



27 January 2022

Dear Sir / Madam

Submission to the Napier planning application consultation

I write in my capacity as Chair of the All-Party Parliamentary Group (APPG) on Immigration Detention. The group was established in 2019 and brings together over 40 parliamentarians from across the political spectrum who share concerns about the use of immigration detention in the UK.

In May 2021, the APPG launched an inquiry into the UK government's use of former UK military bases and Immigration Removal Centres (IRCs), including Napier Barracks, to house people seeking asylum. The APPG Inquiry was led by a cross-party panel of 10 parliamentarians, of which I was the chair.

In the course of its work, the APPG Inquiry gathered extensive written and oral evidence from a range of respondents, including residents accommodated at the sites, medical and legal experts, charities working directly with residents, and on-site contractors. A full report was published in December 2021 which laid out this evidence in detail and made key recommendations to the government.¹

I am aware that the Home Office is currently conducting, via Cushman & Wakefield, a consultation on its continued use of Napier Barrack as asylum accommodation. In light of the work of the APPG Inquiry, there are a number of concerns which I believe it is important to submit to the consultation.

1. Concerns regarding the consultation process itself

- a) It is important that members of the public are consulted on planning matters and proposals in a timely and meaningful way. The Home Office granted itself permission to continue using Napier Barracks as asylum accommodation for a further five years in August 2021 when it laid the Town and Country Planning (Napier Barracks) Special Development Order 2021.² As far as I am aware, no public consultation was conducted prior to the permission being granted.

¹ <https://appgdetention.org.uk/wp-content/uploads/2021/12/211209-APPG-on-Immigration-Detention-Report-of-Inquiry-into-Quasi-Detention.pdf>

² <https://www.legislation.gov.uk/uksi/2021/962/note/made>



- b) Whilst in principle the opening of a consultation on the topic is welcome, the fact that it is being conducted in a post-hoc manner, five months after permission was already granted, is highly regrettable. I note that the Home Office has not explained how the information and views gathered at this stage can influence a decision that has already been made. These factors combined raise questions about the genuineness of the consultation. Certainly, it does not appear to adhere to the government's own Consultation Principles, which state that the government departments should "consult about policies or implementation plans when the development of the policies or plans is at a formative stage".³
- c) In the Planning Statement issued as part of the consultation,⁴ no mention is made of the High Court's ruling in June 2021 which found that Napier Barracks provided inadequate accommodation for people seeking asylum, that the Home Office's process for selecting people to be accommodated at the site was flawed and unlawful, and that residents at the barracks had been unlawfully detained under purported Covid rules.⁵ Nor does the document indicate that since its opening in September 2020, serious concerns have been raised about the site by parliamentarians, including the Home Affairs Committee,⁶ the Secondary Legislation Scrutiny Committee,⁷ and our own APPG on Immigration Detention.⁸ A key report by HM Inspectorate of Prisons and the Independent Chief Inspector of Borders and Immigration, which described Napier as "impoverished, run-down and unsuitable for long-term accommodation" and detailed numerous other failings at the site,⁹ is mentioned in the document but only briefly.
- d) It is concerning that such information has not been referenced, as it is surely highly relevant to the decision to continue using Napier Barracks. Its absence makes it more difficult for members of the public and other stakeholders, who may rely on the Planning Statement as a source of information about the barracks, to respond to the consultation in a fully informed way. It also raises a question as to whether the information has been or will be taken into account by the Home Office.

³ <https://www.gov.uk/government/publications/consultation-principles-guidance>

⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1045331/Planning_Statement_Napier_Jan22.pdf

⁵ *NB & Ors v Secretary of State for the Home Department* [2021] EWHC 1489 (Admin). Available at: <https://www.judiciary.uk/wp-content/uploads/2021/06/Napier-Barracks-judgment.pdf>.

⁶ See for example: <https://committees.parliament.uk/oralevidence/1732/html/>

⁷ <https://committees.parliament.uk/publications/7347/documents/79400/default/>

⁸ <https://appgdetention.org.uk/wp-content/uploads/2021/12/211209-APPG-on-Immigration-Detention-Report-of-Inquiry-into-Quasi-Detention.pdf>. See also <https://appgdetention.org.uk/meeting-on-napier-penally-barracks-with-icibi-hmip-march-2021/>

⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005065/An_inspection_of_contingency_asylum_accommodation_HMIP_report_on_Penally_Camp_and_Napier_Barracks.pdf



- e) It is not clear from the Planning Statement how or whether the Home Office is supporting residents and former residents at the site to engage with the consultation process. Clearly the views of such individuals can provide vital insights about the day-to-day experience and impacts of living at Napier. Again, such insights are surely very relevant to the decision to continue using the site and it is concerning that the Home Office does not appear to be proactively seeking them out.

2. Concerns about continued use of the site

- a) According to the Planning Statement, the Home Office has advised that Napier Barracks is “safe, habitable, and fit for purpose and correctly equipped in line with existing contractual requirements for asylum accommodation”. In relation to Covid-19, it states that “additional measures and guidance have been considered in consultation with Public Health England”.²
- b) The evidence gathered during our APPG Inquiry revealed an entirely different and extremely alarming situation. It showed how people accommodated at Napier and other similar sites – who had come to the UK seeking safety – were subjected to appalling treatment and conditions. The experience had left many of them feeling dehumanised, exhausted and suffering a profound deterioration in their mental health, in some cases to the point of attempting suicide.
- c) The evidence highlighted how sites like Napier have certain inherent features which jeopardise the mental health and wider well-being of the people seeking asylum accommodated there, and make them fundamentally unsuitable for use as asylum accommodation. These features include:
- i) The physical and social isolation induced by the sites making access to support and building links with the community more difficult
 - ii) Their military/prison-like nature, which for survivors of torture, trafficking or other serious forms of violence, as many asylum-seekers are, can be re-traumatising
 - iii) The prevalence of shared facilities, including dormitories, toilets and showers, and the associated lack of privacy and sleep deprivation
 - iv) The difficulty of disclosure of sensitive information in such settings, and the potential impacts of this on residents’ ability to access the asylum system, healthcare and other support
 - v) The restriction and surveillance of residents’ movements, leaving them feeling trapped
 - vi) The way in which the sites become a target for individuals and groups, including members of the far-right, who hold racist and anti-migrant views, resulting in residents being harassed and abused

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vii) A lack of Covid-19 safety

d) The evidence also identified many operational failings on the part of the Home Office and its contractors. These exacerbated the harmful effects of being accommodated at the sites. The failings included:

- i) Inadequate safeguarding arrangements, including an ineffective process for identifying individuals who are not suitable to be housed at Napier. This in turn has resulted in many vulnerable people being accommodated at the site, including unaccompanied age-disputed children; people who are self-harming, suicidal and/or have serious mental health conditions; and victims of torture, trafficking or other serious abuse.
- ii) Inadequate provision of on-site healthcare, including an absence of mental healthcare services despite high levels of mental health vulnerabilities amongst residents, and only one nurse to attend to a large population; and barriers impeding access to healthcare in the community
- iii) Inadequate access to legal support, both in relation to asylum advice and public law advice
- iv) Intimidation and mistreatment of residents by on-site staff
- v) Distressing transfers of residents to the sites
- vi) Inadequate food and nutrition
- vii) Poor communication with residents by Home Office
- viii) Poor levels of cleanliness and repair
- ix) Fire safety concerns

Please note that more details and explanation of each of the points listed here and at 2(c) can be found in the APPG Inquiry Report.¹⁰

e) Given the evidence collected by the APPG Inquiry, it is extremely alarming that the government has continued its use of Napier Barracks. The changes made by the Home Office and its contractors and listed in the Planning Statement fall far short of the “substantial improvements” required by the High Court in its ruling in June 2021,¹¹ and in any case could not address the inherent, fundamental features of the site that render it entirely unsuitable as asylum accommodation.

3. Conclusion

¹⁰ <https://appgdetention.org.uk/wp-content/uploads/2021/12/211209-APPG-on-Immigration-Detention-Report-of-Inquiry-into-Quasi-Detention.pdf>.

¹¹ *NB & Ors v Secretary of State for the Home Department* [2021] EWHC 1489 (Admin). Available at: <https://www.judiciary.uk/wp-content/uploads/2021/06/Napier-Barracks-judgment.pdf>



- f) As recommended in the APPG Inquiry Report, I urge the government to close Napier as asylum accommodation with immediate and permanent effect, and to ensure that all people seeking asylum, including those currently at Napier, are housed in decent, safe accommodation in the community that supports their well-being and recovery from trauma, facilitates their engagement with the asylum process, and allows them to build links with their community.

- g) The government must take heed of the evidence laid out fully in the APPG Inquiry report, and summarised here. It is information that is highly relevant to, and could impact upon, the decision to grant permission to extend the use of Napier.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alison Thewliss'.

Alison Thewliss MP
Chair, APPG on Immigration Detention