

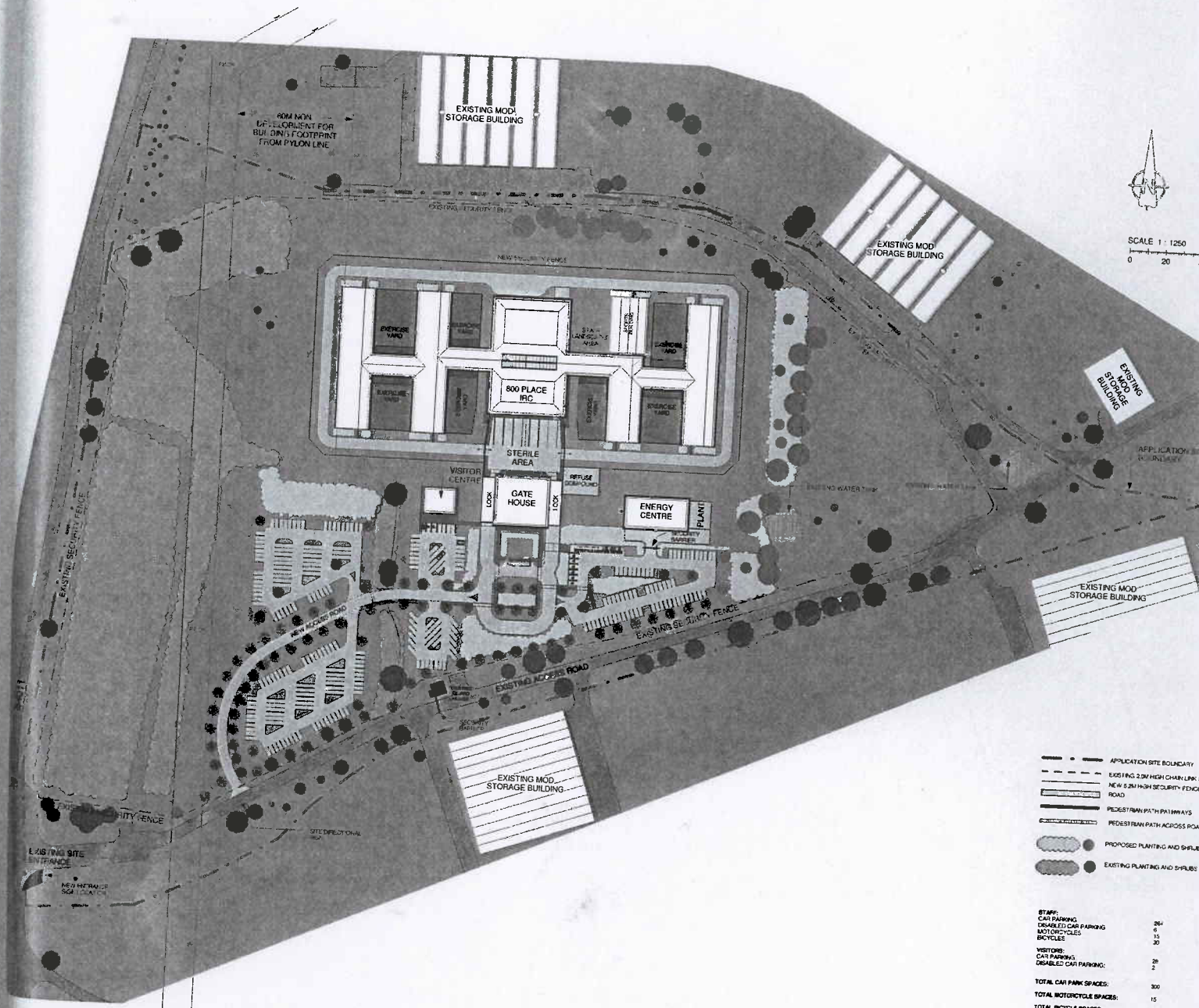
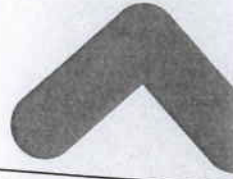
**URGENT BUSINESS AND SUPPLEMENTARY INFORMATION**

**Planning Committee**

**12 March 2009**

| Agenda Item Number | Title                                      | Officer Responsible | Reason Not Included with Original Agenda |
|--------------------|--|---------------------|--|
| 7.                 | Part of A Site, DSDC, Bicester, Piddington | Bob Duxbury         | Information not included in agenda.      |

*If you need any further information about the meeting please contact Alexa Coates, Legal and Democratic Services alexa.coates@cherwell-dc.gov.uk (01295) 221591*



- APPLICATION SITE BOUNDARY
- - - EXISTING 2.0M HIGH CHAIN LINK FENCE
- ==== NEW 5.2M HIGH SECURITY FENCE ROAD
- ==== PEDESTRIAN PATH PATHWAYS
- ==== PEDESTRIAN PATH ACROSS ROAD
- PROPOSED PLANTING AND SHRUBS
- EXISTING PLANTING AND SHRUBS

|                                 |     |
|---------------------------------|-----|
| <b>STAFF:</b>                   |     |
| CAR PARKING                     | 26  |
| DISABLED CAR PARKING            | 4   |
| MOTORCYCLES                     | 15  |
| BICYCLES                        | 20  |
| <b>VISITORS:</b>                |     |
| CAR PARKING                     | 26  |
| DISABLED CAR PARKING            | 2   |
| <b>TOTAL CAR PARK SPACES:</b>   |     |
|                                 | 300 |
| <b>TOTAL MOTORCYCLE SPACES:</b> |     |
|                                 | 15  |
| <b>TOTAL BICYCLE SPACES:</b>    |     |
|                                 | 20  |

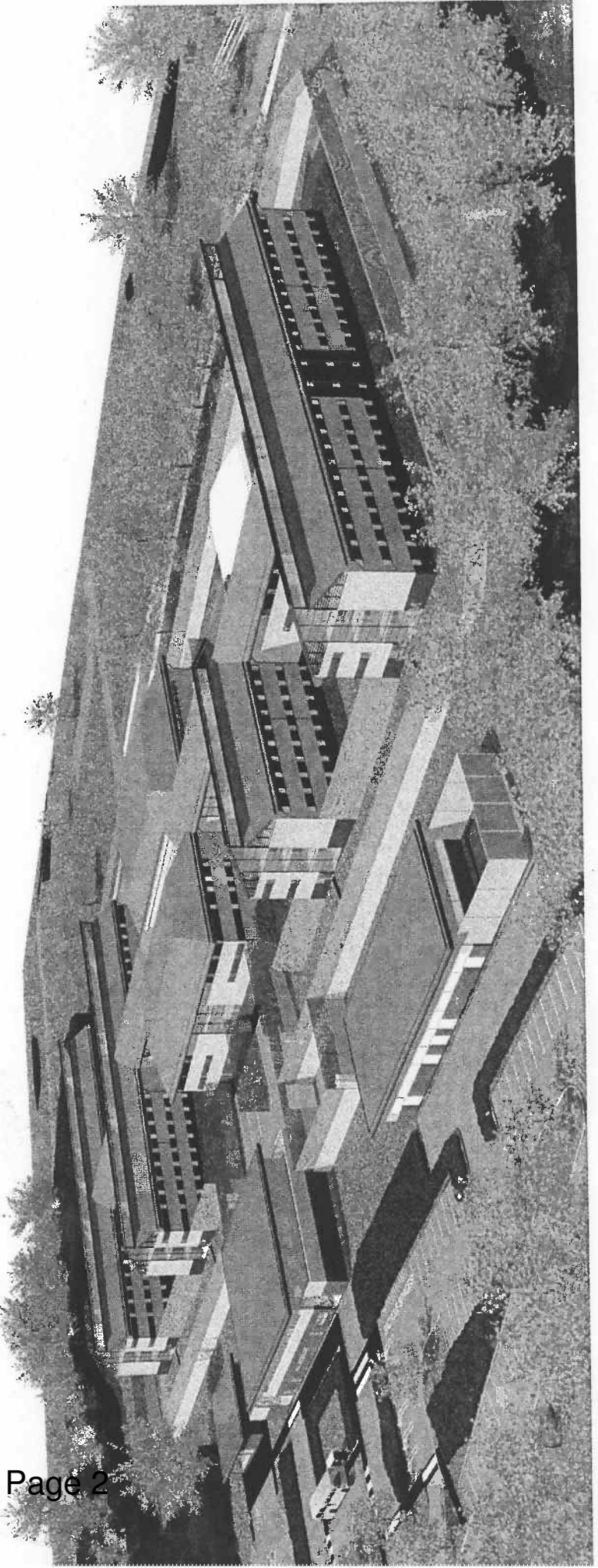
**PROPOSED MASTERPLAN**

those who have a legitimate reason to remain in the UK and; to have procedures in place to remove those not entitled to remain.

Expanding the number of removal centres is a crucial part of UKBA's plans to increase the rate

the site due to, amongst other things, concerns around fear of crime. An IRC is a secure facility based on prison designs. Unlike the arrangements for the Accommodation Centre detainees are unable to leave the IRC of their own accord.

#### PERSPECTIVE VIEW ACROSS SITE



# Proposal for an Immigration Removal Centre at Piddington

SCANNED

## Objection submitted by the Coalition Against Bullington Immigration Removal Centre

CABIRC is a coalition of individuals, non-government organisations and local political parties that have formed a coalition to oppose the development of the Bullington Immigration Removal Centre. An up-to-date list of our supporters can be found on the CABIRC website:

[www.cabirc.org.uk](http://www.cabirc.org.uk)

## Summary

### Why CABIRC opposes the planning application

**The proposed development is inappropriate for the rural site**, which is not in an identified employment growth area. It clearly undermines local and regional planning policy. **The proposed development would be the biggest immigration detention centre in Europe.**

**It is unnecessary.** In the last five years the number of asylum seekers arriving in Britain has declined sharply. More detention places are not necessary if the government sticks to its stated policy of using detention only as a last resort.

**It is enormously expensive.** Estimates show that the new centre would cost in the region of £38 million per year to run.

**Last, and for the Coalition perhaps most important, detention, in this case indefinite detention, is inhumane.** The high rates of depression, of self-harm, and the hunger strikes and other protests that occur in detention centres make this clear.

## Policy objections

**CABIRC believes that there are policy objections to the proposal which are strong enough to warrant its outright rejection.**

The applicant refers to an exchange of letters in paragraph 7.7 of its Planning Statement (PS) '*Cherwell's response to the pre-application submission concluded that the proposal conflicts with policies G1 and G2 and that therefore the applicant must demonstrate that the need for the proposal outweighs the policy objection.*' The same paragraph refers to other policies that reflect the importance that the government attaches to the principle of sustainability. These include policy guidance incorporated within PPS1, PPG13, RPG9, and the emerging (but at a fairly final stage) RSS9.

The applicant places great weight on the Secretary of State's final decision letter on a previous application in 2003 for the redevelopment of this site as an accommodation centre for asylum seekers. Our view is that it is a completely invalid to attach much weight to this letter for a number of reasons:

- 1) The Home Office's intention to present a new application for a secure centre was only made known in 2005/6 two years after the decision letter concerned exclusively with the merits of a significantly different application was produced. Each application must be assessed on its own merits. This application has far higher staffing levels with associated traffic movements (130 staff parking places in 2003 compared to 270 spaces in this application). The skills mix of the staff is inevitably also different with the change of use – and therefore the assessment of the availability of a local labour pool and the employment impact are different. It is for a far higher building (an extra 4.2m), with a bigger footprint, with landscape and setting consequences. This application is for a Class B prison rather than for open accommodation. It therefore requires far stronger (and higher) on-site lighting and more obtrusive fencing. It is a completely different application, and, in our view it is in conflict with several aspects of the Non-Statutory Adopted Cherwell Local Plan (NSCLP) policy D10a.
- 2) Since the decision letter was produced, the 2004 Planning & Compulsory Purchase Act has removed Crown immunity from this development. The Secretary of State was writing his decision letter at a time when, in law, he possessed greater powers than the current Secretary of State now enjoys.
- 3) Since the decision letter, a new use class has been created, and the land use proposed is not under the same use class as the previous application.
- 4) Since 2004 the South East Plan and the emerging Local Development Framework have clarified significantly the vision for areas where employment growth is encouraged, and where it is discouraged other than for small-scale local need-based exceptions. This site is not in a designated employment growth area and the development is beyond the curtilage of Piddington, a category 2 ~~Page 5~~ as set out in the adopted Cherwell Local Plan (CLP) policy H14, and the NSCDP policy H16. The need for local housing

generated by the development cannot be met either in Piddington, nor the Category 1 settlements of Ambrosden, and Launton, nor the other Category 2 settlements of Blackthorn and Arncoth according to housing policy.

### **South East Plan policy**

Policy CO1 sets out that *'The main locations for development will be Bicester, Didcot, and Wantage and Grove and within the built up area of Oxford.'*

Paragraphs 2.8 and 2.9 go on to elaborate: *'Bicester and Didcot have strong rail links to London and other neighbouring centres. Both towns are well placed to capture and realise the potential of the sub-region and have the best potential transport links to support clusters of high value employment. Concerted action will be needed by a range of organisations to ensure this happens, particularly by developing the economic base of both towns, and by guarding against the risk of them simply acting as dormitories. Bicester is well located for research related activities needing strategic rail and road access, including to Oxford, and could benefit from East West Rail and contribute to wider economic development of the 'Oxford to Cambridge Arc'. To help make Bicester an attractive location for higher value sectors, a local economic and marketing strategy for Bicester focusing on business improvement (attracting inward investment and development) together with improvements of services and facilities, could be developed. The science and technology sector is often associated with a corridor of activity including Oxford to major employment sites in the south of the county. Being in the Oxford-Cambridge arc means Bicester being seen as part of Oxford area of influence, not outside it.'*

Policy CO5 of the South East Plan states that:

*'Priority should be given to development which supports educational, scientific and technological sectors and responds to the needs of established and emerging clusters within the county. The main locations for the provision of additional land for employment will be at Bicester and Didcot, in particular to provide for the expansion and location of existing local firms and those in the sectors referred to above.'*

The Bicester Vision is about fostering a local marketing and development strategy for the town. It aims to regenerate it and to reverse the current level of out-commuting of its workforce. At 58% in census returns, Bicester is the most unsustainable of the four country towns (Bicester, Banbury, Didcot and Witney). In order to protect the Bicester Vision, the Secretary of State has proposed changes to the plan that restrict still further the development of large scale employment development outside of the town. Her proposed changes read:

*'Additional land for employment will be provided where justified at Bicester and Didcot, for the expansion and relocation of existing local firms to foster knowledge-based industry... (CO5 Reason: to avoid worsening the jobs-housing imbalance)'*

And again, in respect of employment land, the Secretary of State writes:

*'Land should not be released for employment to the north of Oxford that could adversely affect the future economic buoyancy of Bicester and Witney or undermine opportunities to integrate the South Oxford urban extension into the wider southern urban area.'* (Section E7 Paragraphs 2.1 to 2.18)

The applicant clearly agrees that the land is an employment use (PS 1.5 citing Circular 02/2006 paragraph 84 *'...location on land allocated for employment uses is appropriate.'*).

We cannot see how this proposal could possibly be in conformity with the South East Plan for the following reasons:

- 1) It is outside Bicester and therefore would have the effect of undermining policy attempts to improve the 'self-containment' of Bicester in employment terms. It reinforces the existing dormitory status of the town, contrary to the aims of CO1. There is no benefit to the town centre of infrastructure for Bicester from this development.
- 2) It would have the effect of competing for low-skilled labour from Bicester and centres as far away as Banbury, Aylesbury and Oxford. Far from drawing from an existing labour pool, we believe it would compete with the supply of staff to both Bullingdon Prison and Campsfield House IRC. Barry Wheatley, Chairman of the Oxfordshire branch of the Federation of Small Businesses, has suggested that if the centre goes ahead, some firms in the area could struggle to find staff (*Bicester Advertiser*, 29 October 2008).

In terms of the supply of 70 fte healthcare professionals, we do not believe that that can be achieved without a direct impact on the supply of key workers to existing healthcare services within the area, particularly the supply of nurses, dentists and doctors. This is contrary to the South East Plan policies proposed focus for growth areas in Oxford and Bicester. It also conflicts with general policies in favour of reducing the need to travel, such as Policies CC2 and RE2 dealing with site accessibility (in this case the lack of accessibility), favouring the use of public transport, and development with an urban focus.

- 3) By virtue of the fact that the majority of the workforce (380/528 fte posts Paragraph 7.21 Planning Statement) would be unskilled or low skilled, the proposal does not conform to the Secretary of State's proposed rewording of policy CO5 whereby land for employment use can be released '*where justified at Bicester for the expansion of existing local firms to foster knowledge-based industry.*' This is the wrong location and the wrong industry type.

### **Oxfordshire Structure Plan and Cherwell Local Plan policies**

Cherwell District Council's response to the pre-application submission correctly identifies that the proposal conflicts with Structure Plan policies G1 and G2, i.e. it is in an unsustainable location. The applicant asserts that the use of an out-of-town site for this type of employment use can be justified because an edge of town or town centre location would displace a higher traffic generating use (school, hospital) to an out-of-town site (PS 7.22).

Our view is that this is a gross oversimplification of land development processes. There are a range of choices available for development within Bicester. The 'issues and options' consultation stages of the Local Development Framework outline a choice of sites that could be made available for both residential and employment generation. The strategic South West Bicester site has factored in land for housing, a secondary school and an enlarged primary health care facility. That deals with those strategic facility requirements locally – so there is no conflict there as suggested by the applicant. Other sites around the town are currently being considered. We do not accept that this facility therefore needs to be located five miles out of town in a rural location, to make way for these strategic purposes.

The argument is oversimplified for a second reason, too. Because it is a rural site miles from anywhere, it is highly unlikely to foster the use of public transport, and a higher percentage of the workforce is likely to come by private car. In the case of Bullingdon Prison the applicant's transport assessment shows that 84% of staff come by private car. When this figure is applied to 528 full time equivalent posts, it amounts to a minimum of 4,436 car borne journeys to the site each week, plus those generated by visitors, suppliers and contractors, legal staff plus the transport of the detainees. Assuming that some, say 30% of these jobs are part-time, the base figure becomes 5,914 car borne journeys plus approximately an additional 33% (using the assumptions made in the Transport Assessment (TA) Table 5.12) for the other users identified above. This amounts to 7,865 journeys. The key point is that a high percentage of these journeys are likely to be inter-urban journeys, and therefore do affect traffic levels in Bicester rather than removing traffic generating movements within the town.

Whilst the applicant makes use of an outdated landscape assessment, which states that '*the character [of the site] has become urban.*' (our underline) this is not the same as saying that this is an urban site. It is not currently used for employment purposes, and it has had no employment use on it for at least 5 years to our knowledge. The argument that it is an existing employment site is therefore invalid in our view. It is a brownfield site with a previous historic use as low density warehousing space.

The scale of the development, with 528 full time equivalent posts makes this a major new employment site, and therefore beyond the level of development that notionally could be permitted under Cherwell Local Plan policy EMP4 covering rural areas, also EMP4 in the NSCLP. The proposal conflicts with EMP4 in several ways:

- 1) We believe the character of the landscape will be adversely affected by the proposal. This is for a 16m high structure, with floorspace 6 times the size of the Sainsbury's superstore in Kidlington. It is the largest detention facility of its kind anywhere in Europe. The views from Piddington will be adversely affected for many years to come. And the screening proposed is unlikely to obscure the height of the building nor the impact of the security lighting, which would need to be set above the third floor height.
- 2) This is not a proposal for a small firm (up to 500m<sup>2</sup>) or for a firm whose source of labour requires a specific location necessary for them. On the contrary, the applicant is assuming that only 6.52% of staff would come from the immediate vicinity of Arcott, Launton, Ambrosden and (not so locally) Chesterton. It is worth stressing that this is a huge venture. The rest of the workforce would need to travel from further afield. Approximately 63% of staff would come from Bicester. It follows that these employees would not be available for employment in Bicester. As stated above, we share the view of the Oxfordshire branch of the Federation of Small Businesses that if the centre goes ahead some firms in the area could struggle to find staff. The applicant also assumes that an available pool of unskilled labour within Central Oxfordshire, Banbury, and Aylesbury would want to avail themselves of this opportunity. But the availability of such a pool is not restricted to Central Oxfordshire, this pool is available nationally. Therefore it cannot be used to argue that location in this inappropriate area is 'necessary' in EMP4 terms. Nor, as we have argued, is it desirable.

- 3) The proposal gives rise to *'excessive inappropriate traffic'* and it does not *'contribute to the general aim of reducing the need to travel by private car.'* The TA surveys do not result in any case where the ratio of flow to capacity on the local network rises above the 85% threshold. However, this is not the same as regarding the additional flow created by a choice to locate on this location as acceptable. On sustainability grounds the scale of the development is inappropriate and excessive compared to a more sustainable location.
- 4) Focusing on the recruitment of unskilled and low-skilled workers misses the point on several counts. If you are intent on mixing foreign national prisoners, some of whom will have been convicted for serious crimes, with those who have been taken straight from the airport at the start (not the end as the applicant asserts) of their application you need staff who are adequately trained in conflict resolution to prevent severe intimidation and threats being made. We would certainly hope that a climate of fear isn't permitted. But we note with concern that *'Part of the regime within the Removal Centre is the encouragement of detainees to leave voluntarily.'* (PS 3.16) The assumptions made appear to be that anyone unemployed could do these low skilled jobs. Very many of the asylum applicants will have gone through traumatic experiences in their own countries, and are in need of support, not being exposed to possible intimidation.

Those who are unskilled are less likely to be car owners, a fact acknowledged by the applicant in the assessment of minibus take up. We do not see how in this case the existence of a potential labour source can readily be assumed to be suitable for use in what would need to be a settled and experienced staffing regime, even with the provision of a notional minibus service from Bicester.

- 5) The need to supply 70 healthcare professionals also represents an inappropriate use of a finite resource locally in Oxfordshire, where key workers already suffer relatively high house prices but no London weighting. Even with financial inducements to local healthcare trusts, the need for these staff will conflict with existing local healthcare priorities. In other words, there is a finite resource which makes it necessary not to choose this location.

### **Safety issues**

We would argue that the proposed centre poses unacceptable risks to potential detainees and staff, contrary to the policies of the Cherwell Community Plan. The intended mix of detainees and the use of a mainly low skilled workforce is a recipe for disaster.

On 14th February 2002 Yarl's Wood detention centre, near Bedford, was destroyed when detainees protested. Others centres including notably Harmondsworth, have seen major disturbances and fires. One whole wing of Harmondsworth was destroyed in one incident.

Hunger strikes, fires and escapes are already the pattern at Campsfield detention centre (216 beds), some 15 miles from the proposed Bullingdon centre. The scale of this centre is unprecedented, and it is a high risk development.

Stephen Shaw, the Prisons and Probation Ombudsman, was charged with investigating the lessons to be learnt from the destruction of Yarl's Wood. In his 2004 report he concluded *'I recommend that IND pulls together the lessons on design from the Yarl's Wood experience (size, long corridors, siting of the control room, construction materials etc.)... for future projects.'*

Following a recent disturbance at Campsfield House, the *Oxford Mail* (16 June 2008) commented:

*'It is time the Government got to grips with the problems at Campsfield and sorted them out – before the tinderbox really explodes. We don't need reminding that another immigration centre is being planned near Bicester – can we expect double trouble when that is built?'* Part of our objection is that it would appear to be an unacceptably high risk project.

### **Mitigation measures are unacceptably poor**

The applicant is claiming that the proposal complies with PPG13 guidance in a number of ways. Firstly, the applicant expresses the view that location at this site prevents the inappropriate displacement of an even larger traffic generating function from closer to Bicester. We have dealt with that invalid argument above. Secondly, the applicant states that in providing a minibuses to and from the Bicester stations, staff have a choice of modes of travel in order to access the site in conformity with PPG13 guidance. However, this argument is hugely overstated given that what is being proposed is, in effect, a single minibus – a figleaf.

One claim made in the TA is that *'the proposed minibus services have been designed to integrate well with existing rail services'* (TA, Section 4.4.13). This bears further examination. The non-clerical staff shift patterns are designed to start at 6–8am, 1–2pm and 6–8pm, though table 5.12 of the TA shows staff arriving between 5–6am (167), 12–1pm (166), and 6–7pm (43). Staff shifts allow for a handover period, so non-clerical staff leave at 7–8am (i.e. rush hour 43), 2–3pm (167), and 9–10pm (166). Figure 1 (below) shows the proposed minibus timetable, and the latest available train departure from the main origins of the workforce as set out in TA table 5.23. This is based on mid-week timings. Weekend connections are worse.

Figure 1 shows that the claim that the minibus-train link is good is simply untrue for most shift workers, and only holds good for night shift workers. Day 1 shift workers from Aylesbury, Banbury and Oxford would need to stay overnight in order to catch the minibus. For this shift the return journey time is: Aylesbury 1hr 55 mins, Banbury 1hr 5 mins, and Oxford 2 hrs 11 mins (assuming a rail journey via Banbury, otherwise 2hrs 56 mins). For Day 2 shift workers the inbound journey is fine, with the exception of those from Oxford who have the choice of a 4 hr 18 min direct journey, or a 1 hr 23 min journey via Banbury. Similar problems exist for Oxford bound return journeys on this shift. The only shift with good connections by train is the night shift. For those workers coming from East Oxford, as set out in the TA, additional journey time would need to be built in to allow for the transfer by bus to and from the east of the city. A transfer to a local bus between Bicester and Oxford may improve some return journeys into Oxford, but it is not viable for Day 1 shift workers, as the first Oxford–Bicester bus service arrives into Bicester at 07.32 – too late.

With the possible exception of the night shift workers, none of the journeys offer a modal choice that is a realistic alternative to the private car. The applicant would need to provide a dedicated service bus from the points of origin for this to be a plausible offer. We note that whereas 12 members of staff appear to avail themselves of the inbound bus at 21.30, only 3 take the end of shift service at 07.30. Why is this?

| Latest train departure time | Day 1  | Day 2   | Night                                     |
|-----------------------------|--|---|---|
| Aylesbury                   | 23.00<br>Arr Bicester 23.51*<br>05.49<br>Arr Bicester 06.42                      | 11.38<br>Arr. Bicester 12.18  | 20.16<br>Arr. Bicester 21.13              |
| Banbury                     | 22.14<br>Arr Bicester 22.32*<br>05.24<br>Arr Bicester 05.40                      | 12.09<br>Arr. Bicester 12.24  | 21.12<br>Arr. Bicester 21.27              |
| Oxford                      | 21.42<br>Arr Bicester 23.00*<br>05.51<br>Arr Bicester 06.17                      | 11.36<br>Arr. Bicester 12.24**<br>08.41<br>Arr. Bicester 09.07                    | 20.59<br>Arr. Bicester 21.25              |
| Bicester stations bus Dep.  | 05.30  | 12.30   | 21.30                                     |
| Site arrival                | 05.59  | 12.59   | 21.59                                     |
| Shift starts                | 06.00  | 13.00   | 22.00                                     |
| Shift finishes              | 14.00  | 21.00   | 07.00                                     |
| Bicester stations bus Dep.  | 14.30  | 21.30   | 07.30                                     |
| Bicester stations Arr.      | 15.00  | 22.00   | 08.00                                     |
| Aylesbury                   | Dep. Bicester 15.44<br>Arr. 16.25  | Dep. Bicester 22.32<br>Arr. 23.38   | Dep. Bicester 07.34<br>Arr. 08.36         |
| Banbury                     | Dep. Bicester 15.19<br>Arr. 15.35  | Dep. Bicester 22.28<br>Arr. 22.46   | Dep. Bicester 07.49<br>Arr. Banbury 08.05 |
| Oxford                      | Dep. Bicester 15.19<br>Arr. 16.41**<br>Dep. Bicester Town<br>17.00<br>Arr. 17.26 | Dep. Bicester 22.28<br>Arr. 23.14**<br>Dep. Bicester Town<br>06.24<br>Arr. 06.50* | Dep. Bicester 07.57<br>Arr. Oxford 08.23  |

**Figure 1 minibus and train journey connections**

\*necessitates overnight stay in Bicester

\*\*via Banbury (supplement may be payable).

The current public transport offer is poor and unacceptable as a means of overcoming the policy objections set out above, and those of NSCLP policy TR2.

We object to the application on the grounds that it conflicts with the CLP policy TR5 and NSCLP policy TR5. The parking provision allows for 270 staff parking spaces and 30 visitor spaces. Table 5.27 of the TA allows assumes that with 84% of staff driving to the centre, the parking accumulation of staff between the hours of 12–2pm will be 295 spaces. This only allows for 5 visitor spaces, which include regular visits in which it is expected that 15 of the

possible 21 available interview room slots will be used – meaning that there is, in effect, no parking for visitors arriving in time for a 2pm visit. The applicant has assumed that the minibus will reduce the number of visitors arriving by private car by 50%, and is anticipating a reduction in staff using private cars from the 84% survey results at Bullingdon Prison (where there is already an hourly bus service during the day). Our view is that a target of 50% of social visitors arriving by minibus is highly optimistic, and that a figure of 84% of staff arriving by private car is robust. This means that visitor and or staff vehicles will be displaced onto the local roads, where there is no pavement, creating a safety hazard. Circular 02/2006 requires large development to have ‘...good road links, space for car parking and good public transport links, and a significant number of long term jobs for local people.’ We doubt that the proposal will deliver long term jobs, as the government is already claiming that it is removing 63,140 illegal migrants in 2007 (UKBA reported on BBC News website 19 May 2008) without the existence of this centre, or 2.5 times the total number of asylum applicants.

Whilst the provision of a travel plan allows the development to conform with NSCLP policy TR3, clearly that travel plan must mean something, and not merely be a paper exercise. In this case, the applicant states that *‘specific objectives to further encourage the use of sustainable transport methods are detailed in the Travel Plan. Targets for the completion of these objectives will be established...when the site is operational.’* (PS 3.10) This is a complete cop out. Targets need to be set in advance of the site opening in order to ensure that there is a reduced level of dependency on the private car than the survey of Bullingdon Prison staff reveals. It is not too difficult to predict that a further reduction of car dependency can only be achieved by a vastly improved service bus arrangement for staff than the offer currently being made, and to provide staff incentives to take up an improved offer.

On a separate note, we are also concerned that the scale of the building, the unspecified lighting arrangements, and the height of the fencing will be deeply intrusive features that would take years to screen. In particular the lighting would need to be at least at the height of the top storey of residential accommodation, and, even if designed to point downwards, would reflect off any gleaming or wet nearby surfaces such as roofs. They would project an unwarranted extension of light pollution into a rural area. We are also concerned that noise such as tannoys would easily leak out of the site disturbing residents at Piddington, which is downwind of the site.

Our overall conclusion is that there are strong policy objections to the proposal. We turn now to a consideration of the need, which needs to be strong enough to overcome the policy objections.

## **Need**

**CABIRC believes that there is no need for this centre, and that its development would be a waste of public money. It will fail to achieve its policy objective, which can be achieved through less brutal alternatives.**

We are a humanitarian organisation. We believe that it is wrong to use detention as a means of providing a disincentive to those who need to apply for protection in the United Kingdom. We note that whereas there has been a huge national debate about whether to extend judicial detention up to 42 days, there has been no parallel debate as to why those not posing any kind of terrorist threat can be and are detained for unlimited periods of time. Additionally the decision to detain is not subject to judicial review, those detained are not being provided with a proper explanation as to why they are detained, and why they are subject to often being arbitrarily transferred between centres within the detention estate.

The government's policy towards asylum seekers and foreign national prisoners (FNPs, those not of UK nationality who have served a sentence in a UK prison] is in complete disarray and is self-contradictory on many levels.

The PS (4.11) sets out that asylum application numbers rose by 13% in the second quarter of 2008 compared to the same quarter in 2007. The total number was 6,840. However, what is not stated is that the total number of claimants has fallen dramatically as a result of measures that have nothing to do with the expansion of the detention estate.

From a position of there being over 100,000 applicants in 2001, the numbers reduced to 49,370 in 2003/4 and to 24,345 in 2007/8. Of these applicants 16% are initially successful in their applications, 25% of those who appeal (the vast majority) against initial determinations are successful, and 21% of all applicants voluntarily leave.

In terms of the 'need' to remove those who would otherwise not be permitted to stay, whose case has reached a final stage, and who do not agree to leave voluntarily, the potential number of places required in the detention estate would be approximately 10,000 (including dependents) per year. This assumes the unlikely situation that all such cases were deemed to represent those likely to abscond and who were a risk to public security.

The PS section 3.1 claims that the expected length of stay is 6–8 weeks. This implies that each bed within the detention estate can be expected to be used 6.5 times per year. PS Section 4.9 reveals that later this year there will be 3,589 beds within the detention estate, which at a use of 6.5 detainees per space would allow for the detention of 23,328 people per year, i.e. far outstripping the total number (10,000) of asylum seekers who might be considered liable to be detained.

We note that at the time of the 2004 application to extend Campsfield House, the Supporting Statement in support of that application stated: '*...the length of stay at removal centres and at Campsfield in particular, has declined over recent years and the average is now approximately 2 weeks.*' (SS2.14)

Our question is, why is there a disparity between the two sets of figures? Is it that the UK government has adopted a policy of detaining earlier and for longer since 2004, or is it simply that, as the availability of new detention space has become available the UKBA has become less efficient in its management of the people it decides to detain?

The PS sets out that government's target for detention places is 4,000, but with the provision of this centre, that number will be significantly above 4,000 at 4,389 (3,589 + 800) implying that a centre this size is not required.

We are a humanitarian organisation. We believe that it is wrong to use detention as a means of providing a disincentive to those who need to apply for protection in the United Kingdom. We note that whereas there has been a huge national debate about whether to extend judicial detention up to 45 days, there has been no parallel debate as to why those not needing any kind of judicial review can be held for unlimited periods of time. Additionally the decision to hold is not subject to judicial review, those detained are not being provided with a proper explanation as to why they are detained, and why they are subject to often being arbitrarily transferred between centres within the detention estate.

The government's policy towards asylum seekers and foreign national prisoners (FNLs) does not of UK nationality who have served a sentence in a UK prison) is in complete harmony and is self-consistency on many levels.

The PS (4.1) sets out that asylum application numbers rose by 13% in the second quarter of 2008 compared to the same quarter in 2007. The total number was 6,840. However, what is not stated is that the total number of claims has fallen dramatically as a result of measures that have nothing to do with the expansion of the detention estate.

From a position of there being over 100,000 applicants in 2001, the number reduced to 44,700 in 2004 and to 24,342 in 2007. Of these applicants 16% are initially successful in their applications, 53% of cases who appeal (the vast majority) against initial determinations are successful, and 31% of all applicants voluntarily leave.

In terms of the 'need' to remove those who would otherwise not be permitted to stay, whose case has reached a final stage, and who do not agree to leave voluntarily, the original number of places retained in the detention estate would be approximately 10,000 (including deportments) per year. This compares the unlikely situation that all such cases were detained in respect of those likely to remain and who were a risk to public security.

The PS section 2.1 claims that the expected length of stay is 6-8 weeks. This implies that each bed within the detention estate can be expected to be used 6.2 times per year. PS Section 4.9 reveals that later this year there will be 1,250 beds within the detention estate, which at a use of 6.2 detainees per space would allow for the detention of 7,750 people per year, i.e. for outstripping the total number (10,000) of asylum seekers who might be considered liable to be detained.

We note that at the time of the 2004 application to extend Campfield House, the supporting statement in support of that application stated: "The length of stay at removal centres and at Campfield is presently 45 days and the average is now approximately 3 weeks" (2004, p. 11).

Our question is why is there a disparity between the two sets of figures? Is it that the UK government has adopted a policy of detaining refugees for longer since 2004 or is it simply that, as the availability of new detention space has become virtually the UKBA has become less efficient in its management of the people it detains?

The PS sets out that government's target for detention places is 4,000, but with the provision of the centre, that number will be significantly higher at 7,750 (1,250 x 6.2) implying that a centre this size is not required.

## Who is being detained and for how long?

### 1. Those seeking political asylum

There are a series of inconsistencies within the PS. Section 5.1 sets out that *'The proposed centre will provide short stay accommodation for males only who are in the final stages of the asylum and appeal process'*. However, this cannot be the case when some are detained at the port of entry, where they will only just have set out the bare bones of their case to an immigration official at the airport/ferry terminal. Section 1.6 of the PS sets out that *'Detainees are to be taken to the centre from asylum screening centres, ports, police stations and arrest teams, reporting centres, prisons and other removal centres.'*

Whilst it may be cost effective to run a large-scale centre offering teleconferencing facilities for detainees to speak to their lawyers, thus reducing the number of legal visits, we doubt whether detainees, who will include victims of torture, will feel comfortable relaying their experiences in this manner. The fact that 15 legal visits a day are still built into the TA trip generating assessments illustrates that over an average stay of 8 weeks, there will be 600 visits by legal advisors, implying that about 75% of detainees would still be at a stage in their application where they will need to receive legal advice in person. This is inconsistent with the stated use of detention being reserved only for those who have reached *'the final stages of the process'* (PS 5.1). It also adds to the cost of providing legal support in an area far removed from legal practices specialising in immigration law.

Government policy regarding the use of detention also seems to be at odds with the PS. In a letter to Rt Hon Andrew Smith MP, dated 5 January 2009 the Secretary of State writes: *'the government's stated policy on the use of detention is that there is a presumption in favour of granting temporary admission or release in all cases... We do not routinely detain asylum seekers.'* This contrasts with the policy set out in the PS Section 4.8 which states: *'The aim is to move towards the point where it becomes the norm that those whose asylum applications are refused are detained.'* You cannot proclaim, as the government routinely does, that asylum is used sparingly and as a last resort, whilst in practice extend its use to act as a deterrent, part of a regime designed to persuade detainees to 'give up' their cases midway through appeal stages (PS 3.16).

### 2. Those who are deemed not to be possession of adequate travel or residence documentation, those who have failed to comply with a condition of stay 'inadequate' travel documentation.

### 3. Foreign National Prisoners (FNPs)

The other constituent group subject to detention is FNPs. In November 2007 two prisons were designated for the exclusive detention of foreign national prisoners, with a joint capacity of 455 beds. Our concern is that neither of these two prisons appear to feature in the PS as being additional to the detention estate, but in effect they are. Canterbury and Bullwood Hall in Essex have teams of immigration officers attached to them, and offer an enhanced opportunity to process deportation cases whilst a prisoner is serving his sentence rather than upon completion of their sentence.

The PS in Section 1.1 refers to the intended use of the proposed site to detain foreign national prisoners *'following their release from custody having completed a prison sentence for crimes committed in the UK.'* However, in a High Court ruling reported on

<http://www.4-5graysinnsquare.co.uk/news/index.cfm?id=2094> the routine use of detention post completion of sentencing was deemed unlawful.

*'On 19 December 2008 Mr. Justice Davis handed down judgment in R (Ashori) and Others v SSHD [2008] EWHC 3166 (Admin) declaring that a policy operated by the Secretary of State for the Home Department by which there would be a presumption in favour of detention for all foreign national prisoners at the expiry of their sentence was unlawful.'*

*Davis J. said that the unpublished policy which had been communicated orally to staff in the Home Office from April 2006 was unlawful because it had not been made public or sufficiently accessible until it was published on 09 September 2008. He also held that paragraph 2 of Schedule 3 to the Immigration Act 1971 created no presumption in favour of detention and that the Executive could not create a presumption where Parliament had not done so.'*

The implication is that the intended use of the new centre for former FNPs that the PS sets out is no longer permissible. The PS was submitted before this ruling.

**The Government has failed to demonstrate that it has properly considered possible alternatives to increased use of detention. It has thus failed to establish the need for more detention places.**

1. The Council of Europe's Commissioner for Human Rights has strongly advised the UK Government against increasing the detention estate.

*'The Commissioner is concerned at the United Kingdom Border Agency's public commitment to expanding the immigration detention facilities. He urges the authorities to consider the possibility of drastically limiting migrants' administrative detention.'*

*'25. The international refugee law principle of non-detention of refugee applicants should be firmly established in British immigration law. Their detention may occur only exceptionally, for the shortest possible time and only for the following purposes: (a) to verify the identity of the refugees; (b) to determine the elements on which the claim to refugee status is based (c) to deal with cases where refugees have destroyed their travel and/or identity documents or have used fraudulent documents to mislead the authorities of the country of refuge; (d) to protect national security or public order.'*

*'26. The law should expressly proscribe the application of "Fast Track Processes" to particularly vulnerable persons, such as asylum-seeking unaccompanied minors and persons with regard to whom there are reasonable grounds to believe that they are*

victims of torture, sexual violence or human trafficking, cases whose examination and analysis require de facto more time.

*'27. Alternatives to detention measures should be expressly provided for in the law. Reports by the Office of the United Nations High Commissioner for Refugees and specialist NGOs may be helpful in this respect.'*

(Council of Europe Commissioner for Human Rights, Thomas Hammarberg, Memorandum of 18 September 2008)

2. A report published in December 2008 by The Centre for Social Justice, which is chaired by Iain Duncan Smith, MP, argues that the Britain's lack of success in persuading failed asylum seekers to return home voluntarily is part of a broader policy failure. It argues for a complete overhaul of the system as current strategies are not working. It suggests more supportive and less punitive measures are likely to be more appropriate.

*'The vast majority of asylum seekers currently detained do not pose a threat to security and studies suggest there is little risk of absconding. However, the Government feels that it is in the interests of the country to detain large numbers of asylum seekers for long periods at great expense to the taxpayer, and it is currently in the process of planning an increase in the capacity of the detention estate. **We think this is an unnecessary waste of money. We recommend that alternatives to detention are implemented such as bail bonds and voice recognition reporting....**' [emphasis added]*

Report available on <http://www.centreforsocialjustice.org.uk/default.asp?pageRef=37>

3. The Independent Asylum Commission has recommended: *'An independent analysis of viable long-term alternatives to detention should be undertaken. Pilot schemes to test alternatives to detention should be undertaken and rigorously evaluated.'* (Third Report, 2008, Key Recommendation 1)

## Costs of the centre

Given the many and manifest doubts that surround the policy and practice of immigration detention in the UK, the costs of the policy takes on particular importance. Hansard of 14 January 2009 records the following exchange:

### *'Detention Centres: Per Capita Costs*

*'Chris Huhne: To ask the Secretary of State for the Home Department what the average daily cost of detaining an illegal immigrant in a detention centre was in the most recent period for which figures are available.*

*'Jacqui Smith: The average daily cost of detaining a person within the immigration removal centre estate is £130.'*

At £130 per day, and at full capacity, 800 people in Bullingdon would cost £104,000 per day to detain, and £37,960,000 per year. To detain an individual for one year (which does occur) would cost £47,450.

We would submit that the likely future running costs (to say nothing of the start-up costs) of a detention centre at Piddington make it all the more desirable for the government to provide evidence that it has seriously and systematically considered alternatives to detention.

### **The human rights issues**

People held under the 1971 Immigration Act are denied the fundamental right to liberty unless charged or convicted of a crime and sentenced. Immigration detainees are held for months as a matter of course, some for many months, even years without judicial oversight of the decision to detain.

This compares with the furore over extending the length of detention for which a 'terror suspect' may be held beyond the present limit of 28 days.

The United Nations High Commissioner for Human Rights, Amnesty International and Liberty are just some of those that have reported on the injustice and human costs of the UK's detention policy.

*'The human costs of this policy [immigration detention] are frighteningly high. We found that languishing in detention with no end in sight led to mental illness, self harm and even attempts by people to take their own lives'*

*UK: Detention of People Who Have Sought Asylum, Amnesty International, 2005.*

Apart from the fundamental and well documented problems with lack of access to legal advice, to adequate medical care, and to a fair asylum claim hearing process, we would point to the following areas of concern, and to one or two publications dealing with them.

### **Indefinite duration of detention**

*Detained Lives: The Real Cost of Indefinite Immigration Detention, London Detainee Support Group, 2009*

### **Mental illness**

*'No Refuge from Terror: The Impact of Detention on the Mental Health of Trauma-affected Refugees Seeking Asylum in Australia, Transcultural Psychiatry, Vol. 44, No. 3, 359-393 (2007)*

### **Physical mistreatment and physical assaults**

*Harm on Removal: Excessive Force Used Against Failed Asylum Seekers*, Medical

Foundation for the Care of Victims of Torture, 2006

*Outsourcing Abuse*, Medical Justice, NCADC and Birnberg Peirce, 2008

### **Suicides**

Institute of Race Relations website (26 July 2004) *Failing the Vulnerable: The Death of Ten Asylum Seekers and Other Foreign Nationals in UK Detention Centres*. [There have since been three more suicides in immigration detention centres.]

## **Conclusion**

We cannot see how this proposal complies with existing policy requirements. There are no special circumstances that demonstrate the need for this centre that outweigh the policy objections, and, in any case, government policy in regard to the use of the centre is unclear and contradictory. We call on members of the Planning Committee to reject the application.

At the time of making this submission, those participating in and supporting CABIRC included the following:

#### **Non-governmental organisations:**

Actors For Refugees

Asylum Welcome, Oxford

Bicester Refugee Support group former members

Campaign to Close Campsfield

Refugee Resource, Oxford

**Political and trade union:**

Page 19

Oxford & District Trades Union Council  
Banbury Constituency Liberal Democrats  
Banbury Constituency Labour Party  
Oxford District Labour Party (incl. Oxford East and Oxford (West) and Abingdon constituencies)  
Oxfordshire Green Party  
UNISON Oxford University & Colleges Branch

Report prepared and submitted for CABIRC by Andrew Hornsby-Smith and Bill MacKeith

Coalition Against Bullingdon Immigration Removal Centre,  
PO Box 377,  
Bicester,  
OX26 9FT

22 February 2009

# Piddington Parish Council

Clerk: Mrs M D Ashton BA Hons, Dip Eur Hum.  
Greystone Lodge, Lower End, Piddington, Oxon OX25 1QD  
01844238510

Cherwell District Council  
Bob Duxbury  
Planning and Development Services  
Bodicote House  
Bodicote  
Banbury  
Oxon  
OX15 1AA

27<sup>th</sup> January 2009

SCANNED

| PLANNING HOUSING & ECONOMY |       |         |      |     |
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Dear Sir,

**Re: Planning application 08/02511/F**

This Parish Council objects to the application.

From the information presented there are concerns about:-

CDC Letter to CgMs July 2008

Pg 1 para 5: ' the Local Planning Authority is of the opinion that the proposed development would be unlikely to have significant effects on the environment...'

Pg 2 final para ' It is concluded that the proposed development would have a significant effect on the environment and hence that an Environment Impact Assessment would not be required in this instance.'



Please could we have urgent clarification on CDC's position. This Parish Council feels there will be very significant effects on both the local environment and associated infrastructure.

From the UKBA submission:

PLA00-007 Proposed site layout

Parking for approximately 300 vehicles is shown. It is stated in accompanying documentation, the vast majority of these spaces are for staff. This suggests that despite assurances public transport will be used to convey staff to minimise traffic impact, this is unlikely to be the case and we will get a huge build up of vehicles at shift change times.

PLA00-280 Wing elevations.

Building height for each of the eight wings is shown as 16.23metres with equates to 53.25 feet. This is clearly going to be visible above the tree line for years and is totally unacceptable. Photographs presented are not a true representation of the 'on ground' perspective.

This problem could be overcome by either reducing the capacity of the centre (does it really need to be the biggest and it is interesting that capacity remains at the same levels as the earlier proposal for the asylum centre), or by increasing the number of wings. Either option would reduce the height to two storeys.

This design appears to have been adopted on the basis of 'standardization' and 'minimisation of unit costs'. These may be of importance to the UKBA but they should not override the impact on the location and the environment. Maximum height of any new building on this site should not exceed that of the present buildings and the site area could accommodate a two storey design

In the previous application by the Home Office the maximum height of accommodation blocks was 9m and the Sports Hall 11.4m both substantially lower than what is being proposed. Nothing has changed in the surrounding rural area to make these proposals acceptable..

#### PLA00-006 Existing Aerial Context Plan

The water flow indicators suggest that the site could be subject to major flooding, or if the area is substantially paved/hard standing could cause severe flooding in Widnell Lane. This village has suffered severe localised flooding over the past few years and there is concern this development may increase risk

#### Traffic

See above PLA00-007.

There is concern about the road junction from Widnell Lane onto the B4011 - a blind spot exists to the north, due to the railway barriers for A Site.

With increased traffic, at shift change and delivery or refuse collection times there will be an increased danger to vehicles turning either way out of the village onto the B4011. Accepting the speed limit has been reduced to 50mph we feel there should be a further reduction from the stretch of Bullingdon Prison to north of the proposed access site including the road junctions of Widnell Lane, Palmer Avenue - with speed cameras and co-operation of the MOD to improve the railway junction.

A lady was killed near this stretch of road before the Asylum application was considered.

The proposed shift patterns will cause congestion.

This village does not want to see single track roads used as unofficial parking - an issue addressed in the last Public Enquiry.

#### Roofs.

Why does the orientation of the sloping roofs have to face east - towards Piddington? We have been told the roof space will only be used for plant. As such, a simple 180° turn would reverse light pollution to an unoccupied area of the rural landscape and save the village from light pollution.

This planning application shows extensive use of aluminium roofing with no clarification of the finished cladding/colour. All covering should be non-reflective. This is an area of much light aircraft traffic - non-reflective would aid both wildlife and local aircraft traffic.

#### Lighting

We feel the plans do not give full consideration to light pollution in what is a very rural area and more thought should be taken.

While consideration has been given to light pollution from external sources, emissions from the buildings themselves have not been considered We refer to our comments above about roof orientation. We feel this is a poorly conceived document. This is a rural area with NO lighting at present and an abundance of wildlife.

The Environmental Lighting Assessment was only carried out from publicly accessible areas. They are inadequate.

Section 3.6.4 - 'there would appear to be no public views of any lights within the current site boundary' prompts questions :

How does the existing limited level of lighting compare with the proposed?

What views exist from non-public areas?

No consideration has been given to light pollution from the construction phase of the proposed development which would have considerable impact if conducted throughout the winter months of 2009/10!

#### Landscaping

'Landscape and Visual Assessment Report' claims in section 10.30 that there will be no change in the 'effects of visual context' - this is totally dependent on the relative height of the buildings (please see above).

There are a number of references to additional planting in various documents but no specific details included.

#### Noise Pollution

This is being located in a very rural environment and light is not the only pollutant.

Construction noise must be considered by Cherwell District Council, not merely the plant on site but delivery and waste disposal vehicles.

Once operational, noise from inmates, shift changes, traffic movements, plant, numerous deliveries and refuse collections will impact on villagers. Operational noise should be considered.

#### Storm Water Management

'Drainage and Surface Water Strategy' focuses on the immediate site, there is no assessment for the river Ray or the localised flooding that exists in the village of Piddington. Indeed some villagers are still unable to return to their homes because of flooding experienced last year.

There is mention of rainwater harvesting in the 'Energy Centre and Sustainability Report' but it has no detailed assessment of the impact of increasing the amount of hard surface to the site as a whole and increasing the overall amount of runoff due to the roving onto an already overloaded local surface water drainage system - the river Ray.

#### Foul Water

Can Thames Water improve the local infrastructure so public hygiene, washing and cooking requirements can be coped with by the sewerage system.

#### Other comments

The 'planning statement' claims in Section 7.26 the development 'has been designed in scale with the site and within a landscape setting'. Buildings of 16.2 metres height clearly do not support this claim. This Parish Council feel that the documents provided do not address all the issues. We feel it is poorly conceived.

At public consultation meetings, a planting scheme was described for the eastern perimeter of the site that would take 5-10 years to become fully effective. Screening needs to be effective BEFORE CONSTRUCTION BEGINS, thereby addressing issues of construction noise and light pollution.

Understanding that comments should only be made on planning grounds, we also include a letter sent to CDC from the Parish Council raising concerns about the whole development and ask it be considered alongside this correspondence against this proposal.

Community Connect states the 'it is not possible to dictate to staff which way they travel to work' which reinforces our concerns about the traffic plan and the details that has gone into this proposal.

We are concerned that this proposal has not had proper public consultation, issues raised at public exhibitions have not been correctly addressed in this proposal.

Limitation of building height to a two floor design without the sloping roofs.

Effective site screening before construction

Effect on congestion and safety resulting from the significant increase in road traffic and the shift patterns

Re-orientation of roof windows

Specification of roof finish

Limitation of construction noise

Limitation of operational noise

Limitation of light pollution both during construction (recognising Health & Safety plus security issues)

Limitation of light pollution throughout the buildings operational life

Effective storm water management and control of run off.

Yours faithfully



M D Ashton Parish Clerk

Enc. Bob Duxbury previous letter

# Piddington Parish Council

Clerk: Mrs M D Ashton BA Hons, Dip Eur Hum.  
Greystone Lodge, Lower End, Piddington, Oxon OX25 1QD

Community Connect  
Akeman Barn  
High Street  
Ramsden  
Oxfordshire  
OX7 3AU

25<sup>th</sup> November 2008

Dear Mr Hoare,

## Re: Proposed Immigration Removal Centre at Bullingdon.

Councillors attended both exhibitions and have spoken to Piddington villagers, some of whom felt their own questions were not answered or representatives from the authorities were unable/unwilling to discuss issues and questions raised.

This Parish Council makes the following comments, to which a reply would be appreciated. We understand from a representative at the exhibitions that comments 'would be taken account of in the planning application but there would be no specific responses to individuals'. Concerns are quite genuine.

This Parish Council is also concerned that there is no real consultation and would seek direct involvement at a stakeholder level in the ongoing project to develop the immigration centre, namely a position on the project board. We would also seek direct representation in the management of the centre once open.

### Building

Why does this have to be a three storey construction? There is plenty of land available within the site and with the proposed pitch of the roof it will most certainly appear above the tree line.

It was gratifying that two representatives did drive through the village yesterday but it also raises the question of how many site visits have yet been made. Our understanding of the previous planning application for an asylum centre is that Cherwell District Council – the local planning authority, did not approve of three stories then so why now?

The orientation of the rooves concern us. Understanding that 'plant' will be in the roof space, villagers are still concerned about light pollution. By changing the roof light to face the B4011, with the prefabricated design, surely it is a matter of CAD design on a computer? Simply reverse them, if these are plant areas there is no need to orientate to the east/west line anyway.

As yet we have no real idea of what the roof material will be made of. Remember this is within a rural area and that was taken account of at the last proposal.

### **Lighting**

Accepting Mr M Plahi (Ministry of Justice) comments that this would be built to Category C standards and lighting is necessary within a secure unit, light pollution remains a grave concern – as per our comment above re. roof orientation. This may be a ‘brown field site’ but it is within a rural area and we would suggest the CPRE ‘new attitudes to the need for and effectiveness of security lighting’ should be considered, along with The British Astronomical Associations Campaign for Dark Skies.

### **Traffic**

The Parish Council would like to see the results of the traffic surveys. Use of the village roads as a ‘rat run’ on shift changes is concerning villagers. We would like reassurance that construction traffic will NOT use the village, we do have a 7.5T weight limit. At the last proposal there were concerns raised about the amount of parking available for both workers/visitors/legal representatives and that local country (single track) roads could be used as unofficial car parking areas.

### **Blind Spot**

As villagers exit the village from Widnell Lane onto the B4011 there is already a ‘blind spot’ as one looks north, turning towards Bicester, due to the railway crossing for the MOD into A Site. The ‘junction’ boxes are the problem. Will the developers increase the width of the railway crossing to improve road safety at this particular junction.

### **Construction**

There are concerns about construction traffic using the village roads, noise levels during construction and the hours that will be worked. Please could you inform us of what measures will be put in place to minimise noise and disruption to the village.

### **Flooding**

This village has had immediate problems with flooding throughout 2007/8. Concern has been raised that by ‘concreting’ over a fair area there maybe increased problems within the village.

### **Water/Sewerage**

Concerns have been raised about where the water supply will come from the village does have problems with water pressure. The last proposal, as we understand, had the water supply coming from a westerly direction – will this be maintained. Villagers are concerned about the impact of such a large establishment on the present infrastructure. How will waste including rubbish and sewerage be treated?

### Security

Please observe our previous comments about involvement SHOULD this development go ahead (Para 3).

Inmates may be desperate to stay. Hypothetical situation - Inmate realises he has passing resemblance to a security guard/officer, with the aid of others, overpowers guard/officer, exchanges clothing plus security pass to gain release.

The response at present would be 'It can not possibly happen' – end of discussion.

Is there not a degree of complacency?

### Landscaping

The photographs presented at the exhibitions are inadequate. Concerns are raised that with three stories the centre will impinge on the present tree line. What reassurances do we have that the landscaping will go ahead and not be dropped when this project goes over budget? Can the landscaping, certainly on the Piddington side be instated before the construction work?

This letter, by no means considers all concerns by the 175 households within this parish but it will be published locally and it would be appreciated if answers to some of the questions could be published at the same time.

Thanking you for coming to Piddington with the exhibition, the village which will be most affected beyond Blackthorn with this Government proposal.

Yours faithfully,

M D Ashton

Clerk

cc. Mr Tony Baldry MP  
Mrs C Fulljames County Councillor  
Mr Martin Yale UK Border Agency  
Mr Manni Plahi Ministry of Justice  
Mr Bob Duxbury Cherwell District Council Planning Dept

Received 3/2

# BLACKTHORN PARISH COUNCIL

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Date: 01/02/2009

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SCANNED

**Bob Duxbury**  
Case Officer  
Cherwell District Council  
Development Control & Major Projects  
Bodicote House, Bodicote  
Banbury, Oxfordshire  
OX15 4AA

Dear Mr Duxbury

**Ref: Planning Application 08/02511/F Immigration Removal Centre (IRC) – Piddington**

As a consultee and affected parish, we write in response to the referenced planning application. **Blackthorn Parish Council (BPC) formally object to the application and make the following observations;**

1. **Traffic & Transport: Impact of additional (and potentially speeding) traffic through Blackthorn** – traffic speed and load through Blackthorn have been problematic for many years, a situation that the Highways Agency, Oxfordshire County Council (OCC) and Cherwell District Council (CDC) are well aware of, yet neither agency to date has supported the village in its endeavours to stem such problems.

**Blackthorn will undoubtedly be used as a “rat-run”** by construction, operational staff, visitor and support service generated traffic. This additional burden, which is not appropriately considered in the application (particularly when considering the likely employment catchment relative to Oxfordshire demands as a whole and limitations of “paper policies” such as the green travel plan and staff transport policies referenced) will lead to saturation of the simple, rural road network through Blackthorn, particularly Station Road.

The additional information (WSP traffic report) subsequently issued on behalf of UKBA acknowledges the negative impact that such a development will

impart in traffic terms, to the point that a commercial bond is proposed. We not only question the robustness of the report (as there seems to be a reliance on **vague assumptions of staff sourcing and related travel arrangements**, most of which are unenforceable) in its forecasting of additional traffic loading but suggest that the time delayed commercial bond is in itself recognition of problems yet to be realised. Should such a major development be granted planning permission, both **active and passive traffic calming and re-routing measures should be implemented before operational commencement of the facility.**

**Significant numbers of staff** (and one assumes legal & social visitors) **vehicular movements** (upto 187 between the hours of 9-10pm) are envisaged across day and night periods (we note the specific avoidance of the term “night/ nighttime” in the application) none of which can be appropriately controlled by UKBA through the measures proposed ie, staff shuttle buses, traffic routing policy and the travel plan, neither of which are proposed for example, to be actively monitored through continued use of number plate recognition cameras through the operational phase to test the effect of such passive policies and UKBA’s **commitment to sustainable rural communities.**

We draw your attention to Policy T8 of the Oxfordshire Structure Plan (see pg 2 of the Travel Plan) which states that “**Proposals for development should be permitted only if they provide adequate access and mitigation of adverse transport impacts**”. We are of the opinion that scant regard has been paid to the concerns raised by the parish council during the fragmented consultation to date (this also includes similar concerns across Lower Rd). BPC seek the belated support of OCC, CDC and Highways Agency following years of heightened concern which will only be exacerbated should this development be approved without further commitment to mitigating measures.

Page 58, 6.13.2. of the Transport Assessment suggests that only 15 additional vehicles/ hour (from a total of 1,182 new journeys) will be routed through Blackthorn and that no capacity problems have been observed. We find this statement most disturbing, as the assumptions used to assimilate such data output (staff sourcing, operational hours & patterns, success of travel plan, traffic problems on A41, staff adherence to travel policy/plan, etc) are unsound and unproven, to the point that detailed operational policy is not included in the application or supporting documents. Any reasonable person would also conclude that the **narrow carriageway within the 30mph zone of Station Road does represent a capacity problem**, particularly when considering residents parked cars on either side, the entrance & exit from Harlan Industries which regularly receives articulated vehicles (supposedly limited to 7.5t) and **continued lack of speed awareness of a high proportion of road users** (approximately 50% according to a 2008 survey commissioned on behalf of BPC. Additionally, a high proportion of Station Road users are generated by HMP Bullingdon presently, a point which has been recognised by OCC representatives) which can be validated by our Community Police Officer, WPC Caroline Brown.

**Obvious safety concerns abound in this regard** when considering the realistic (over theoretical) scenario Blackthorn will be faced with from additional traffic generated by the IRC. Added to this, **Blackthorn allotments** (a much loved community and

family resource) are situated along the western side of Station Road, requiring regular crossing of the road at that point by tenant families (including elderly and toddler family members). Additional traffic flow and the probable related speeding, will **increase the potential risk of personal injury or even worse, fatality at this crossing**, a point that has been brought to the attention of both OCC and CDC for some years now in the hope of support to calm traffic along Station Rd. We hope, following many years of campaigning including at District Councillor level, that all stakeholders to this application recognise the increased risk of harm to residents should the application be granted permission without a **condition to mitigate this concern prior to operational commencement**.

Inconsistencies in the approach adopted for traffic matters across the application are manifold including reference to the HMP Bullingdon Travel Plan, a suggested "blue print" in this context however this document refers to a **high percentage of single occupancy car drivers**. Further, in IRC Travel Plan page 1, 1.2.4 cost savings, it is suggested that "..... **Bullingdon is not in an ideal location for .....reducing vehicular transport....**". Also, at pg40 Table 5.18 of Transport Assessment, it states that **18.48% of HMP Bullingdon employees come from locations likely to use Blackthorn as a rat run** (Aylesbury, Marsh Gibbon and Buckingham) and it is clear that the proposal suggests an even higher percentage in aggregate would use this rat-run, we question again therefore the robustness of the traffic analysis in its conclusion that no mitigation measures are required.

Further inconsistency follows when considering traffic impact during the proposed construction phase, which is not clearly articulated through a detailed construction phase method statement (we would have expected to see such a detailed control strategy in place for such a major scheme). It is suggested that construction traffic will be routed away from villages but the community consultation states that "**.....it is not possible to dictate to staff which way they travel to work**", this being the case it suggests that UKBA are unable to accurately forecast traffic impact (both for sub-contractors and staff) through neighbouring communities as **active management of development and operational traffic is not committed to**.

Concern is raised regarding the operational policy of the IRC (which is not included as a full detailed document in the supporting information) particularly in this context with reference to shift patterns, social visit timings, professional and support visits and delivery requirements. It is clear that the IRC will generate considerable movements throughout every 24 hour period, the impact of which (noise, vibration, congestion, hazard etc) together with that already observed (generated by HMP Bullingdon) has not been appropriately considered by the application in its effect on a hamlet community, that bounds (to back of pavement line in most cases) the 4 core rural roads within the village.

Whilst supporting documentation recognises that employment is likely to come from Aylesbury, Banbury and Oxford as well as Bicester, the **realities of competitive tension in the employment market** were discussed during the private consultation between BPC and UKBA, particularly that Oxford's general "drain" on the employment pool will manifest itself in the main, in staff being recruited from the east of Bicester and further afield where **Page 30** **regardless of employer sponsored transport** **where a reliance on travel by car will be evident**.

Reference to public transport has been made across the application, however **lack of simple checks on service type, route and frequency** (for example, suggesting that regular services run from/to Bicester Town Rail Station and incorrectly referencing bus routes) shows an appallingly lazy approach taken for a development of such magnitude and sensitivity for local communities. This approach is further evidenced by a **lack of partnership proposals with transport providers** such as Chiltern Rail or Stagecoach, again **demonstrating the lack of commitment by UKBA in alleviating the very real impact of such a large scale development on neighbouring rural communities who wish to retain their identity.**

**The proposal is precise in its avoidance of committing to any effective traffic calming or re-routing measures.** We feel that the traffic survey and analysis has been conducted with a pre-determined conclusion and without any real consideration of life in Blackthorn in the context of traffic. The application is void of simple solutions such as active and continuous speed monitoring, signage, traffic calming at key junctions or indeed *grasping the challenge* of consideration of traffic assistance at the junction of A41/ B4011, which is the key facilitator of appropriate traffic management for such a development. This is all indeed very disappointing, particularly as this is a scheme ultimately funded by the taxpayer.

For the above reasons, BPC object to the application in the context of insufficient provisions made to mitigate traffic impact across Blackthorn.

**2. Drainage & Flood Management: Impact upon neighbouring designated flood areas** –Local stakeholders are well aware of the regular surface water flooding that takes place across the affected neighbouring areas, due to the current **priority treatment of such flood waters across the River Ray and its tributaries**, through adjacent villages and across to Islip and beyond. The application is very generalised in its approach to both foul and surface water treatment and can not therefore be used to determine the impact of such a large scale facility in this context alone.

Whilst the development site is itself outside of the Environment Agency Flood Risk area, the implications of the development may amongst other things **effect the water table and thus spread the flood effect further**, particularly when considering the large footprint of the facility, effectiveness and capacity of roof drainage and the area to be paved/ covered for a car park of 300 spaces. Previous or current trial bore holes suggest that the water table is at a relatively high level across areas of the proposed site with observations of wet/saturated bore holes also.

Page 12 4.9 of the supporting documentation suggests that that **no public storm sewers are known to exist on or around the site and current drainage is via a ditch on B4011**, towards the River Ray. As local residents know, the surface water ditch system is ineffective and is already at capacity through wet months, which are increasing in number across the year (particularly when considering recent inclement weather observations across 2007/8). Insufficient detail is supplied with the application (particularly north of the site) and commitment to drainage design is not evident on this most sensitive of issues for local residents.

As for traffic impact, serious and very real drainage issues have not been given the respect that they demand. An opportunity exists, should this application be approved to **consider the whole surface water drainage network holistically** to ensure that storm water discharge and overflow is treated appropriately not only for the proposed site but also neighbouring communities who are now at heightened risk of flooding through this application.

For the above reasons, BPC object to the application in the context of insufficient provisions made for treatment of drainage and consideration of flood impact upon Blackthorn.

**3 Operational Policy for IRC and Contingency Plans** – insufficient detail has been provided through the application regarding the complete operation of the facility. We are **unable to visualise the “removal pathway”** from immigrant identification, through transfer to the IRC, case review, detention and daily programme, humanitarian governance, care access, family treatment, religious and culture specific support, legal representation through to removal etc and indeed related operational and staffing response to such needs (hours of operation etc).

We have sought to understand such issues for some time however sufficient details have not been forthcoming to enable an assessment to be made of the impact of such operations or for that matter, **whether such operations are compatible with applicable relevant human rights policy.**

Whilst outline shift patterns have been suggested the detailed specification for operational management of the facility, particularly **security** have not been issued (a specific request at the closed meeting between BPC & UKBA. We also note that the IRC is a category B facility however the perimeter fence is compliant to category C).

BPC raised the issue of the **recent escapes from the Campsfield Centre** and sought to understand how such occurrences could be avoided at the planned IRC. The response given (the Campsfield building is an old and refurbished centre....) was not satisfactory and to suggest that the condition of the facility was the root cause of the escape is simplistic and rather concerning if accurate. The robustness of the operational policy that the eventual Operator will comply with is at the core of such issues, and **lack of a contingency plan** (*for emergency matters such as escape, energy failure, death, viral pandemics etc*) is not helpful to affected communities who must understand how such facilities are operated before any level of comfort and support to such an application can be given.

BPC believe that such policy documentation should be produced and consulted upon before any consideration can be given to the application.

For the above reasons, BPC object to the application in the context of Operational Policy & Contingency Plans.

**4. Proposed IRC Facility: Massing & Scale** the application presents a building of significant scale for the rural communities close by. Efficiency of the building

footprint relative to planned occupant numbers at full capacity manifests itself in a building that is some 16m high, visually buffered from neighbouring communities by an ambitious landscaping proposal.

The full effect of such a landscaping proposal will not be realised for many years, indeed **some of the species referenced may take up to a decade to mature**. Viewing cones/ sight lines from neighbouring rural communities indicate a significant visual impact for many miles and it is our opinion that reliance upon eventual landscape masking is insufficient for such a facility. It should be noted that the proposed height of 16m would be visible from approximately 2<sup>nd</sup> floor level of residential homes in Blackthorn.

The neighbouring rural communities have quietly enjoyed an unbroken and very natural landscape for over a thousand years, for this to be fragmented by a facility of such magnitude for a considerable period is unacceptable and indeed rides the edge of related policy. Given the extent of the land relating directly to and that adjoining the proposal, we believe that a building massing “**options appraisal**” would be prudent to consider amongst others things, reduction in storey height of the facility.

For the above reasons, BPC object to the application in the context of Building Massing & Scale and related impact upon Blackthorn.

**5. Facility Lighting** – whilst considerable concern is voiced over the building massing/ height proposed by the application, such concern is only exacerbated when considering the associated internal and external lighting which will be used throughout the night. Supporting documents focus on directional lighting however the Lighting Assessment Report, (which assesses a “*possible environmental impact*”) makes the following observations;

Page4, 3.1 *Location is a former Military Supply Depot, which up to several years ago had an extensive, if low level power installation* – it should be noted that the referenced facility has not been used for many years and such reference cannot be used to determine acceptance by neighbouring communities.

Page 6 3.6.2 *The wider view to the North (Blackthorn) is dark so any lighting in close proximity will impact more particularly if located on the north side of the development* – this clearly suggested the dramatic change that will be observed by Blackthorn residents.

Page 7 4.2 *All site lighting not to be switched off until 10pm* - exercise yards which face north towards Blackthorn will also be lit through evening hours including during winter will the real potential for significant levels of light pollution regardless of directional lighting (this is referenced in the conclusion to the report also).

Pg7 4.6 *Light columns on roadway at 6m and lights mounted on buildings at 8m height* – the perimeter security fencing is only at a height of 5.2m so all lighting will be visible above fencing.

For the above reasons, BPC object to the application in the context of Lighting & related light pollution upon Blackthorn.

**6. Biodiversity & Conservations** – based upon the appended reports residents of Blackthorn demand that the most mature of trees are retained to the north of the site to ensure that such minimal protection is maintained should approval be granted.

We note from the landscape report that should related mitigation plans not be implemented **the following would be subject to negative impacts; hedgerows, semi-improved neutral grassland, great crested newts, breeding birds, bats and invertebrates.** We do not believe that the plans suggested, appropriately protect such flora and fauna (particularly the species rich hedge), some of which are highly sensitive issues in the struggle between conservation and development.

For the above reasons, BPC object to the application in the context of provisions for the maintenance and protection of biodiversity and conservation.

**7 Inconsistencies & quality of application and Conclusion:** we feel, as stated earlier in our objection that the application is riddled with inconsistencies (distance from neighbouring towns, travel frequency & mode, prison references, staff numbers, operational hours, road references, village references, etc) and that the overall quality of the submitted documentation is below the level that one would expect for such a significant, publically funded scheme that is obviously contentious for local communities and one with significant and painful history.

The lack of depth of supporting information and clarity regarding impact mitigating proposals does not assist evaluation of the scheme and only **suggests a lack of commitment to neighbouring communities by UKBA and The Home Office.** The poor quality of the application can be characterised by the Community Consultation report which **remains dismissive of genuine concerns raised and is unreflective of the fragmented consultation undertaken to date.** BPC's particular concerns raised across the consultation (be those through closed sessions, open days, site visits etc) have not been fully recorded or addressed to our satisfaction and we **remain unconvinced of the feasibility of this proposal** when considering the conflicting objectives of immigration policy in practice and modern, rural community and space.

For and on behalf of Blackthorn Parish Council

Mr Adds Arshad  
Chairman

CC: BPC & Clerk

#### 4.0 HOME OFFICE NEED CASE FOR NEW REMOVAL CENTRE

- 4.1 The UK has been experiencing a high number of people seeking asylum in the country over the last 15-20 years and the Home Office has established an Immigration and Asylum policy to address the issues arising from this.
- 4.2 The Government is determined that the UK should have a humanitarian asylum process which honours our obligations to those genuinely fleeing persecution while also dealing robustly with those who seek to abuse our hospitality and protection. For almost 40 years only a small number of people applied for asylum in the UK. Then, in the late 1980s, the total number of applications for asylum started to rise from around 4,000 a year to approximately 100,000 in 2001 (when dependents are included).
- 4.3 Migration brings a number of benefits and is vital to the UK economy. However, it needs to be managed; otherwise it generates negative impacts on living conditions, oversubscribed public services, housing, and problems with social order. The UK Border Agency (UKBA) is responsible for managing migration in the United Kingdom.
- 4.4 The Nationality, Immigration and Asylum Act (2002) sets out the Government's current policy on asylum and this sets out a comprehensive set of measures to deliver a properly managed, robust and integrated system for immigration, nationality and asylum.
- 4.5 The high level strategic objectives are:-
- To protect our border and our national interest
  - To tackle immigration crime
  - To implement fast and fair decisions
- 4.6 The key targets are as follows:-
- Maintaining and managing asylum intake level at 2007/8 levels
  - Remove over 5,000 foreign national prisoners in 2008

- Remove more failed asylum seekers than we receive unfounded claims by December 2008.
- 4.7 The National, Immigration and Asylum Act 2002 details the Government's policy on asylum and immigration setting out a comprehensive set of measures to deliver a properly managed, robust and integrated system. The then immigration and Nationality Directorate (IND) had a 5-year strategy. 'Controlling our Borders: Making Immigration work for Britain', agreed with Ministers. The strategy was launched in February 2005 by the Prime Minister and Home Secretary, and built on the successful strategies IND had adopted. The plan develops an approach to immigration which is "simple, straightforward and robust". Key to this will be "detention of more failed asylum seekers".
- 4.8 In his forward to the Strategy, the Home Secretary states that the policy is to substantially increase the number of removals in the future. He states that swift removal of those whose asylum applications fail is central to the credibility of the asylum system and that a new asylum process will be introduced which detains more people. The aim is to move towards the point where it becomes the norm that those whose asylum applications are refused are detained. The Home Secretary also says that UKBA will substantially increase the number of other immigration offenders who are removed.
- 4.9 In the case of other immigration offenders, these are the people who may enter the country illegally (sometimes by deception) and those who overstay their permission to enter, UKBA's 5-Year Strategy introduced new arrangements for managing migration, and removal of these people is required in order to enforce the new system. In addition, other immigration offenders would include the deportation of ex-foreign national prisoners.
- 4.10 In April 2008 the IND (by then known as the Border and Immigration Agency) was amalgamated with the customs border operations and UK Visas and the UK Border Agency was formed. The Agency has responsibility for securing the United Kingdom borders and controlling migration in the UK. It manages border control for the UK, enforcing immigration and customs regulations and also considers applications for permission to enter or stay in the UK, citizenship and asylum.

- 4.11 The latest asylum statistics for 2008 show the following:
- The overall number of asylum applications is increasing again. The number of asylum applicants (excluding dependants) in 2007/08 (24,345) was 7% higher than in 2006/07 (22,835).
  - The number of applications for asylum excluding dependants, was 15% higher in Q2 2008 (5,720) than in Q2 2007 (4,960).
  - Including dependents, the number of applications to the UK increased by 13% in Q2 2008 (6,840) from Q2 2007 (6,030).
- 4.12 One of the key objectives of Government policy is to speed up the removal of applicants who have been refused asylum. For those who are to be removed the incentives to abscond are very great, and the policy of removal can only be successfully delivered if the UK Border Agency has those who are to be removed in attendance at the relevant time. This is achieved through the increased use of detention for those who would be unlikely to attend at the relevant time and location for removal.
- 4.13 In June 2008 UKBA published "Enforcing the Deal" which sets out the Home Office's plans for enforcing the Immigration laws of the UK. In the foreword the Home Secretary states that one of the key priorities is removal from the UK of those whose asylum cases fail.
- 4.14 The Report sets out the priorities for 2008/9; first of these is 'removing' those who have no right to be here, or who pose a threat to the UK, targeting the most harmful.
- 4.15 To underpin these plans the UKBA is increasing the capacity of the detention estate. Efforts to close older asylum cases, improve the management of new asylum cases, focus on compliance and improve managed migration processes will all reduce the number of people in the UK who are not entitled to be here.
- 4.16 This will in turn reduce the detention requirement in the longer-term. In the medium-term however, UKBA forecast a substantially increased requirement, likely to be in the range of 3,300 to 4,200 beds. The main Removal Estate should therefore provide at least 4,000 beds. This requirement is based on 60,000 removals per annum over the next few years; approximately 30,000 failed

asylum applicants and 30,000 other immigration offenders. Removal Centres are used for:-

- Asylum applicants whose applications have been refused, who are awaiting removal from the country and are considered to be at risk of absconding before removal;
- Ex-Foreign National Prisoners (FNPs) who have been convicted of crimes in the UK, have served their custodial sentence in a UK prison and are awaiting deportation. The UK Borders Act 2007 establishes the policy of detaining all FNPs who have served a sentence of longer than 12 months in IRCs until they are deported.

4.17 Although the period of stay in IRC's has been reducing for asylum cases, and currently an average of 2 months, the period of stay in IRC's for ex-FNP's can be much longer. The deportation paper work is more complex, the country which is receiving the person is sometimes reluctant to participate in the process and appeals against deportation are frequent and lengthy. Currently the length of stay could be 6 months or more.

4.18 Economies of scale direct UKBA toward a core estate comprising a small number of larger Centres. Activity across the UK is disparate and initial interception is most effectively achieved through a network of Holding Rooms and police cells.

4.19 The removal estate consists of 10 centres with 2,533 bed spaces. These need to be increased to at least 4,000 bed spaces in order to support delivery of the Agency's removal targets. The addition of new spaces at Brook House near Gatwick (426 in early 2009) and at Harmondsworth near Heathrow (370 in mid 2010) is already underway, and an additional 100 spaces can be provided within existing centres early in 2009, bringing the total to 3,429. Oakington is due to close at the end of 2009, with a loss of 352 spaces. If approved, the new 492 bed centre at Yarl's Wood would increase the estate to 3,569 and an 800 bed centre at Bullington would give 3,877. If both were to be built the total spaces would be 4,369.

**Current Removal Centres**

| <b>Timeline</b>  | <b>Centre</b>                                  | <b>Capacity</b>                         |
|------------------|--|---|
| Current Position | Colnbrook, Heathrow                            | 385                                     |
|                  | Harmondsworth, Heathrow                        | 259                                     |
|                  | Yarl's Wood, Bedfordshire (Females & Families) | 400                                     |
|                  | Tinsley House, Gatwick                         | 145                                     |
|                  | Dover  | 316                                     |
|                  | Campsfield, Oxfordshire                        | 215                                     |
|                  | Lindholme                                      | 112                                     |
|                  | Dungavel, Scotland                             | 189                                     |
|                  | Haslar, Portsmouth                             | 160                                     |
|                  | Oakington                                      | 352<br>To remain until<br>December 2009 |
|                  | <b>TOTAL</b>                                   | <b>2,533</b>                            |
| Early 2009       | Brook House                                    | 426                                     |
| Mid 2010         | Harmondsworth                                  | 370                                     |
| Early 2009       | Existing centre expansion                      | 100                                     |
|                  | <b>TOTAL</b>                                   | <b>3,429</b>                            |
| December 2009    | Loss of Oakington                              | -352                                    |
| 2011-12          | New Centres at Bullington and Bedford          | 800                                     |
|                  |  | 492                                     |
|                  | <b>TOTAL</b>                                   | <b>4,369</b>                            |

## Conclusions

- 4.20 As described earlier, since the approval for the Accommodation Centre on the site Home Office policy has changed. Illegal immigrants whose applications remain in the UK have not been successful and who are judged to be likely abscond may be detained immediately before removal. The removal centres are needed to ensure that the decisions taken to remove those who have no right to remain are implemented fairly and with as little delay as possible. UKBA has determined that there is a need for about 4,000 secure places, and the proposed 800 bed centre at Bullington would be a significant element in the achievement of this need.
- 4.21 The site is appropriate as it is located in the south east but also close to the midlands where a proportion of illegal immigrants are found. The earlier Accommodation Centre proposal for the same site was approved by the Secretary of State after a thorough assessment of planning policies, the various impacts of the scheme and the range of mitigation measures proposed.
- 4.22 The main issues that caused concern to local residents have been addressed in this application: the centre will be secure and built to a category B prison standard surrounded by a Category C fence rather than a wall. The risk of road accidents because of asylum applicants walking along the local country roads will not arise. Measures to minimise the amount of traffic generated by the centre are proposed as part of the plan and are set out in the Transport Assessment and Travel Plan.
- 4.23 There is a national need for the additional spaces needed by UKBA and the suitability of the site at DSDC Bicester, now in UKBA ownership, has been assessed at the earlier stage when the Accommodation Centre was approved. This need, and the measures proposed to minimise the impact of the centre on the local area, outweigh other objections to the proposal.



**OFFICE OF THE  
DEPUTY PRIME MINISTER**

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Our Ref: APP/C3105N/02/1097456  
Your Ref: GOOD/H908/135

18 August 2003

Dear Sir

**Department of the Environment Circular 18/84 - Part IV: Notification of Proposed Development**  
**Proposed Accommodation Centre for Asylum Seekers - DSDC "A" Depot, near Piddington, Bicester, Oxfordshire**

- I am directed by the First Secretary of State to say that consideration has been given to the report of the Inspector, Paul Taylor BSc (Hons) DipTP MRTPI, who held a non-statutory public local inquiry into proposals by the Home Office for an accommodation centre for asylum seekers at Piddington near Bicester, Oxfordshire. The inquiry sat for 14 days between 10 December 2002 and 3 March 2003.
- Following an objection by Cherwell District Council, on 16 July 2002, to the Notice of Proposed Development (NoPD), the Secretary of State decided that a non-statutory public local inquiry should be held to consider the issues raised by the NoPD. As a non-statutory inquiry, the Inquiry followed the spirit of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000.
- The issues about which the Secretary of State asked to be informed were as follows:
  - The relationship of the proposed development to the adopted and any emerging development plan, and to Regional Planning Guidance for the South-East (RPG9);
  - The need for the proposed development;
  - The relationship of the proposals to Government advice in PPG1 (General Policy and Principles), PPG3 (Housing), PPG9 (Nature Conservation), PPG13 (Transport) and PPG25 (Development and Flood Risk); and
  - Whether any suggested conditions should be attached to any approval.
- The Inspector, whose conclusions are reproduced in the annex to this letter, recommended that approval be not given. A copy of his report is enclosed. All

references to paragraph numbers, unless otherwise stated, are to that report. For the reasons given below, the Secretary of State disagrees with the Inspector's recommendation and approves the proposed development.

### **Procedural Matters**

#### **Application Process**

5. At the inquiry, Cherwell District Council said that the use and application of Circular 18/84 – *Crown Land and Crown Development* – was wrong and that the Home Office should have used the procedure set out in Section 299 of the Town and Country Planning Act 1990 ("the 1990 Act"). For the reasons given by the Inspector in paragraph 14.4 of his report, the Secretary of State agrees that it was open to the Home Office to use either the provisions of Circular 18/84 or section 299 of the 1990 Act. He agrees with the Inspector that the proposal is clearly development by the Crown and that either the Home Office or the private contractor appointed to design build and operate could make a reserved matters proposal under the Circular 18/84 process.

#### **Environmental Impact Assessment**

6. The Secretary of State issued a Screening Direction on 13 August 2002 confirming that the development was not EIA development and that an Environmental Statement was not required to be submitted. The Secretary of State notes that there have been changes to the number of employees that are expected to be employed at the site but he agrees with the Inspector that the likely travel characteristics of the proposal have not materially altered sufficient to warrant reconsidering the Direction, or issuing a new Direction [IR14.5].

#### **Development Plan**

7. Section 54A of the Town and Country Planning Act 1990 requires that proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Oxfordshire Structure Plan 2011 and the adopted Cherwell Local Plan 1996. The Secretary of State notes that the second deposit draft of the review of the Local Plan was published in September 2002 and that an inquiry into unresolved objections will take place in September 2003 [IR 4.1]. Given the early stage this review has reached in its progress to adoption, the Secretary of State considers that this can be given only limited weight.

8. Other material considerations which the Secretary of State has taken into account are: Planning Policy Guidance Note 1 (PPG1): *General Policy and Principles*, Planning Policy Guidance Note 3 (PPG3): *Housing*, Planning Policy Guidance Note 9 (PPG9): *Nature Conservation*, Planning Policy Guidance Note 13 (PPG13): *'Transport'*, Planning Policy Guidance Note 25 (PPG25): *Development and Flood Risk*, and RPG9.

#### **Nature of the Proposed development**

9. For the reasons given by the Inspector at paragraphs 14.8 and 14.9 of his report, the Secretary of State agrees that the development would be a composite *sui generis*

use, i.e. a use that falls outside the Classes of the Town and Country Planning (Use Classes) Order 1987.

10. The Secretary of State notes the Inspector's concern at paragraph 14.11 of his report about the ability to take enforcement action against inappropriate parking in the vicinity of the development. However, he considers that the provisions of the legal agreement, signed by Cherwell District Council, Oxfordshire County Council, the Secretary of State for Defence and the Secretary of State for the Home Department under Section 299A of the Town and Country Planning Act 1990, together with powers available under the Highway Act 1980, are sufficient to ensure that the appropriate action could be taken, and that the risk therefore of unsightly and inconvenient parking is limited.

### **The Proposal in the context of the Development Plan**

11. The Secretary of State agrees with the Inspector that there are no specific planning policies in the Development Plan (i.e. the Structure Plan and the Local Plan) that relate to either the provision of accommodation centres or that are specific to the site [IR 14.61].

12. For the reasons given by the Inspector at paragraph 14.63 of his report, the Secretary of State agrees that the proposal conflicts with Policy G1 of the Structure Plan both in respect of the aim to favour locations where the need to travel (particularly by private car) is reduced, and because it is not in one of the four preferred locations for development.

13. The Secretary of State does not agree with the Inspector that the proposal conflicts with policy E3. This states that "the provision of land for employment-generating development will be restrained and limited to activities which do not give rise to excessive or inappropriate traffic". Although the Secretary of State agrees that the proposal will be a significant generator of traffic, he does not consider that this traffic generation would be excessive or inappropriate. The proposal incorporates provision of a free minibus service which would be responsible for a significant proportion of the journeys being undertaken. Provision is also made for the construction of a new footway along Palmer Avenue. He therefore does not consider that the proposal would give rise to excessive traffic. Paragraph 8.16 of the Structure Plan, which is the explanatory text to policy E3, states that "proposals that give rise to a significant increase in the level of traffic generation in a town, in particular the movement of heavy goods vehicles", will not be appropriate. That is not the situation in this case. The development is not in a town and there is no evidence of an increase in the movement of heavy goods vehicles. The Secretary of State does not therefore consider that the traffic associated with the proposal would be inappropriate.

14. The Secretary of State does not agree with the Inspector that the proposal conflicts with policy G2(C) [IR 14.63]. The Secretary of State agrees that the proposals would be a significant generator of traffic. However, he considers that the Home Office has taken all reasonable steps to reduce traffic generation as part of the design of the proposal. The provision of facilities on-site will reduce the number of the journeys of the asylum seekers in the centre than would otherwise be the case. He also considers that the provision of a free minibus service and controlled parking measures will have a significant impact on the number of vehicle trips. In this respect, he considers that the Home Office has taken

considerable steps to ensure that the proposal has been designed so as to reduce the need to travel.

15. The Secretary of State agrees with the Inspector [IR 14.63] that the proposal conflicts, to a relatively small degree, with Policy G3 which requires authorities to be satisfied that the infrastructure directly required to service the development has been provided.

16. The Secretary of State agrees with the Inspector that the proposal does not conflict with Policy EN4 since it would not have an unacceptable environmental impact [IR 14.63]. For the reasons given by the Inspector in paragraph 14.63 of his report, the Secretary of State agrees that policies G5 and H1 do not apply to the proposal.

17. For the reasons given by the Inspector in paragraph 14.65 of his report, the Secretary of State agrees that the proposed development would not conflict with Policy C7 of the Local Plan since it would not cause demonstrable harm to the topography and character of the landscape.

18. For the reasons given by the Inspector at paragraph 14.65 of his report, the Secretary of State agrees that Policies EMP4 and H18 of the Local Plan do not apply to the proposal.

#### **The Need for and Benefits of the Proposed Development**

19. The Secretary of State agrees with the Inspector's summary, at paragraph 14.12 of his report, of current general Government policy on accommodation centres for asylum seekers. There is, as confirmed by the Home Office evidence to the inquiry, an urgent need for a trial of accommodation centres for asylum seekers, both in urban and non-urban locations, and this is an essential part of the Government's policy on asylum (Minister for Citizenship and Immigration, Beverley Hughes, 5 November 2002 – Document 16, Appendix 2). Given this clear national policy background, the Secretary of State does not agree with the Inspector that it is necessary for the Home Office to demonstrate convincing reasons why it is necessary for such a proposal to be located in a non-urban location [IR 14.14].

20. The Secretary of State does not agree with the Inspector that "there cannot be certainty that the proposed development is necessary because it is part of a novel trial concept and its performance cannot be guaranteed in advance" (IR 14.15). The Secretary of State agrees that, as a trial, the performance of the centre cannot be guaranteed. However, the Secretary of State considers that the need to carry out a trial is both necessary and urgent to enable the Home Office to consider the effectiveness of new methods of processing claims for asylum. The Home Office has undertaken to monitor and evaluate the success of the trial. The Secretary of State notes and agrees with the Inspector's conclusion that any failings in the trial would lead to operational improvements being made [IR 14.6].

21. The Secretary of State agrees with the Inspector that the likely benefits of the proposal, in terms of contributing to the development of a more efficient process for dealing with claims for asylum, need to be weighed positively when the overall final decision is made [IR 14.15].

### Alternative Sites

22. The Secretary of State agrees with the Inspector, for the reasons given in paragraphs 14.18 – 14.20 of his report, that it is not necessary for the Home Office to carry out an exercise comparing the site against alternative locations.

### Sequential Approach

23. For the reasons given by the Inspector in paragraphs 14.21 to 14.27 of his report, the Secretary of State agrees that there is no national planning advice that would require the Home Office to adopt a specific sequential approach in selecting the site for the proposed accommodation centre.

### Previously Developed Land

24. For the reasons given by the Inspector in paragraphs 14.28 to 14.30 of his report, the Secretary of State agrees that the land within the application site should be regarded as previously-developed land. The re-use of previously developed land is an important objective in helping to create sustainable patterns of development. The Secretary of State agrees that the re-use of previously developed land is a factor that favours the proposal. Although he agrees with the Inspector that, on its own, the availability of previously-developed land is not sufficient reason for developing in a rural location, he considers that it is an important consideration given the Government's policy to identify non-urban (as well as urban) locations for trials of accommodation centres. He considers therefore that the proposal's utilisation of previously developed land is a factor that should be given significant weight.

### Transport and Sustainability

25. The Secretary of State agrees with the Inspector that the proposed development would be in a relatively isolated rural location. He agrees also that it is too far to conveniently walk to the site from towns in the locality and that, in terms of distance, it is not a comfortable cycle ride to the site from towns in the area [IR 14.32]. This is not surprising given the rural location - paragraph 40 of PPG13 recognises that the potential, in rural areas, for using public transport and for non-recreational walking and cycling is more limited than in urban areas.

26. For the reasons given by the Inspector in paragraph 14.33 of his report, the Secretary of State agrees that the proposed development would be a significant generator of traffic. As such, the proposal is contrary to policies in PPG1, PPG13 and RPG9 which promote the location of such uses in urban areas which are well served by public transport. He agrees with the Inspector that rural locations such as this would be likely to have transport disadvantages [IR14.36]. This is an important factor that counts against the proposal.

27. However, the Secretary of State notes that it is anticipated that the free minibus to be provided by the Home Office would account for 31% of all vehicle journeys to the site and that, over the course of the next 10 years, this is expected to increase to 36%. He believes that, given the location of the site, this is a factor that mitigates the travel impact of the scheme.

28. The Secretary of State further notes that the evidence submitted to the inquiry did not suggest that the traffic caused by the proposed development would have a significant impact on the roads in the surrounding area.

#### **Impact on the Character of the Area**

29. The Secretary of State notes the Inspector's view that the area remains essentially rural in character, notwithstanding the presence of depots, the prison and other substantial buildings [IR 14.37]. However, the Secretary of State considers it relevant that the Council's own Supplementary Planning Guidance (Cherwell District Landscape Assessment) classifies the site as "being within degraded urban fringe type landscape area where the influence of built development is so great that the character has become unmistakably urban" [IR 14.37]. He places more weight on this Supplementary Planning Guidance than does the Inspector. He agrees that the proposal would result in the removal of a number of ugly and utilitarian buildings currently on the site. The Secretary of State agrees that the footprint of the proposed replacement buildings would be less but agrees also that they would be distributed more widely across the site [IR14.38].

30. The Secretary of State notes that little would be seen of the proposed development from public roads or footpaths and agrees with the Inspector that it would have a neutral impact on the character of the area [IR 14.40].

#### **Impact on Local Services**

31. For the reasons given by the Inspector in paragraph 14.42 of his report, the Secretary of State agrees there is no need for a requirement for the Home Office to make a financial contribution either in respect of the demands on local library or hospital services.

32. The Secretary of State has considered the Inspector's view that the Home Office should be required to contribute funding to the potential costs arising from the provision of additional social services. However, the Secretary of State considers that there is limited evidence that there would be such a demand. The Home Office confirmed in evidence to the inquiry that those who demonstrated a potential requirement for social care would be identified at the induction stage and would not be sent to an accommodation centre.

33. The Secretary of State agrees that there is likely to be a need for services for asylum seekers' children with special educational needs. However, although estimates of the costs arising from this need have been provided, there is a lack of any empirical evidence to accurately quantify the potential burden. The Secretary of State notes also that the estimates provided to the inquiry suggested that the number of children at the centre who might have special educational needs would be only 0.4% of the number in Oxfordshire as a whole. The Secretary of State therefore disagrees with the Inspector that such an impact would be disproportionate [IR 14.43].

34. The Secretary of State agrees that, in accordance with the guidance in Department of the Environment Circular 1/97 – *Planning Obligations*, the evidence does not suggest that the impact on service provision would be so great as to require funding to be guaranteed before the development goes ahead.

## Pedestrian Safety

35. The Secretary of State notes that limited evidence was provided to the inquiry about the numbers of asylum seekers that are likely to walk outside the accommodation centre. Similarly, there is little evidence of the numbers of pedestrians currently using the roads surrounding the accommodation centre.

36. The Secretary of State considers that the facilities at the accommodation centre will be self-contained and that there should be no specific reason for asylum seekers to leave the site. He notes also that the free minibus service would be available to facilitate travel to local villages and towns. However, he agrees with the Inspector that there is a possibility that some of the asylum seekers would wish to explore their surroundings on foot and that the roads in the area are deficient in the provision of footways [IR 14.46]. In this respect, he agrees that the Home Office has probably underestimated the risks to pedestrians in assuming that asylum seekers would have no need to leave the Centre on foot.

37. The Secretary of State notes the Inspector's view that asylum seekers would be in considerable danger from high-speed traffic on the B4011 and Widnell Lane [IR 14.47]. He agrees that there would be risks with walking in this rural location. However, there is no evidence of the risk of such accidents involving pedestrians along these stretches of road and he considers it relevant that there is no record of any pedestrian accidents on these roads in the last five years. He does not agree therefore that the risk could, on the evidence before him, be considered to be "very serious" [IR 14.48].

38. The Secretary of State considers that the route along Palmer Avenue and Ploughley Road is the most likely route that asylum seekers (and employees) would use to get to the nearby villages of Amcott and Ambrosden and also to Bicester. He notes that, although there is a footway along Palmer Avenue, this is generally a substandard hardshoulder, with only a white line separating pedestrians from the traffic. The Secretary of State agrees with the Inspector therefore that, should approval be given, the provision of a formal footway along Palmer Avenue should be provided by way of a non-statutory Grampian condition [IR 14.48].

## Employment

39. For the reasons given by the Inspector in paragraphs 14.49 and 14.50 of his report, the Secretary of State agrees that employment considerations should not count against the proposal [IR14.51].

## Fear of Crime and Disorder

40. The Secretary of State agrees that fear of crime can be a material planning consideration and local residents have genuine concerns about the potential for an increase in crime and disorder. However, he does not agree with the Inspector that there is any evidence to support the view that these fears could be considered to cause psychological harm, as stated by the Inspector at paragraph 14.52 of his report. He does agree with the Inspector overall however that there is no evidence that asylum seekers are disproportionately inclined to commit crime or disorder. The Secretary of State

agrees that local residents' concerns about crime and disorder are not reasons for not approving the proposal [IR 14.53].

### The Rights and Needs of Asylum Seekers

41. For the reasons given by the Inspector in paragraph 14.55 and 14.56 of his report, the Secretary of State agrees that concerns about the welfare and needs of asylum seekers are not sufficient to weigh against the proposal when seen in the light of the positive benefits arising from it [IR 14.56].

### Section 299A Agreement

42. The Secretary of State agrees with the Inspector that the provisions of the agreement dated 14 April 2003 between Cherwell District Council, Oxfordshire County Council, the Secretary of State for Defence and the Secretary of State for the Home Department are essential, and reasonable, and directly related to the proposal. He agrees also that they should be considered an integral part of the proposal [IR 14.10]. The Secretary of State considers that the provision of a footway along Palmer Avenue is an important element of the proposal and that such provision should be made before the development is commenced.

### Conclusion

43. As a *sui generis* use, there are no specific development policies regarding the proposed use and nor are there any particular policies regarding the notification site. However, the Secretary of State agrees that the proposal conflicts with Policy G1 of the Structure Plan with regard to the aim to concentrate traffic generating uses in locations that are well served by public transport. He agrees also that, in this respect, the proposed development would conflict with PPG1 and PPG13.

44. The Secretary of State agrees that there would be some risk to pedestrians in the area of the accommodation centre. However, for the reasons given above, he does not agree that this risk is as serious as suggested by the Inspector, particularly with the construction of a footway along Palmer Avenue. He agrees however that the risk to pedestrians remains a factor which counts against the proposal.

45. The Secretary of State agrees with the Inspector that the need for the proposed development, in accordance with Government policy on accommodation centres, is a substantial factor in favour of the proposal. The Secretary of State considers that this is a very important consideration and places great weight on this. He also agrees with the Inspector that the utilisation of previously developed land at the site is a positive factor in favour of the proposal.

46. PPG1 states that the re-use of previously developed land is an important supporting objective for creating more sustainable patterns of development. In this respect, although the location is not in an urban area, the re-use of this site conforms with that overall objective. The Secretary of State agrees that the proposal does not however meet the objective of concentrating development in locations well served by public transport, rather than out of centre locations. He recognises therefore that there are disadvantages in transport impact terms in locating any development in non-urban areas.

However, the Secretary of State notes that the centre would generally speaking provide all services needed by the asylum seekers on site so reducing their need to travel than would otherwise be the case. He recognises that there will be a need for employees to travel to and from the site. In this respect, the minibus service would provide an effective alternative means of transport to the private car, for both employees and asylum seekers, thereby reducing the number of journeys that might otherwise be made by car. The Secretary of State does not, against this background, agree with the Inspector that the proposal is inherently unsustainable [IR14.75]. However, in overall terms, he does agree that the relative inaccessibility, in terms of transport, is a significant factor that weighs against the proposal.

47. However, it is Government policy to trial, as a matter of urgency, accommodation centres for asylum seekers in non-urban locations. It is implicit that such locations will not be as sustainable as some urban locations. The Secretary of State takes a different view from the Inspector as to the weight to be placed on the various factors relating to the proposal. He considers that more weight should be accorded to the Government's policy on accommodation centres for asylum seekers, and the need to trial such centres in non-urban locations, and that less weight should be accorded to the risks to pedestrians which are not, in the view of the Secretary of State, as serious as the Inspector concludes.

48. Although there are no specific policies within the development plan regarding the site or accommodation centres generally, the Secretary of State agrees that the proposal conflicts with Policies G1 and G3 of the Structure Plan. However, he has concluded that other material considerations in this case, namely the Government's policy to trial non-urban accommodation centres for asylum seekers as a matter of urgency, and the re-use of previously developed land, indicate that he should determine the proposal other than in accordance with the development plan.

### **Formal Decision**

49. For the reasons given above, the Secretary of State disagrees with the Inspector's recommendation and approves the development proposed in the Notice of Proposed Development subject to the following conditions:

#### **1. Reserved Matters**

1.1 Prior to Commencement of Development full details of the siting, design, layout and external appearance ("the reserved matters") of all buildings and landscaping forming part of the Development shall be submitted to and approved in writing by the District Council in consultation (as necessary) with the County Council.

1.2 The reserved matters relating to landscaping shall include a lighting scheme for the Development.

#### **2. Time Limits**

2.1 The application for approval of the reserved matters shall be made not later than the expiration of three years from the date of the Confirmed Notification.

2.2 The Development shall be begun not later than whichever is the later of the following dates:

2.2.1 The expiration of five years from the date of the Confirmed Notification; or

2.2.2 The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.

### **3. Building Heights**

Except for the sports hall which shall have a maximum height of 12 metres, all buildings within the Development shall be constructed as two storey buildings with a maximum height of 10 metres.

### **4. Occupation Restriction**

4.1 No more than 750 Asylum Seekers shall be accommodated at the Development at any one time.

4.2 No children under the age of 18 shall be accommodated at the Development at any time unless they are accompanied by a parent or guardian.

### **5. Protection of Hedges and Trees**

Prior to Commencement of Development the existing trees and hedges on the land which are to be retained on the Notification Site shall be preserved, fenced around and properly maintained in accordance with the advice in the Tree Protection Schedule attached at Appendix 5 of the S299A Agreement and none of the trees shall be felled, topped, lopped or uprooted without the prior consent of the District Council unless such tree has become dangerous. In the event of any trees dying or being seriously damaged or destroyed within five years from the completion of the Development, a new tree of a species first approved in writing by the District Council shall be planted and properly maintained in a position or positions first approved by the District Council.

### **6. Boundaries**

Full details of the enclosures along all the boundaries of the Notification Site shall be submitted to and approved in writing by the District Council prior to the Commencement of Development.

### **7. Highways and Car Parking**

7.1 Prior to the completion of any of the buildings within the Development, details of proposed white lining at the access junction onto the B4011 shall

be submitted to and approved by the District Council in consultation with the County Council and the approved white lining provided.

7.2 No vehicles shall enter the public highway from the Notification Site unless its wheels and chassis have been sufficiently cleaned to prevent material being deposited on the public highway.

7.3 No more than 135 car parking spaces including 5 disabled spaces will be provided in connection with the accommodation centre which forms part of the Development.

7.4 No more than 19 car parking spaces including 2 disabled spaces will be provided in connection with the hearing centre which forms part of the Development.

7.5 No development on the site shall be commenced until the provision of a footpath along Palmer Avenue, as set out in Drawings 1/608, 1/609, 1/610A, and 1/611 at Appendix 9 of the Section 299A Agreement, is agreed with the County Council as highway authority. The Development shall not be occupied until such a footpath has been provided.

## 8. Surface Water Drainage

Surface water drainage arrangements shall be carried out in accordance with details which shall include their phasing and specification of an outfall rate from the site), which shall have been submitted to and approved by the District Council before Commencement of Development.

## 9. Site Investigation

Prior to Commencement of Development a detailed site investigation shall be carried out to establish if the Notification Site is contaminated, to assess the degree and nature of the contamination present, and to determine its potential for the pollution of the water environment. The method and extent of this investigation shall have been first agreed with the District Council. Details of appropriate remedial measure (if necessary) and of appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring, shall be submitted to and approved by the District Council before Commencement of Development and shall then be implemented in accordance with the agreed details.

## 10. Foul Drainage

Prior to the occupation of any of the buildings within the Development a foul drainage system shall be installed in accordance with details to be submitted to and approved in writing by the District Council.

**11. Great Crested Newts**

Prior to Commencement of Development details of a proposed mitigation strategy for the well-being of great crested newts shall be submitted to and approved by the District Council (in consultation with English Nature), and thereafter implemented in accordance with the approved details.

**12. User Restriction**

The Development shall be used only for the purposes of an asylum seekers Accommodation Centre (including a reporting centre) and Hearing Centre and for no other purposes whatsoever, without the submission and approval of a formal planning application under the Town and Country Planning Act 1990 or notification under Part IV of Department of the Environment Circular 18/84.

**13. Travel Plans**

**13.1 Construction Phase**

13.1.1 Prior to Commencement of Development or (unless otherwise agreed in advance with the District Council in consultation with the County Council) any activity in clause 12.7.1 to 12.7.7 of the Agreement under Section 299A of the Town and Country Planning Act 1990, dated 14 April 2003, is carried out a construction phase travel plan shall be submitted to and approved by the District Council in consultation with the County Council.

13.1.2 The construction phase travel plan to be approved in Development Condition 13.1 shall include the Routeing Agreement.

**13.2 Operational Phase**

13.2.1 Prior to the occupation of any of the buildings within the Development the Travel Plan shall be submitted to the District Council. The submitted Travel Plan shall provide details of the following matters.

13.2.1.1 The proposals which comprise the Development and the forecast travel patterns;

13.2.1.2 The Travel Plan objectives, targets and financing;

13.2.1.3 The Travel Plan initiatives relating to:

(a) Walking;

(b) Cycling;

(c) Use of minibus and (if relevant) public transport services;

(d) Car sharing and other measures to reduce the number of single occupancy vehicle trips to the development; and

(e) Car park management and parking enforcement;

13.2.1.4 Annual monitoring and enforcement of the Travel Plan objectives and targets.

13.2.2 None of the buildings within the Development shall be occupied until the District Council have approved the Travel Plan in consultation with the County Council.

13.2.3 The Development shall be operated in accordance with the approved Travel Plan. In particular:

13.2.3.1 The provisions of the approved Travel Plan concerning the Travel Plan objectives, targets and monitoring shall be rigorously observed and performed; and

13.2.3.2 The Travel Plan initiatives shall be undertaken in accordance with the approved Travel Plan.

13.2.4 Any amendments to the Travel Plan resulting from the annual monitoring shall be submitted to and approved by the District Council in consultation with the County Council.

#### **14. Education Facilities**

14.1 Education Facilities shall be provided at the Notification Site in accordance with the Education Specification.

14.2 The education facilities in accordance with the Education Specification shall be available prior to the first Asylum Seeker with dependant children of compulsory school age being accommodated at the Development.

14.3 The education facilities shall be maintained in accordance with the Education Specification and shall be available for use at all times (except at weekends, on statutory bank holidays and in emergencies) when there are Asylum Seekers with dependant school children being accommodated at the Development.

#### **15. Healthcare Facilities**

15.1 Healthcare facilities shall be provided at the Notification Site in accordance with the Healthcare Specification.

15.2 The healthcare facilities in accordance with the Healthcare Specification shall be available from the Actual Opening Date and shall be maintained in accordance with the Healthcare Specification unless otherwise agreed with the District Council.

16. **Library Facilities**

16.1 Library facilities shall be provided at the Notification Site in accordance with the Library Specification.

16.2 The library facilities in accordance with the Library Specification shall be available from the Actual Opening Date and shall then be maintained in accordance with the Library Specification unless otherwise agreed with the District Council in consultation with the County Council.

50. A copy of this letter has been sent to Cherwell District Council and to all those who attended the inquiry.

Yours faithfully



Peter Bates  
Authorised by the First Secretary of State  
to sign in that behalf