is needed to deal with higher than forecast small boat arrivals, a decision may be taken to utilise additional bedspaces at both sites. This could be 445 additional bed spaces at Wethersfield, bringing total bed spaces to 1,245. This could be an additional c.300 bedspace at Scampton, to a total of circa 1,100. If this is the case, there will be a detailed schedule of activity to return the sites to a maximum population of 800 as soon as possible.

Q4. Will the sites be developed to provide the bigger capacity as originally planned, in case more capacity than is currently expected is needed in future?

There are no plans to go beyond the 800 capacities for either site. In the event of higher than forecast small boat arrivals the Home Office may use additional bedspaces to increase numbers on Scampton to circa 1,100 and Wethersfield to 1,245.

Q5. Could the SDOs be extended beyond their current end date of 2027, and, if so, would this require further legislation?

It is possible in theory to extend the use of the sites by further legislation but there is currently no intention by the Home Office to do so.

Q6. The EMs refer to specific concerns that were raised about the provision of healthcare for mental health and trauma from torture and about infectious disease outbreaks. How are these concerns being addressed in relation to the Wethersfield and Scampton sites?

Wethersfield

The welfare of individuals at the site is of the utmost priority.

Extensive work has been undertaken with local and national health partners including the Multi Agency Forum (MAF) to work through the specifics of healthcare provision being provided on the site. The health subgroup of the MAF was set up specifically to look at how we minimise the impact on local health services and facilitate primary health care on site.

All asylum seekers have access to medical support, including mental health support.

Individuals identified for Wethersfield are subject to a suitability assessment. Once accommodated, each person's suitability is assessed at regular intervals and if they are no longer suitable for any reason, they will be moved to alternative accommodation.

The site has on-site primary healthcare delivered by a local healthcare provider Monday to Friday. This is run by healthcare professionals, a doctor, and nurses, who offer health assessments and are able to prescribe medication.

There is also a welfare facility and an accredited mental health nurse on site.

Financial support is being provided to NHS Mid and South Essex, and the onsite primary health care services will register residents so that there is no need to register with local GP practices.

Asylum seekers at Wethersfield can contact Migrant Help 24 hours a day, 365 days a year if they need help, advice, or guidance, which includes raising issues relating to safeguarding or their suitability to be accommodated at the site.

Infection prevention control is managed on site including isolation facilities to support infection control managed under an NHS-led infection control plan.

Scampton

Extensive work is being undertaken with local and national health partners to work through the specifics of healthcare provision to be provided on the site and to reduce the impact on local health services.

Financial support will be provided to the NHS, and the intention is to establish primary care on-site to reduce the impact on the local NHS.

Infection prevention control is to be managed on site, and there will be medical screening and isolation facilities to support infection control.

Wethersfield SDO

Q7. Why did the Government not engage more with the local community?

We engaged with local partners at the earliest juncture and continue to work with them to keep them informed on the site, and to address the concerns of those most impacted through additional engagement sessions.

The Home Office has engaged local stakeholders, including councils and MPs to understand their views and act upon them as the sites developed since spring 2023, when the decision was first made to use the site for asylum accommodation, and since the subsequent decision to seek a further period of planning permission.

The Home Office has been working with stakeholders to assess risks and the mitigating actions that can be taken locally. This has been done by a variety of routes, including Multi-Agency Forums (MAF), set up by the Home Office and involving all key local public agencies. Wethersfield MAFs each have subgroups which cover key issues such as community safety, how the sites are developing and planning permission.

In October 2023, the Home Office informed local stakeholders of Wethersfield of its intention to seek planning permission through the use of Special Development Orders.

Senior stakeholders in Essex were informed in October 2023 of the SDO plan, including local MPs, council leaders and chief executives, the ICB, senior police leads and Strategic Migration Partnerships.

Stakeholders have also been kept continuously updated through local community newsletters and public factsheets which have been updated for Wethersfield every few weeks. The products,

published on gov.uk, have contained updates regarding the SDO to explain to local community the process.

The Home Office also published a leaflet about Wethersfield on gov.uk on 7th December 2023 to provide stakeholders and the community with information on the SDO plan.

Further details about the SDO were communicated to stakeholders at the various MAF meetings for Wethersfield in December.

In January 2024, technical stakeholders including statutory bodies were contacted and updated on the proposals for Wethersfield. For Wethersfield, 22 stakeholders were contacted. All technical stakeholders had the opportunity to respond to the information the Home Office sent them. The department subsequently responded to all correspondence sent by the technical stakeholders to answer questions they had about the process and the implications for their area.

Throughout the process, senior stakeholders have had the opportunity to engage and question the Home Office, including about the SDOs. Every fortnight the Home Office's Chief Operating Officer in ASRA (Asylum, Support, Resettlement and Accommodation) Andrew Larter speaks with chief executives and directors for Scampton and Wethersfield areas, including the chief executive for Braintree District Council.

For Wethersfield, Home Office meets staff for the constituency offices of Rt Hon James Cleverly MP and Rt Hon Dame Priti Patel MP weekly.

The Home Office has also regularly met with Wethersfield Parish Council to update them on the site and the SDO.

The department also supports local MPs for the Wethersfield area to answer questions from local residents through correspondence they receive.

Members of the community are able to contact the Home Office via public.enquiries@homeoffice.gov.uk - an email which is available on the gov.uk community newsletter.

We remain committed to working with key partners to facilitate their vision for the Wethersfield site.

Q8. Have local tests and an environmental assessment of the site been carried out, given the concerns about the risk of contamination as a result of the site's previous military use?

An Environmental Impact Assessment screening request was submitted for the site, and further technical assessments including a Preliminary Risk Assessment submitted as part of the planning proposal.

As part of the conditions of the Special Development Order a number of further surveys are being undertaken.

The safety of individuals remains our absolute priority, and any accommodation used in response to the increasing pressures on the UK asylum system will be fit for purpose and meet all relevant housing and health and safety rules.

Q9. Is it correct that the set up costs have increased almost tenfold from the original estimate of £5m?

In response to record pressure on the asylum system, we acted swiftly to stand up large sites to provide accommodation to asylum seekers who would otherwise be destitute.

As such, high-level estimates were used to indicate potential set-up costs for Wethersfield.

Once we were able to carry out intrusive surveys at the site, we found that unforeseen additional works were required which meant that set-up costs were significantly higher than estimated.

Site access and an agreement on the transfer of the sites at Scampton and Wethersfield was required before intrusive surveys could be carried out. Balancing this with the need to deliver at pace, costs increased from initial estimates.

We continue to learn lessons regarding cost projections and have developed our technical construction expertise to ensure that a more accurate estimation of set up costs is taken into account for future sites.

Scampton SDO

Q10. And, specifically in relation to the Scampton SDO – will measures be taken to protect listed buildings on the site?

The Home Office recognises the importance of the rich heritage at Scampton and is committed to preserving and enhancing the heritage assets at the site.

It is government policy that all historic assets, for which central government is responsible, meet appropriate standards of care and use. We do not see Scampton as being any different to how the government manages and protects its historic estate. The Home Office has held several discussions with Historic England about its plans and hosted a site visit in October 2023.

The Home Office is creating a Heritage Asset Management Plan, including the listed hangers and Officers' Mess and the unlisted grave of Wing Commander Guy Gibson's dog. This will set out clear actions and responsibilities to protect the heritage assets at Scampton.

Serco, and all those in authority and responsible for the site will be notified and informed of the location of all heritage assets.

No works of repair, save for matters to protect the public and site users as required the Health and Safety at Work Act 1974, will be conducted on any listed buildings without the permission of Home Office Estates, and where applicable listed building consent will be sought.

All listed and heritage assets will be inaccessible to asylum seekers accommodated on the site.

All buildings will be subject to regular inspections by on site security and any damage or wants of repair will be reported to Home Office Estates.

The Operational Management Plan (OMP) will place a duty upon the Home Office, Serco, and appointed facilities management company to observe, manage and respect all heritage assets.

Where appropriate and necessary fencing or signs will be placed to either warn or prevent access to area of sensitivity or risk.

3 April 2024

Government's second response

The questions that you have raised on behalf of the SLSC address both the functions of planning decision maker and that of promoter. Consistent with the principle of separation of function we have set out at Annex A to this letter responses to questions relating to the role of DLUHC. This should be read in conjunction with the corresponding document from the Home Office at Annex B.

ANNEX A: RESPONSE FROM THE DEPARTMENT FOR LEVELLING UP, HOUSING AND COMMUNITIES

FORMER RAF SCAMPTON

Point 1: The use of a Special Development Order (SDO) as a planning tool is inappropriate.

There are several ways of granting planning permission. While they may be a less well-known than the more common procedure for determining planning applications, Special Development Orders are an established part of the planning system.

It has been a feature of the modern planning system, since its inception in 1947, that the Secretary of State, who is democratically accountable to Parliament, can make impartial planning decisions instead of local planning authorities.

Consideration of the National Planning Policy Framework and the Development Plan (Page 2 of West Lindsey District Council's (WLDC) letter of 3 April 2024)

The Minister, on behalf of the Secretary of State for Levelling Up, Housing and Communities ("SSLUHC"), made his decision having considered the planning merits of the proposal, having regard to the relevant material considerations, without pre-determination, and on the basis of the evidence and advice in front of him at the time (this included WLDC's representation to the Home Office of 29 January 2024 referred to in its letter to the Committee). While there was not consultation with WLDC, the Minister did have before him WLDC's representations.

Unlike planning applications to local planning authorities, the Town and Country Planning Act 1990 does not provide that the local development plan has primacy when determining whether to make an SDO under section 59, although it may (and usually will) be a material consideration. The Minister considered the extent to which the proposed development was in accord with the development plan in respect of this SDO.

Point 2: How will local stakeholders be involved in having oversight over the planning conditions included in the SDO.

Conditions attached to the grant of planning permission in the SDO include, for example, a requirement that the Home Secretary establish a Multi-Agency Forum ("the Forum") and invites certain persons and bodies to be represented on the Forum. Those who must be invited include, for example, the local planning authority, the District and County Councils, the police, and local health bodies. The purpose of the Forum is to facilitate the exchange of information and views between the Home Secretary and those represented on the Multi-Agency Forum.

Further conditions require the Home Secretary to set out in an Operational Management Plan policies, procedures, or standards relating to providing information about the operation of the development to those affected, or likely to be affected, by it, and handling complaints about it from them. Similar provisions apply to the construction phase of the development where a Construction Environmental Management Plan must be submitted to, and approved by, the SSLUHC. These measures provide an opportunity for people to raise any concerns, including concerns about potential or actual breaches of planning control.

In addition to the conditions described above, Part VII of the Town and Country Planning Act 1990 provides a comprehensive code for addressing breaches of planning control. A breach of planning control connected to the SDO could be enforced against by the local planning authority (subject to some restrictions on enforcement steps) or by the SSLUHC.

FORMER RAF AIRFIELD WETHERSFIELD

Responses to the points highlighted by the SLSC in the evidence submitted to it in relation to the former RAF Airfield Wethersfield.

Point 1: The suitability of the RAF Wethersfield site.

The Minister, on behalf of the SSLUHC, made his decision having considered the planning merits of the proposal, having regard to the relevant material considerations, without pre-determination, and on the basis of the evidence and advice in front of him at the time. He took account of the likely environmental, social, and economic impacts of the development, and all relevant legal duties, including the public sector equality duties under section 149 of the Equality Act 2010.

Point 2: Safety of those who live and work at the site.

As noted in point 1 above, the Minister, on behalf of the Secretary of State, made his decision having considered the planning merits of the proposal, having regard to the relevant material considerations, without pre-determination, and on the basis of the evidence and advice in front of him at the time.

As set out in our response of 3 April 2024, the Home Office has published suitability assessment criteria that will be applied - by the Home Secretary - to determine whether to house an asylum seeker at a former military site in complying with Sections 95, 96 and 97 of the Immigration and Asylum Act 1999. The suitability criteria are set out in the Home Office's *'Allocation of asylum accommodation policy'* Version 11.0 published on 12 February 2024.

Responsibility for determining whether the site is suitable for an individual rests with the Home Secretary. The planning permissions is, however, subject to conditions to make sure that the Home Office sets out the policies and procedures it will put in place to apply the suitability criteria it has published when assessing whether the accommodation and services are unsuitable for an individual or have become unsuitable for an individual. Conditions attached to the planning permissions require that, where the Home Secretary determines the site is unsuitable for an individual, that individual must be removed within 48 hours (unless to do so may adversely affect their or another's welfare). While they remain on the site an individual must be accommodated separately and treated in a way that takes due account of the reasons why being accommodated on the site is unsuitable for them. The conditions also limit the accommodation of service users to men aged 18-64 who have no dependants (subject to the 48-hour provision noted above).

Further conditions require:

- Core facilities and services to be provided, including a medical centre and medical isolation facilities, and for those accommodated on site to have access to services that include low level mental health support, medical health screening, and immunisation.
- The Home Secretary to satisfy the SSLUHC that the facilities and associated services are adequate to meet the anticipated phased increases in the number of asylum seekers to be accommodated on the site.
- The level of service provision on the site to be kept under review, and engagement with the relevant health bodies.

Point 3: Use and operation of the site does not provide value for money.

As set out in our response of 3 April 2024, the cost of constructing, operating, and decommissioning the site is a matter for the Home Office.

Point 4: Failure to set out the planning justification for the grant of planning permission in conflict with national and local planning policies or to engage with local communities, the local planning authorities and other statutory bodies.

The Minister, on behalf of the SSLUHC, made his decision having considered the planning merits of the proposal, having regard to the relevant material considerations, without pre-determination, and on the basis of the evidence and advice in front of him at the time.

Unlike planning applications to local planning authorities, the Town and Country Planning Act 1990 does not provide that the local development plan has primacy when deciding whether to make an SDO under section 59, although it may (and usually will) be a material consideration. The Minister considered the extent to which the proposed development was in accord with the development plan in taking his decision in respect of this SDO.

As set out in our response of 3 April 2024, the Department is not under any duty to consult when making an SDO and nor, in the circumstances, had any legitimate expectation of consultation arisen in this case.

Point 5: The conditions set out in the SDO indicate the potential inadequacy of, inter alia, water supply, drainage, concerns regarding safety from historic contamination, radiation, and unexploded ordnance.

The SSLUHC considers that the development is acceptable in planning terms, having regard to Home Office's planning submission to the SSLUHC, review and site visits by his own personnel, and the site controls imposed by condition. The measures secured by condition provide appropriate levels of control and assurance via the land use planning system and are set within the context that the Home Secretary has wider legal duties in respect of health and safety and a duty of care to service users and those working and visiting the site. The conditions will ensure that the potential for land use planning issues in connection with the above-listed matters does not arise in reality.

Point 6: The SDO process undertaken means that there has been no opportunity for scrutiny of, or input into, the planning conditions to which the SDO is subject.

It has been a feature of the modern planning system, since its inception, that the Secretary of State, who is democratically accountable to Parliament, can make impartial planning decisions instead of local planning authorities, and we have well-established and robust procedures to ensure propriety.

As stated in our response of 3 April 2024, the Home Office engaged with various parties prior to seeking planning permission from the SSLUHC. A report of that engagement, copies of correspondence, and other material were provided to DLUHC. These representations and direct correspondence received by DLUHC in respect of the site, were taken into account where relevant. The Minister had this material, including representations made directly to the SSLUHC from the Wethersfield Airbase Scrutiny Committee and the Fields Association, before him.

Point 7: The timing of the SDO so close to the expiry date of the current planning permission and during Parliament's Easter Recess.

In February 2024, a planning proposal and supporting documents were submitted on behalf of the Home Secretary to the SSLUHC with a request that he grant planning permission for the development of part of the former RAF Airfield Wethersfield via an SDO. The Home Secretary reasonably needed certainty that planning decisions would be taken before April 2024. This was relevant to the timing of the planning decisions, having regard to the nature of the need for the proposal and its relationship to Government policy, and the date the SDO was laid (recognising the need to satisfy the 21-day rule).

Point 8: The SDO grants the Home Office planning permission (subject to certain conditions), to construct or convert buildings for training facilities relating to any of the Home Secretary's functions. No details of this broad use have been provided.

There are existing training facilities on the Wethersfield site that the Home Office sought planning permission to use. Construction of further buildings or structures for training purposes cannot take place on the Wethersfield site unless the SSLUHC has approved their design, dimensions, and location.

Point 9: The SDO refers to the decision by the Secretary of State that the development will not be EIA development as defined in regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment Regulations 2017).

Before considering whether to grant planning permission for the proposed development, the Minister of State considered it was necessary to determine, on behalf of the SSLUHC, whether the proposed development was 'EIA development' within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). The planning proposal was screened of SSLUHC's own volition under Regulation 5(6)(a) of the EIA Regulations.

A copy of the screening direction was sent to Braintree District Council as required by Regulation 5(12) of the EIA Regulations, with a request that a copy of the direction be placed on the authority's planning register and made available for public inspection.

A copy of an earlier screening direction, issued in early February 2024 and referred to in the submission to the Committee, was also provided to Braintree District Council in its capacity as the relevant local planning authority.

Point 10: The SDO contains several conditions which require further details to be submitted should more than 580 service users be accommodated on the [Wethersfield] site. There is no information as to why this figure has been chosen, it is understood that this level has already been exceeded so that a breach of planning control is likely to occur once the SDO comes into effect.

Officials from DLUHC carried out several site visits to the Wethersfield site, the most recent being on 15 February 2024 after receiving the planning proposal from the Home Office. The site visits enabled DLUHC officials to observe operations on the site and to speak to those working on the site, including those operating the medical centre. At the time of the last site visit, 580 service users were accommodated on the site. From these observations and discussions, it was possible for DLUHC planning officials to form a judgement that the facilities and services at that time were adequate for the population of 580.

Exceeding the number of service users accommodated on the Wethersfield site under the SDO prior to complying with the conditions attached to the planning permission would be a breach of planning control. Where there is a suspected or actual breach on planning control, officials at DLUHC will investigate and a decision will be taken on the action necessary to remedy any breach, including whether it is expedient to exercise discretionary enforcement powers. These decisions are based on the planning merits of each case.

Point 11 The application of emergency powers under Class Q to authorise the use of Wethersfield Airbase for housing asylum seekers is currently subject to review in the Court of Appeal and is listed to be heard on 11th and 12th June 2024.

The unsuccessful legal challenges to decisions of the SSLUHC concern screening directions issued by the SSLUHC under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) directing that projects proposed by the Home Office on the two sites were not likely to have significant environmental effects.

The SSLUHC and the Home Secretary were both defendants in the unsuccessful legal challenges as the challenges included challenges to the Home Secretary's decisions to use the sites for asylum accommodation.

Clarke-Holland, West Lindsey District Council and Braintree District Council v Secretary of State for the Home Department and Others [2023] EWHC 3140 (Admin).

Three claims were brought by Braintree District Council (as the local planning authority for RAF Wethersfield), Mr Clarke-Holland (a local resident of Wethersfield) and West Lindsey District Council (the local planning authority for RAF Scampton).

Particular aspects of the decision making under challenge include as follows:

- I. A statement by the Home Secretary outlining "the emergency" which is said to thereby permit lawful reliance on a deemed grant of planning permission under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- II. The direction in relation to Wethersfield, and reliance by the Home Secretary on the directions in relation to Wethersfield and Scampton, issued by the SSLUHC, pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 directing that the use of the sites in question is not likely to have significant environmental effects.
- III. The discharge of the public sector equality duty by the Home Secretary and the content of an Equalities Impact Assessment.
- IV. The approach taken by the Home Secretary to value for money considerations.

The High Court judgment on 6 December 2023 dismissed all grounds of challenge. The claimant's applications for permission to appeal were granted. The Court of Appeal hearing is due 11-12 June 2024.

West Lindsey District Council (WLDC) v Secretary of State for Levelling Up, Housing and Communities & Secretary of State for the Home Department (AC-2024-LON-000373).

This concerned SSLUHC's screening direction of February 2024 under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) that directed that the Home Secretary's proposed use of the RAF Scampton site is not likely to have significant environmental effects.

The application for permission to apply for judicial review was refused on 20 March 2024 as the Judge decided that WLDC's claim was not arguable. It is understood that WLDC has decided not to seek to continue with its challenge.

ANNEX B: RESPONSE FROM THE HOME OFFICE

Questions from the Secondary Legislation Scrutiny Committee – House of Lords 03.04.24

For Scampton – Letter from West Lindsey District Council

1. *The Council have been clear that the use of a Special Development Order as a planning tool is entirely inappropriate and fails to ensure extensive and robust consultation be undertaken as part of the decision-making process.*

The Home Office informed statutory stakeholders of the plan to use an SDO in October 2024 through meetings and correspondence.

The Home Office then sent formal letters to technical stakeholders in January 2024, formally advising of the proposals.

The Secretary of State has powers to make an SDO under the provisions of sections 59 and 60 of the Town and Country Planning Act 1990 (the 1990 Act). An SDO has been pursued for the planning permission, to balance local interests with the overarching critical national interest, and the increasing numbers of asylum seekers which it is bound by statute to accommodate.

To expedite delivery and ensure the use of the site beyond the expiry of the current planning permission and thus that the Home Secretary can continue to fulfil his statutory duties to accommodate asylum-seekers who would otherwise be destitute, the Home Secretary asked an independent decision maker to consider using SDO powers to permit the development of an appropriate site, for a temporary period.

2. *In summary and following a thorough assessment of the information provided to the Council, it is concluded that the Special Development Order proposal presents an extreme departure from the adopted Local Plan and guidance within the National Planning Policy Framework.*

There is no statutory requirement to have regard to the development plan when making an SDO, or for the decision to make an SDO to accord with the development plan unless material considerations indicate otherwise. However, the Home Office submitted a planning proposal to the SSLUHC to support its decision-making and the SDO. Section 6 of the proposal considers the Central Lincolnshire Local Plan (2023) as it is the local development plan for Scampton. It was for the independent decision-maker to assess the weight to be given to this.

There are no local planning policies in the development plan regarding the principle of accommodation for asylum seekers. It is acknowledged that the proposed use could be considered contrary to Policy S75 of the adopted Central Lincolnshire Local Plan which requires any redevelopment of Scampton to be brought forward in line with an approved masterplan.

The proposed development for a short-term temporary three-year period with up to six months' decommissioning does not preclude or prevent the longer-term redevelopment of the site, nor does it prevent the development of a masterplan during the Home Office's temporary use of the site until October 2027. It is relevant to note that Policy S75 does not state any timescales for key milestones such as adopting the masterplan, or delivering the allocated development, and it is considered that the allocation could still be delivered within the local plan period. It is thus

considered that the proposed development within this SDO does not undermine Policy S75 and the principles of a plan-led system.

3. *It is unclear from the drafting of the Order, how, if at all, it is proposed that local stakeholders, such as the Local Planning Authority will be engaged in the discharge or oversight of such conditions. Naturally our communities will turn to the Local Planning Authority to ensure conformity with such critical conditions, which are in effect being relied upon to mitigate the serious impacts of the development proposal, yet there is no role afforded to key local stakeholders.*

The Local Planning Authority retains its usual statutory planning powers. In addition, the SoS DLUHC has a role in relation to approving documents, as detailed in the SDO.

The Home Office will also continue to engage with statutory bodies like the Local Planning Authority and West Lindsey District Council through the MAF (as stipulated in the conditions of the Order) and subgroups.

In addition to the MAF, the Chief Operating Officer chairs a fortnightly call with chief executives of councils for areas with large sites to ensure we are capturing and acting upon feedback from senior stakeholders.

The Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 (SI 2024/411)

- *Unsuitability of the site due to its isolated location, prison like surroundings and large number of residents compared to the local community, preventing community cohesion, and causing harm to the mental well-being of the residents. (Paragraph 3(a) ToR)*

To enable service users to access amenities and services, and to minimise the impact of the site on local services, accommodation and on-site facilities at Wethersfield are designed to ensure the essential needs of those accommodated there are met. This includes the provision of catering facilities, primary healthcare provision and recreational space. There's a shuttle bus service three times a day to take service users to Colchester, Chelmsford and Braintree.

All asylum seekers are screened to protect vulnerable individuals and ensure they are placed in suitable accommodation. Individuals would only be accommodated at Wethersfield where their needs can be met on site, in line with the [Allocation of accommodation policy](#). Once accommodated, each person's suitability is monitored on an ongoing basis assessed and if they are no longer suitable for any reason, they will be moved to alternative accommodation.

The site has on-site primary healthcare delivered by a local healthcare provider Monday to Friday. This is run by healthcare professionals, a doctor and nurses, who offer health assessments and are able to prescribe medication.

We continue to work with local partners to address the concerns of those most impacted by the site and ways that we can use to keep them informed about what is happening on site.

The welfare of individuals at the site is of the utmost priority. Extensive work has been undertaken with local and national health partners including the Multi Agency Forum (MAF) to work through the specifics of healthcare provision being provided on site.

All asylum seekers have access to medical support, including mental health support.

As part of monitoring suitability to remain on site, there is a welfare facility and an accredited mental health nurse. All asylum seekers in the UK may contact Migrant Help 24 hours a day, 365

days a year if they need help, advice or guidance, that includes raising issues relating to safeguarding or their suitability to be accommodated at the site.

- *Lack of safety for those who live and work at the site, due to the way it is being operated, the unsuitability of the accommodation and the large number of vulnerable asylum seekers being housed there, all of which is resulting in significant harm being caused to them. (Paragraph 3(a) ToR)*

The safety and security of the local community, asylum seekers and staff are of paramount importance.

Asylum seekers allocated to the site will have undergone asylum screening assessments including checks against police and immigration databases.

Full screening of people's identity, security checks, initial asylum screening and processing is undertaken at the Western Jet Foil in Dover and Manston, Kent. Individuals are then securely moved to suitable accommodation locations as quickly as possible.

Any evidence or information about needs of all individuals will be assessed on a case-by-case basis in line with the [Allocation of accommodation policy](#). Asylum seekers will not be placed in accommodation if there is evidence that they have any specific needs which could not be met at that accommodation. Those deemed suitable for Wethersfield will continue to be those whose needs can currently be met onsite. If an individual is assessed unsuitable, they will not be assigned to Wethersfield, and if they are identified as being unsuitable as part of ongoing monitoring they will be moved to alternative accommodation at the earliest opportunity.

On arriving, asylum seekers at the site will receive a briefing and orientation about the site and the local community, including traffic safety. In addition to information about how to access services on and off site, the briefing explains what constitutes appropriate behaviour.

It sets out acceptable and unacceptable behaviours, as well as their responsibilities as individuals to act as good neighbours.

A specialist and experienced security provider is working on site 24/7.

We have worked with Essex Police around the security of the site. A police constable dedicated to the area has been appointed.

If any criminal activity does occur on site, our provider has robust processes in place to report them to the police.

- *Use and operation of the site does not provide value for money, nor has there ever been any intention for the site to do so. This is highlighted in a recent report by the National Audit Office which revealed actual set up costs for Wethersfield were 10 times higher than budgeted and the Home Office was aware prior to development of the site, that successful delivery to time, cost and quality was unachievable. (Paragraph 3(a) ToR)*

We have always been clear that the use of asylum hotels is unacceptable, and that's why we acted swiftly to reduce the impact on local communities by moving asylum seekers on to barges and former military sites.

Despite the need to stand up large sites at speed, controls were in place to assure value for money for the taxpayer. Operational challenges at the sites have changed our costs since original estimates.

We continue to keep costs under review while developing ways to reduce it.

While the NAO's figures include set-up costs, it is currently better value for money for the taxpayer to continue with these sites than to use hotels.

- *Failure to set out the planning justification for the grant of planning permission in conflict with national and local planning policies or to engage with local communities, the Local Planning Authorities and other statutory bodies. (Paragraph 3(a) and 3(d) ToR)*

A planning proposal and series of supporting documents and technical assessments was submitted to DLUHC as the independent decision-maker.

We also engaged with local partners at the earliest juncture and continue to work with them to keep them informed on the site, and to address the concerns of those most impacted through additional engagement sessions.

The Home Office has engaged local stakeholders, including councils and MPs to understand their views and act upon them as the sites developed since spring 2023, when the decision was first made to use the site for asylum accommodation, and since the subsequent decision to seek a further period of planning permission.

The Home Office has been working with stakeholders to assess risks and the mitigating actions that can be taken locally. This has been done by a variety of routes, including Multi-Agency Forums (MAF), set up by the Home Office and involving all key local public agencies. Wethersfield MAFs each have subgroups which cover key issues such as community safety, how the sites are developing and planning permission.

The Home Office has engaged with a large number of stakeholders through the Multi-Agency Forums as well as MPs who represent individuals in the Wethersfield area.

The Home Office has also consulted with technical statutory bodies to ensure the department captures the fullest range of expert feedback from bodies such as the local Integrated Care Board.

The Home Office as part of the site-specific engagement plan created and published an online leaflet explaining the SDO process. This was published on the gov.uk website on 7 December 2023. The leaflet included information on the Home Office's intention to seek to extend the temporary use of the site via an SDO and where to find further information.

The leaflet also included information relating to how the planning process works and what the site will look like over the three-year period of operational use. The leaflet discussed the site operation including the impact on community, local services, safety and security. It also published the public enquiries email address so that residents could contact the Home Office with any questions they may have regarding the Site or planning. This document is complimented by the online factsheet and newsletter also available to the local community on the gov.uk website.

Community newsletters have been published on a monthly basis online [Wethersfield: community update newsletter - GOV.UK \(www.gov.uk\)](#), a factsheet is available at [Wethersfield: factsheet - GOV.UK \(www.gov.uk\)](#) and an information leaflet is available at [Wethersfield information leaflet \(publishing.service.gov.uk\)](#). There is also an email address public.enquiries@homeoffice.gov.uk, phone number and postal address available for queries. Home Office officials have discussed the

scheme with Wethersfield Parish Council and there have been site visits for representatives of the Parish Council and community groups.

- *The conditions set out in the SDO indicate the potential inadequacy of, inter alia, water supply, drainage, concerns regarding safety from historic contamination, radiation and unexploded ordnance, yet the order permits the continued use of the site prior to the assessment of those important matters. (Paragraph 3(a) ToR)*

The Home Office will comply with all conditions.

- *The SDO process undertaken means that there has been no opportunity for scrutiny of, or input into, the planning conditions to which the SDO is subject. The parliamentary process in relation to SDO's means that Parliament can either let the SDO continue or annul it. Parliament has no power to amend it. (Paragraph 3(a) and 3(e) ToR)*

All Parliamentary processes have been adhered to and the Special Development Order comes into force in line with the conventional minimum 21-day period.

- *The Home Office's deliberate avoidance of submitting a planning application in the usual way, via the Local Planning Authority, excludes any meaningful scrutiny of, or community consultation regarding, the impact of these proposals and bypasses the usual planning controls. The SDO has also been laid at almost the last opportunity to do so, despite Home Office knowing since at least October 2023 that an SDO would be sought (Paragraph 3(a) and 3(e) ToR)*

A decision was made to proceed with a further period of planning permission in October 2023. A significant amount of material then needed to be prepared to submit to the decision-maker (for two sites simultaneously, Wethersfield and Scampton). The timetable does not constrain the parliamentary time. The usual parliamentary conventions apply.

- *The SDO grants Home Office planning permission (subject to certain conditions), to construct or convert buildings for training facilities relating to any of the Home Secretary's functions. No details of this broad use have been provided. (Paragraph 3(d) ToR)*

The Home Office sought this provision to maximise the responsible use of its estate and value for money, should needs arise for additional facilities. Should any decision be made to use the buildings for training purposes, the Home Office will inform any interested stakeholders.

- *The SDO refers to the decision by the Secretary of State that the development will not be EIA development as defined in regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment Regulations 2017). Given the large number of planning conditions attached to the SDO, this decision is surprising. A copy of the screening direction carried out in early February 2024 which concluded that this was the case, together with a copy of the information submitted as part of the screening request, should be made publicly available. (Paragraph 3(d) ToR)*

Bodies including the Council may make requests for information in writing via the usual channels including under EIR and FOI regulations. We understand the DLUHC shared the Screening Decision and statement of reasons with the Council on 21 March 2024.

- *The SDO is subject to numerous planning conditions which need to be fulfilled either prior to any service user being accommodated on site, or prior to the number of service users increasing above 580. Given that the site is already operational with 645 residents on site (as at 28th March 2024), details of how the planning conditions have been fulfilled (if they have been), should be detailed in Schedule 1 and made available as part of the SDO. (Paragraph 3(d) ToR)*

The Home Office will comply with all conditions. This will include reducing numbers to 580 if required by 11 April to ensure compliance with the conditions that do not permit more users to be on site prior to their being discharged.

- *Letters from David Neal, the then Independent Chief Inspector of Borders and Immigration, to The Rt Hon James Cleverly dated 20th December 2023 and to Tom Pursglove MP dated 9th February 2024 raise serious concerns regarding the safe operation of the site. In both letters, David Neal highlights the lack of purposeful activity on site and the deleterious effect this has on residents' mental health leading to a heightened risk of disorder. He refers to witnessing "an overwhelming feeling of hopelessness caused by boredom which invariably, in my opinion, leads to violence." He warned that if numbers were increased from 555 to 800 men on site as was at that time planned this would "increase the risk of a serious incident impacting on the safety and wellbeing of Home Office Staff, contractors and service users onsite".*

The Home Office does not have a specific duty to provide activities, on or off site, however, it does recognise the role that providing meaningful activities plays in supporting the service users on site and so have prioritised solutions to address these concerns.

The Home Office has undertaken a number of improvements at Wethersfield and we wrote to the Chief Inspector setting these out. A Senior Responsible Officer is in place and a broader team are driving forward better performance with the service provider, their sub-contractors and members of the Multi Agency Forum.

On arrival, asylum seekers complete an induction process which includes an introduction to site and the welfare team, welfare checks, and a health check.

To support and embed an on-site culture built on positive behaviours, the onboarding process has been reviewed, and lessons learned from other sites have been brought in, with the service provider now updating the induction pack, process and delivery.

The food menu has been greatly improved and Clearsprings Ready Homes have installed an interim much improved internet system before delivering a comprehensive cross-site wifi system in the coming weeks.

Additional recreational space has been delivered on-site including a video games room.

- *The recent report by the National Audit Office, Investigation into asylum accommodation 20 March 2024, (the "NAO Report") highlights incidents of unrest at Wethersfield, including hunger strikes and reports of fights and vandalism.*

The safety and security of the local communities, the staff and those accommodated on the sites are of the utmost importance. A specialist and experienced security provider is working on site 24/7.

The number of staff has increased in line with the number of asylum seekers and is routinely reviewed and monitored.

Incident reports are raised, and warning letters are issued if required. Incidents occur for a number of reasons and will continue to do so, as this is part and parcel of running a site.

The number of incidents at Wethersfield is no higher than those that occur in the hotel estate.

We have been working closely and routinely with Essex Police to ensure appropriate security arrangements are in place for the safety and security of the asylum seekers and the wider community.

There is regular community policing support on site and the Home Office works closely with local police to manage the site.

- *Most reports relate to instances of attempted suicide and/or self-harm and/or people expressing suicidal ideation, hopelessness and despair.*

We assess every individual's suitability to reside at Wethersfield and will only place asylum seekers who are considered suitable, to reside there.

Monitoring of suitability for accommodation is an ongoing process and an individual's suitability may change over time. There may be circumstances in which new information is identified or provided on an individual's suitability to be accommodated or remain at Wethersfield. The information may suggest that an individual's circumstances or needs may make them unsuitable for Wethersfield. In these circumstances, the case is reviewed, and suitability reassessed as soon as practicable and in timelines proportionate to the seriousness of the issue raised. Depending on the information raised or provided, alternative accommodation may be allocated.

Accommodation and facilities are designed to ensure the essential needs of those accommodated there are met – this includes healthcare provision, catering, laundry, faith and multi-cultural spaces and recreational spaces and on site 24/7 security.

As part of monitoring suitability to remain on site, there is a welfare facility and an accredited mental health nurse. All asylum seekers in the UK may contact Migrant Help 24 hours a day, 365 days a year if they need help, advice, or guidance, that includes raising issues relating to safeguarding or their suitability to be accommodated at the site.

- *the use of Wethersfield for men seeking asylum has already caused irreparable and profound harm to the service users. They found that men held there have reported anxiety and depression, suicidal ideation, intense desperation and fear, self-harm and acute sleep deprivation, due in part to the following factors:*
- *Isolation*

To minimise the impact on the local services, and to ensure the orderly flow of people onto and off the site, a regular transport service is in place to take asylum seekers to larger local towns to access amenities and planned voluntary and community activities off site.

If off-site services are needed, transport services will be available by the Home Office's provider.

- *Detention-like setting*

Asylum seekers at the site are not detained. The site is self-contained and essential services are provided on site to minimise their need to leave the site.

Those living at the site are able to come and go. The process for leaving the site is the same as the rest of our asylum accommodation.

- *Lack of privacy and shared facilities*

Under sections 95 and 98 of the Immigration Act 1999, together with regulation 5 of the Asylum Seekers (Reception Conditions) Regulations 2005, the Home Secretary has a duty to offer to provide support to asylum seekers and their family members whom he thinks are eligible for support, that is those who would otherwise be destitute.

The legislation does not make any explicit reference to room sharing. The obligation is to provide accommodation to be adequate for the needs of the supported person.

Accommodation and onsite facilities at Wethersfield are designed to ensure that the accommodation that is provided is adequate for the needs of those accommodated there and that their other essential living needs are met. This includes the provision of catering facilities, primary healthcare provision and recreational space.

- *Inadequate healthcare*

Extensive work has been undertaken with local and national health partners including the Multi Agency Forum (MAF) to work through the specifics of healthcare provision being provided on the site. The health subgroup of the MAF was set up specifically to look at how we minimise the impact on local health services and facilitate primary health care on site.

The ICB have confirmed that the healthcare conditions listed in the recent SDO are being met. The site has a dedicated on-site primary healthcare provision delivered by a local healthcare provider Monday to Friday. This is run by healthcare professionals, a doctor and nurses, who offer systematic health assessments and are able to prescribe medication and delivery primary care interventions to residents.

There is also a welfare facility and an accredited mental health nurse on site. Barnardo's Boloh Helpline is funded by the Home Office to offer advice, signposting, emotional support and 8 free sessions of therapy by qualified Barnardo's therapists.

Since the beginning of March, we have been piloting the Global Mental Health Assessment Tool. It is planned for every new arrival to be offered a mental health assessment one week after arrival, by the trained health care staff.

- *The HBF and HfRN report also highlights that the 'screening process' for deciding who should be placed in Wethersfield is fundamentally flawed.*
Under sections 95 and 98 of the Immigration Act 1999, the Home Secretary has a statutory obligation to provide destitute asylum seekers with accommodation.

We assess every individual's suitability to reside at all sites, including ex-MoD sites, and will only accommodate single adult males who continue to be suitable to reside there.

Asylum seekers are screened to identify vulnerable individuals and ensure they are placed in suitable accommodation.

An allocation policy and suitability criteria ensures that no one is housed in accommodation that is not adequate for their needs. If, during their stay, it emerges that an asylum seeker is no longer suitable for the site, they will be moved to different accommodation.

As part of monitoring suitability to remain on site, there is a welfare facility and an accredited mental health nurse. All asylum seekers in the UK may contact Migrant Help 24 hours a day, 365 days a year if they need help, advice, or guidance, that includes raising issues relating to safeguarding or their suitability to be accommodated at the site.

The health and welfare of asylum seekers in Home Office accommodation is of the utmost priority, and we constantly work to ensure the needs and vulnerabilities of those residing in Home Office accommodation are identified and met.

- *Multiple legal challenges have been issued by asylum seekers accommodated at Wethersfield and four have been selected as lead claimants to proceed to a substantive hearing in July 2024. The Claimants challenge the use of RAF Wethersfield to house asylum seekers on six grounds, including that the Home Secretary has failed to provide a dignified standard of living and that the conditions and regime at Wethersfield amount to unlawful discrimination and create a real risk of a breach of the European Convention on Human Rights. It is also argued that the Home Office has failed to protect asylum seekers from racial violence and harassment*

Four claimants have been granted permission to proceed to a judicial review hearing on grounds including alleged failure to provide accommodation that is adequate to the claimants' vulnerabilities and special needs, restrictions on movements and lack of meaningful activities; irrationality of the allocation of accommodation process; unlawfulness of the suitability criteria and suitability threshold; breach of the Public Sector Equality Duty and unlawful discrimination as it pertains to the protected characteristic of race and nationality; breach of Article 8 of the European Convention on Human Rights.

Ten claims have been issued and these four lead claims will proceed to a substantive hearing in July, with any other or future claims stayed behind the lead cases.

- *The SDO contains several conditions which require further details to be submitted should more than 580 service users be accommodated on the site. There is no information as to why this figure has been chosen.*

The figure was provided to DLUHC as the decision-making department prior to the decision and laying of the Order, in response to a request for the number of service users on the site at the time.

- *it is understood that this level has already been exceeded so that a breach of planning control is likely to occur once the SDO comes into effect.*

The Home Office will comply by the conditions. This will include reducing numbers to 580 if required by 11 April to ensure compliance with the conditions that do not permit more users to be on site prior to their being discharged.

- *The application of emergency powers under Class Q to authorise the use of Wethersfield Airbase for housing asylum seekers is currently subject to review in the Court of Appeal and is listed to be heard on 11th and 12th June 2024.*

The High Court found in the Home Office's favour in December.

- *Despite the Home Office knowing in October (if not earlier) that it would use an SDO to extend the use of Wethersfield Airbase, it has left it until the last possible opportunity to lay*

the SDO in Parliament (planning permission under Class Q runs out on 16th April 2024) and has done so just days before the Parliamentary Easter recess on 26th March, thus reducing the amount of time available for Parliament to scrutinise the SDO

A decision was made to proceed with a further period of planning permission in October 2023. A significant amount of material then needed to be prepared to submit to the decision-maker (for two sites simultaneously, Wethersfield and Scampton). The timetable does not constrain the amount of time available. The usual parliamentary conventions apply.

The committee asked for an update on legal action. This is described in response to the question above, and further information about planning permission-related disputes in brief below.

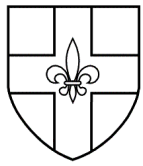
Wethersfield

- Braintree District Council (BDC) and a private citizen, Gabriel Clarke-Holland, are appellants in a combined hearing at the Court of Appeal (11 and 12 June) as well as West Lindsey District Council (concerning Scampton). The Appeal has been granted against the decision by Mrs Justice Thornton's judgement in December in favour of the SSHD, where she judged that the SSHD was entitled to rely in March 2023 on Permitted Development Rights and the "emergency" definition within Class Q regulations.

Scampton

- West Lindsey District Council (WLDC) has taken a series of enforcement actions against the SSHD, including an Enforcement Notice on 8 November 2023, which the SSHD appealed. The Planning Inquiry was scheduled for 16 & 17 April and 13 May 2024 but the Enforcement Notice was lifted on 5 April 2024.
- The SSHD has issued two claims for Judicial Review against the second and third Stop Notices issued by WLDC. These are scheduled for 1 & 2 May.
- WLDC is an appellant in the Court of Appeal case described above, with BDC and Mr Clarke-Holland, to be heard on 11 & 12 June.

3 April 2024



CITY OF
Lincoln
COUNCIL

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Secondary Legislation Scrutiny
Committee
House of Lords
London
SW1A 0PW

For the attention of The Chair of the Secondary Legislation Committee,

**SPECIAL DEVELOPMENT ORDER (SDO), RAF Scampton, Lincolnshire – provision
of an Asylum Centre**

Thank you for the opportunity to comment of the above instrument. The City of Lincoln Council has been clear from the outset that they oppose the use of the RAF Scampton site as an Asylum Centre. There are many reasons for this including; it being the wrong place geographically, its impact on adjacent communities and the city and its cost to the public purse.

We accept the laying of the SDO effectively regularises the position. We are grateful for the 29 pre planning conditions that are attached to the SDO and believe, if extinguished correctly before the site is occupied, should provide the reassurance we and our communities require.

The City Council's only request of the Committee is that they ensure the relevant Local authority, in terms statutory responsibility, is fully engaged with and consulted on the mechanism proposed to extinguish the conditions that affect their administrative area.

Yours faithfully

ANGELA ANDREWS
Chief Executive & Town Clerk
City of Lincoln Council

12 April 2024