

WETHERSFIELD AIRBASE SCRUTINY COMMITTEE

Representing 13 Parish Councils



11 January 2024

Rt Hon Michael Gove
Department for Levelling Up, Housing & Communities
2 Marsham Street
London
SW1P 4DF

Dear Mr Gove

Use of Ministry of Defence Wethersfield Airbase as an Asylum Centre by the Home Office

We are writing to you with reference to the Home Office (HO) development of a large-scale asylum accommodation centre at the former Wethersfield Airbase (Airbase) in Braintree, Essex. The intention is to house 1,700 single male asylum seekers on the edge of the village of Wethersfield with a population of 700 residents in a remote, rural location. We are writing to you in connection with an expected Special Development Order to be laid before Parliament by the HO and an associated request to you for a Screening Opinion under Environmental Impact Assessment (EIA) regulations.

This is a joint representation by the Wethersfield Airbase Scrutiny Committee (formed by Wethersfield Parish Council under the Local Government Act 1972), which comprises representatives of thirteen parish councils in this part of North West Essex, together with The Fields Association, which is a residents association representing local residents and businesses across this area. The reason for this combined approach arises from the virtual unanimity of all people in this area, including asylum seekers, that this development is the **Wrong Plan in the Wrong Place** with deep concern at the impact on this remote rural area as well as the welfare of asylum seekers as widely reported.

Additionally, we are mindful of your responsibility for levelling up and declared interest that local communities should have a greater say in the planning of their area. In pursuance of this we are progressing a Neighbourhood Plan whilst Essex County Council has declared our area as a priority area for levelling up. Thus, we are hoping that you will be concerned at the very strong feeling in our area that, where Crown Land such as the Airbase is involved, large Government departments are riding roughshod over local communities and the Local Planning Authority (LPA) by progressing a totally inappropriate scale of development such as this by the HO and two so called Mega prisons by the Ministry of Justice (MOJ). This riding roughshod is evidenced by the way these proposals have been handled and the general lack of transparency, as well as the recently enacted Levelling Up and Regeneration Act which gives the Government much greater freedom to develop Crown Land whether or not development is urgent, and the overturn of Inspector recommendations by you on recent prison proposals elsewhere in the country.

Insofar as the Asylum Centre is concerned, the Secretary of State for the Home Department, Rt Hon James Cleverly, has expressed opposition to the HO proposals stating on 7th March 2023 "I highlighted the remote nature of the site, the limited transport infrastructure and narrow road network and that these factors would mean **the site wasn't appropriate for asylum accommodation.**" The housing of over 500 asylum seekers so far

has also been implemented by the HO against the views of several Parish Councils (including Wethersfield and Finchingfield), Braintree District Council (BDC), Dame Priti Patel MP and charitable organisations and yet despite universal opposition there has been minimal scrutiny of the impact of the proposals on this area and the welfare of asylum seekers because the Government seems to be doing all it can to avoid submitting a planning application in the usual way. In our view, the site has significant environmental risks attached to it, including, inter alia, traffic, public safety, inappropriate segregation, pollution, sewage, contamination, safeguarding heritage assets, health, protection of natural habitat and rare species, landscape impact, poor design standards.

As your department is aware, the work to implement this use of the site from March 2023 has been carried out as permitted development under Class Q of the Town and Country Planning General Development Order 2015 which permits emergency development on Crown Land for up to twelve months. It is accepted that the proposal constituted development which required screening under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and as you may know, a Judicial Review was heard in the High Court during November, in part challenging the direction issued by you as the Secretary of State for Levelling Up, Housing and Communities, that the intended use of the site is not likely to have significant environmental effects based on use of the site for a temporary period of twelve months.

In her judgement of 7th December Honourable Mrs Justice Thornton accepted "*There can be no doubt that the Planning Response Unit in the Department for Levelling Up, Housing and Communities (DLUHC) proceeded on the basis the development it was required to screen on each site was a 12 month project.*"

"I accept the submission on behalf of the Claimants that the duration of use of the site is relevant for EIA screening and there is evidence to indicate that the use was likely to continue beyond 12 months. It is one of the criteria for screening set down in Schedule 3 of the EIA Regulations. However, it is also apparent from the evidence that no decision about the duration of use of the sites had been made by late March 2023."

"Development under Class Q is subject to the paragraph Q(1)(b) condition that it ceases and is reversed within 12 months. The development would only continue to operate beyond 12 months if there is further EIA screening and planning permission granted for the operation beyond 12 months. This is relevant to the assessment of whether the procedure being followed would have the effect of avoiding the requirements for the legislation, as in a salami slicing case (R (Together against Sizewell C) v SS [2023] Env LR 29 at 584)."

It was determined by the court that at the time of your direction in March 2023 the HO had not decided to proceed with the development on the basis that the use of the site would be for longer than the 12 months allowed under Class Q of the Town and Country Planning General Development Order. Yet a few days before the Judicial Review hearing the HO sent letters to BDC and West Lindsey District Council (which was also participating in the Judicial Review) informing them of its intent to use two airbases, including Wethersfield, for three years beyond the 12 months originally claimed and relied upon when seeking the screening opinion obtained from you. Hon Mrs Justice Thornton has granted leave to appeal on "**compelling grounds**" and we understand an appeal has been lodged.

The HO has said that to extend the period of use that it would lay a Special Development Order (SDO) before Parliament and thus achieve its aims through a statutory instrument process effectively giving planning permission. This is expected quite soon together with a further screening request to you to cover the extended period. Yet again, despite the time that the HO has had to submit a planning application in the usual way, this could circumvent the ability of local communities and the LPA to properly understand and scrutinise the impact of another major Government proposal affecting our area, submit representations and if appropriate suggest suitable conditions.

Our understanding from the above is that in any SDO procedure that may be instigated, DLUHC will need to provide a further Screening Direction this time on the basis of a more permanent use. It is hoped that you will

accept that in the longer term potentially very significant environmental effects arising from the HO proposals on this site warrant a full Environmental Statement before the development is allowed to proceed. This should be subjected to proper consultation with statutory undertakers, local authorities and the local community as expected in regulations. As recent experience illustrates, purported intentions for a temporary use can often become long term. Aside from the current use, the initial intended use of the airbase for the duration of the Second World War has endured for a further 78 years!

It is noteworthy that when the MOJ submitted a Screening Opinion request to the LPA at the end of 2021 in respect of the two proposed prisons it fully accepted the need for an EIA and the range of agreed matters covered in the Opinion identifying potential environmental effects was very extensive but appropriate to the site and surroundings. Many similar issues apply with the Asylum Centre particularly as HO advises that it intends to take transfer from the Ministry of Defence (MoD) of the whole 800 acre site, has made reference in papers obtained through Fol requests to **an additional detention centre**^{*1} and MOJ has indicated an intention to **progress its prison proposals "full steam ahead"**^{*2}. In our view HO should submit a planning application in the usual way but even if the SDO route is pursued an EIA should be undertaken so that the full impact of environmental effects can be properly scrutinised, appropriate consultation carried out and all assessment undertaken by competent experts in accordance with the statutory EIA process. As Government advice states "The aim of Environmental Impact Assessment is also to ensure that the public are given early and effective opportunities to participate in the decision making procedures"

In our opinion, like the Scoping Opinion given by the LPA to the MOJ in response to its prison proposals, an EIA is necessary to review the environmental effects arising from the following key areas of concern: Transport, Traffic and Access; Air Quality; Noise and Vibration; Heritage; Landscape and Visual Impact; Ecology; Climate Change Mitigation and Adaptation; Socio-economics and Human Health; Water Resources and Flood Risk; Archaeology; Ground Conditions and Contamination; and Lighting. In parallel, we believe it is important to note the project is entirely contrary to the adopted Local Plan, involves a very substantial quantity of poor standard built development in open countryside and forms part of a substantially larger area which the HO intends to acquire with

clear intentions to develop. Very little assessment of likely effects was provided to your department by the HO on the earlier screening request by suitably qualified and experienced experts in these matters but this should be redressed with these longer term proposals.

As an example of the standard of information given to you previously, we have considered the matter of contamination on what was a Cold War nuclear base. We have expressed to you previously our concerns regarding contamination on the base and the risks of placing 1,700 asylum seekers on the site without proper desk studies, ground investigations and mitigation. We provided your department with a report by respected consultants Buro Happold regarding this particular matter. On the evidence from Freedom of Information (Fol) requests received we believe that the HO has generally relied upon reports which are inadequate and which have mainly been undertaken by the MOJ in relation to an area not covering that being used for the asylum centre.

We also have a contamination report undertaken by the Defence Infrastructure Organisation which was sent to us which states that there is no documentary evidence of nuclear weapons having been stored there^{*3}! The HO needs to undertake a comprehensive contamination report covering the entirety of the airbase to show the risk from contaminants (such as, but not solely, the cancer risk from radium dust emanating from luminescent dials burnt in burning pits on the base — see the Ministry of Defence clean-up in Dalgety Bay, Scotland).

Similarly, other Fol requests inform us the MoD holds no records of firefighting training at Wethersfield^{*4} (firefighting foam has been a major pollutant on airbases world-wide due to its use of "forever chemicals" such as PFAS). This claim is not credible considering the long term deployment of the Defence Fire Service by the MoD.

Other examples of environmental effects of concern and deserving assessment relate to sewage, water supply and pollution. We know and the HO has been informed by us, that the mains sewage pipe from the airbase, which is privately owned, is subject to overflows on adjacent land. This was last occurring in 2021 when the Airbase housed perhaps 600 Ministry of Defence Police personnel during normal working hours. 1,700 asylum seekers 24 hours a day on site plus additional personnel will risk significant pollution despite the HO installing holding tanks to spread the flow. **As yet, no inspections of the sewage pipe outside of the Airbase have been undertaken and there have been no remedial works along that pipe to the Wethersfield treatment plant.**

We are further informed by Anglian Water that the water supply capacity to the site will not be adequate for further numbers of asylum seekers*⁵.

We would also need to understand if the disturbance of soil, over and above that indicated in the HO's submissions to you, has caused any pollution or contamination risks. We would request for this investigation to be actioned immediately as this is a direct risk to both people working and living on the site and the residents living in proximity of the work that has already undertaken.

There is deep concern within our communities that the cumulative impact of major Government projects would have a devastating effect on and be totally out of scale with what virtually everybody considers our beautiful, peaceful rural area.

Through FoI requests we are also now in possession of email correspondence between the MOJ and the HO which indicates substantial interest by the MOJ remains in respect of building two Mega prisons on the airbase. An email dated 9th November, 2023 states *"TBA yesterday DLUHC deferred two new prisons planning appeal decisions yet again (2nd & 5th times) to 7 Dec. This means we now have even more of an imperative to go full steam ahead on Wethersfield - and as discussed, we already had one with the announcement of a new prisons sites development pipeline. I know there are some areas of potential conflict between our plans - I would be grateful if our teams could work these issues through in short order."* (attached)

The revelation that the MOJ is still very much intent on the development of the Airbase for two Mega prisons, comprising a total of 3,430 inmates plus staff, puts an onus on DLUHC to consider the **cumulative impact** such a massive development combined with an asylum centre of 1,700 asylum seekers plus staff as well as a detention centre would have on such a remote area and small community.

The Fields Association recently visited the site, we can see there is strong risk the HO will not only fail on planning policies but is also at risk of breaching human rights and will be dealing with further lawsuits and rehousing. A simple example of this is the cramped portacabin accommodation (40-50 people in interlinked bedrooms) positioned on a high open plateau with toilet and shower facilities in an outside block, behind barbed wire high fencing. As we approach winter, further issues are already raising their head at this site, not least in terms of rising tensions amongst groups of asylum seekers from different countries and differing cultural backgrounds. That fighting has already broken out between competing groups when the site is only one-third full foretells the folly of placing anything like 1,700 on the Airbase.

Additionally, although not within your remit, the fact that housing asylum seekers in portacabins in these conditions is more costly than doing so in hotels was shocking to find out as it has been a primary reason of the HO policy for using such sites.

We are supportive in our wards in rural North Braintree of working with the HO to help find a resolution to reducing the pressure on the asylum system, but we cannot support this helter-skelter approach which has been adopted in a panic because, as the HO has said, "the Asylum System is broken". It is only "broken" because the HO allowed it to reach such a stage of mismanagement. The processing of claims (the large majority of which are passed) requires continued resourcing whilst the dispersal policy needs further assistance and asylum

seekers should be allowed to work (we were told by the HO that about 30% leave the Airbase and do not return anyway) - better they contribute to the workforce even if only on a temporary basis whilst their claims are being considered rather than effectively being incarcerated on the "Camp" as the asylum seekers refer to it.

The Fields Association is working hard to represent both our residents and the well-being of asylum seekers in our district (our members assist with English Language teaching on the Airbase), continuing on to the maximum target of housing 1,700 asylum seekers in Wethersfield is not viable.

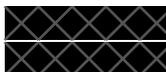
To emphasise, Government advice on EIAs is that "*The regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.*" "*The aim of Environmental Impact Assessment is also to ensure that the public are given early and effective opportunities to participate in the decision making procedures.*" We ask you as Secretary of State to reflect this advice and consider our views when you are asked by the HO for a Screening Opinion and any subsequent Scoping Opinion by supporting our strongly held contention that the proposal should require a full assessment of environmental effects.

We would hope that a sound EIA would influence a decision on whether to grant planning permission, even through an SDO, by highlighting the potential environmental risks and impacts associated with this development. We would expect decision-makers, including Parliamentarians, to be influenced by the environmental concerns raised in an EIA, and if necessary, reject a Special Development Order and hope that public awareness of all the issues and engagement in the EIA process will also aid decision-making in the way that you have advocated as part of community involvement in the planning process.

We hope you will give careful consideration to our views and thank you in anticipation of your response.

Yours sincerely



 Clerk and RFO Wethersfield Airbase Scrutiny Committee
 The Fields Association

For and on behalf of Wethersfield Airbase Scrutiny Committee and The Fields Association

Appendices attached:

1. FOI 2023 05564 Annex A26
2. FOI 2023 05564 Annex A27
3. DIO UXO assessment July 2017 F attachment 4
4. Extract from Stantec Former RAF Wethersfield – New Prisons Sep 2022
5. Anglian Water Fol 9.8.23