

Overview & Scrutiny Committee

RAF Bicester

14 July 2009

Report of Strategic Director, Planning, Housing and Economy

PURPOSE OF REPORT

Progress report on actions taken with respect to the future of RAF Bicester

This report is public

Recommendations

That the Committee:

- (1) notes the update on recent actions, and
- (2) makes any recommendation to the planning and Housing Portfolio Holder as to any further action required.

Executive Summary

1 Background

- 1.1 RAF Bicester is described by English heritage as "*the best preserved bomber airfield dating from the period up to 1945*". The whole site, including some of the officers' and airmen's housing, is designated a conservation area and there are 41 grade II listed buildings and sixteen areas designated as Scheduled Ancient Monuments.
- 1.2 The technical site and flying field have not been in active military use for a number of years. One hangar and the flying field are leased to Windrushers Gliding Club. The remainder of the site is mothballed and the buildings are falling into disrepair.
- 1.3 English Heritage lists all 19 listed buildings on the technical site as being "At Risk" on its Buildings At Risk Register and the Scheduled Ancient Monument is reported in the 2009 Heritage at Risk Register.

- 1.4 The Domestic site has recently been declared surplus to Defence requirements and Defence Estates intends to market the site in September with a view to disposal this financial year.

2 Update on recent actions

2.1 Condition of the buildings on the technical site

The Planning (Listed Building and Conservation Areas) Act 1990 [The Act] empowers the LPA to take measures where the owner of a listed building does not keep the building in an adequate state of repair. The Act provides Local Planning Authorities with the power to serve a Repairs Notice (which is a step towards the LPA compulsorily acquiring a listed building in need of repair) and an Urgent Works Notice (which gives notice that the LPA will do urgent works itself and charge the owner the costs of doing so) on the owners of a listed building in a poor state of repair. However, Defence Estates, being part of the Ministry of Defence, enjoys Crown Immunity with respect to the serving and /or the enforcing of such Notices and also ancillary powers such as that to enter and inspect the premises. Therefore the Council has no powers to force Defence Estates to repair the buildings. Nevertheless, for a number of years officers have been trying to work with Defence Estates to agree appropriate works to bring the buildings into at least a wind and weather tight condition. There is a history of correspondence going back to 2003 recording a lack of co-operation by Defence Estates at officers' attempts to gain access to the technical site to make an assessment of the condition of the buildings.

Having detailed information about the condition of the buildings and likely costs of repair and maintenance is also now very important as part of responding to planning proposals by any private developer or supporting a potential local community project to acquire and use the site. Such information would be needed to support a bid for purchase and to prepare a business plan for the future use of the site.

Earlier this year the Chief Executive sought the assistance of Tony Baldry MP on the matter and this resulted in a meeting with the Under Secretary for State for Defence on 20 May 2009. The meeting was attended by Tony Baldry MP, Defence Estates, English Heritage and CDC Officers including the Chief Executive. During the meeting the Minister made it clear that

- Accompanied access to the technical site for the conservation officer and consultant surveyor on 5th June had been agreed the day before the meeting
- There is no money available to Defence Estates for further repairs to the buildings on the technical site and it is "highly unlikely" that further repairs will be undertaken. There will be no "MOD dowry" available to any potential future owner
- Quadrennial Inspections would be undertaken in the second half of 2009 and these would be used to inform the value of the site,
- The valuation will also be informed by the outcome of the Crichel Down process and any subsequent legal challenge, expected to be completed in Spring 2010 and no decision on the future of the site can be made until then. (The Crichtel Down process is a part of compulsory purchase and compensation law that, in certain circumstances, requires land acquired

for public use, but no longer required for that purpose, to be offered back to the original owner. Interpretation of the law in this field is very involved but, if the development of the site is constrained in the way the Council feels appropriate, it seems unlikely that there will be any benefit to previous owners in acquisition).

- The Minister agreed that Cherwell District Council, working closely with Defence Estates and English Heritage, should now produce a Planning Brief for the whole of RAF Bicester site and asked that a Working Group be established to get on with this.

The letter from Tony Baldry MP to the Under Secretary of State for Defence confirming what was discussed at the meeting is appended at Annex A.

The visit to the technical site took place on 4 June 2009. The Council utilised specialist building surveyor advice. Although there were a few buildings that were not able to be entered for a variety of reasons, an itemised list of repairs required for the buildings inspected has been drawn up. This has been included within the Draft Planning Brief to set out what the Local Planning Authority is seeking with respect to the repair of the listed and other buildings and this will assist in informing the value of the site.

2.2 The disposal of the domestic site

Defence Estates intends to dispose of the Domestic site by the end of March 2010 and is seeking advice from the Council as to acceptable future uses. A short Planning Statement has been produced for Defence Estates to include within its Sales particulars. The DCMS protocol (2003) for the Disposal of historic buildings in the government's estate states that financial consideration should not be the over-riding criterion. A visit to the site for Elected Members from each of County, District and Town Councils is being arranged by Defence Estates prior to marketing.

2.3 The preparation of a Planning Brief

As agreed at the meeting with the Under Secretary for State, officers have been working on a Planning Brief for the parts of RAF Bicester that are surplus to Defence requirements and are to be sold. The Brief will need to be prepared quickly with only limited stakeholder consultation so that it is available to respond to developer interest as the site is marketed. The "Brief" will take the form of one of the Council's "informal development principles" documents and the hope is that it will be used effectively with the co operation of defence estates as part of the marketing process. Following input from Defence Estates, English Heritage, Windrushers Gliding Club, Bomber Command Heritage and the County Archaeologist a draft document was circulated to stakeholders for comment on 3 July. The stakeholders included Defence Estates, English Heritage, Bicester Town Council, Caversfield Parish Council, Launton Parish Council, Fringford Parish Council, Oxfordshire County Council, Windrushers Gliding Club and Bomber Command Heritage. It is the intention that the comments received will be reported to the Council's Executive for approval in September, together with a document that may be amended in response to comments received. As an informal document the status of the Brief in planning decisions will be limited. However it will help the Council to be efficient and effective in informing potential purchasers of the site's opportunities and constraints, and will be a material consideration in determination of planning applications.

2.4 Policy Context including LDF timescale

The Development Plan comprises the Regional Spatial Strategy for the South East of England (known as the South East Plan) and the saved policies of the adopted Cherwell Local Plan 1996. The Non Statutory Cherwell Local Plan (NSCLP) 2004 does not have statutory development plan status but is an important material consideration in planning decision-making.

The South East Plan sets out the long term spatial planning framework for the region over the years 2006 – 2026, identifying nine sub regions as the focus of growth and regeneration (Policy SP1). RAF Bicester is within the Central Oxfordshire sub region, where the strategy is to strive to be a world leader in education, science and technology (Policy CO1) and to give priority to development which supports these sectors (Policy CO2). It refers to the substantial portfolio of land held by the defence sector and Policy CC9 encourages Government departments and public land owners to undertake strategic reviews of landholdings taking into account the policies and objectives in the SE Plan in the use and disposal of land. Policy CC9 sets out the regional policy on the use of major sites (ie those which would be referred to the regional planning body) in public ownership.

The adopted *Cherwell Local Plan*, had a policy for the site but this was overtaken by the designation of the conservation area and so has not been saved and so is no longer has force in planning decisions. It is however an important background to the to the current Informal Development Principles exercise..

The site was designated a conservation area in July 2002.

The *NSCLP* has not been subject to all of the statutory local plan preparation procedures including the public inquiry and therefore its policies and proposals do not have statutory development plan status. However, it is a material consideration and is used, together with other relevant considerations, in determining planning applications. Policy EN 49a is a site specific policy for RAF Bicester that states permission will be granted for proposals that

- provide for the re-use of buildings within the technical area provided that they are set in the context of an agreed comprehensive plan and are sympathetic to the appearance and character of those buildings, their settings, the trident layout and the wider conservation area
- provide for the use of the open airfield for recreational purposes provided that such use would not conflict with or change its open, flat and treeless landscape character and its visual relationship with the technical area and its adjoining countryside
- are compatible with the ecological value present on the site.

The supporting text states that the Council will work with Defence Estates and prospective developers to ensure that proposals are set within a comprehensive and viable plan for the whole of the area. It also states that there is little scope for new building within the conservation area. In principle, re-use of existing buildings could include for offices, light industry, manufacturing, storage, cultural uses such as an aviation museum and leisure facilities, both indoor and outdoor. In terms of employment uses, paragraph 4.47 of the NSCLP states that B1, B2 and B8 uses could be

acceptable at Bicester Airfield provided they comply with Policy EN49a. The policies do not specifically refer to the Domestic site. Policy H1a sets out the criteria for assessing the location of new housing including the availability of previously developed sites and use of empty or under utilised buildings.

The Cherwell Local Development Framework (LDF) is in preparation following the publication of the Options for Growth document. Early in this process the Council's Executive took the decision not to progress RAF Bicester as a location for an urban extension. The Core Strategy will set the broad planning framework for the District, including the future of this site, over the period to 2026. The Council consulted on general issues and options for the Core Strategy in 2006 and carried out further consultations on site specific allocations between July 2006 and February 2008. Further evidence gathering is currently being carried out before the publication of a Preferred Options Core Strategy in late 2009. It is currently anticipated that the Core Strategy submission will be in Spring 2010 with adoption later in 2010. It may also be necessary to review the Local Development Scheme (work programme / timetable) following the announcement on the Eco-towns Planning Policy Statement (PPS) which is expected in July 2009.

The LDF is the place where a full formal update of policy as it impacts on the future of the site will be required. Of course this work is seen by Defence Estates as an opportunity to promote a redevelopment of the site. The informal guidelines document can explain that the Council's emerging strategy for development at Bicester will not support redevelopment in this location, but this approach can only be applied with full effect after the LDF is tested through the full Examination and approval process.

2.5 Community Liaison Group

Bicester Town Council is coordinating a Community Liaison Group, which aims to enable community use of the Technical site and flying field. Such uses include

- Community use of the flying field for low key recreational purposes
- The continued use of the flying field for gliding
- The use of the technical site for community and museum / heritage centre purposes.

The vast open flying field is currently used by local people, who are social members of the Windrushers Gliding Club, for dog walking, kite flying, jogging etc and the Club has stated that its vision would be to expand this to include, for example, adventure courses for young people, golf putting etc. At the same time the Windrushers Gliding Club, which is a civilian club operating on a lease from Defence Estates, also has aspirations to become one of the UK's largest gliding centres and "the first major national gliding centre" that embraces other activities as well. The museum / heritage use could potentially, subject to funding and other matters, such as compatibility of land uses, be enabled through an organisation such as Bomber Command Heritage (BCH). BCH is an association of volunteers which has the aim of raising awareness of RAF Bomber Command, establishing a Heritage Centre on the subject and creating a themed 1930s / WW2 "time capsule" environment at RAF Bicester. BCH is seeking charitable status, which will enable it to apply for Heritage Lottery Funding.

It is anticipated that the next meeting of the Community liaison Group will be arranged by Bicester Town Council during the consultation period on the Draft Planning Brief.

2.6 Bomber Command Heritage

Over the past 18 months, The Economic Development Officer has been involved in:

- Advising on BCH's business plan via Raymond Cook, an Oxfordshire Business Enterprises adviser co-ordinated by CDC. This is on-going and helping to ensure commercial viability is a key consideration.
- Introducing a potentially complementary heritage body (Colin Chapman Trust) to BCH to consider potential co-operation / synergy.
- Identifying other interests in RAF Bicester e.g. Mr Hayes youth training project.
- Contacting Tourism South East (Tourist Board) to identify potential developmental support via a feasibility study. Contacts and details of potential funding sources have been gained. The Bidding Team Manager considers of BCH's outline proposal "such a venture would be most welcome".

3 **Conclusion**

It is considered that, at present, the Council is not empowered legally to take any direct action against Defence Estates in respect of the Buildings At Risk. However, once the site is sold, the Council will seek to work with the new owner on a programme of repair to bring the buildings initially back to a wind and weather tight condition and, ultimately, into a productive use.

The Council is doing all it can at present to assist with the sale of the site by establishing future use through the LDF process and, in advance of this timescale, through the preparation of a Planning Brief, which is out for consultation with Stakeholders at present. It is to be hoped that Defence Estates engages fully in this process as requested by the Under Secretary of State for Defence.

Implications

Financial: There are currently no financial implications on the Council, as the Planning Brief has been prepared within existing budgets.

Comments checked by Eric Meadows, Service Accountant 01295 221552

Legal: The residual current Crown immunity in the Planning and Compulsory Purchase Act 2004 prevents the Council from taking action against Defence Estates in respect of listed buildings. Once the property is in private ownership, the full provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 apply. The Council will strive to reach agreement with the new owner(s) to ensure the repair of the protected buildings and structures.

Comments checked by Sue Christie, Solicitor 01295

221690

Risk Management: The technical site is currently at high risk, including the Bomb Stores Scheduled Ancient Monument, which is reported to be in a state of imminent collapse.

Comments checked by Rosemary Watts, Risk Management and Insurance Officer 01295 221556

Wards Affected

All Bicester wards, Caversfield, Launton and Fringford wards

Corporate Plan Themes

A District of Opportunity
A Cleaner Greener Cherwell

Executive Portfolio

Councillor Michael Gibbard
Portfolio Holder for Planning and Affordable Housing Policy

Document Information

Appendix No	Title
Appendix A	Letter from Tony Baldry MP to the Under Secretary for Defence dated 8 June 2009
Background Papers	
RAF Bicester Conservation Area Appraisal (copy available in the members Room)	
Report Author	Linda Rand, Design and Conservation Team Leader
Contact Information	01295 221845 Linda.Rand@Cherwell-dc.gov.uk

APPENDIX A

Kevan Jones, Esq., MP
Parliamentary Under-Secretary of State
Ministry of Defence
Old War Office Building
Whitehall
London SW1A 2EU

8 June 2009

RAF BICESTER

I am very grateful for you seeing myself and colleagues from Cherwell District Council and English Heritage on 20th May. It was a helpful and constructive meeting for which many thanks.

I look forward to hearing from you on the issue of whether any Defence Estates' land at MOD Bicester (beyond RAF Bicester) is likely to become surplus to requirements in the near future.

I understand now that the Treasury has asked for all options for DSDA to be considered and this is clearly the reason why Cherwell District Council has been getting mixed messages recently.

It was also useful to understand that Savills are not representing DSDA. As I think was explained to the meeting, Cherwell District Council is publishing its Local Development Framework Core Strategy in Autumn 2009 for adoption by the end of 2010. If the forthcoming Eco Town PPS confirms North West Bicester as an Eco Town location then this, with a small additional allocation at South West Bicester, will fulfil Bicester's South East plan requirements until 2026.

The fact that some Defence Estates' land may be available at MOD Bicester needs to be considered again and other issues such as sustainability.

It would be very helpful to get some quick clarification on this point. It may be more appropriate to await a full review of Defence Estates' land until the next round of allocation but you will appreciate that this will not happen for some considerable time. It will clearly be helpful going forward, if Defence Estates', DSDA and Cherwell District Council can work closely on this and make sure representatives of both Defence Estates and DSDA are present at any meetings.

In terms of RAF Bicester, I found our meeting very helpful in providing clarification on a number of points. I thought it was worth noting the areas we covered:

Accompanied access to the technical site for Cherwell District Council's conservation officer and consultant surveyor on 5th June had been agreed the day before our meeting. This will have allowed a full assessment/record to have been made by the Council on the condition of the buildings. This assessment is essential to allow for

future planning decisions to be made in light of necessary information about the key conservation works required and their likely costs.

It was made clear that the Quadrennial Inspections will be undertaken in the second half of 2009 and that reports will influence the valuation of the site. There is no money available to Defence Estates for further repairs to the buildings on the technical site and it is “highly unlikely” that further repairs will be undertaken. There will be no “MOD dowry” available to any potential future owner.

The valuation of the technical site will also be informed by the outcome of the Crichel Down process and any subsequent legal challenge. This process is expected to be completed in Spring 2010 and no decision on the future of the site can now be made until then. You asked the Crichel Down and Quadrennial Inspections processes to be speeded up as much as possible.

You considered it to be appropriate that Cherwell District Council, working closely with Defence Estates and English Heritage, should now seek to produce a Planning Brief for the whole of RAF Bicester site and ask that a Working Group be established to get on with this.

Colleagues at the Council will now coordinate the setting up of this group, which needs to start work quickly in light of Defence Estates’ plans to dispose of the domestic site this financial year.

Tony Baldry