

# Executive

## RAF Bicester Planning Brief, incorporating Informal Development Principles and Management Guidelines

7 September 2009

### Report of Head Planning and Affordable Housing Policy

#### PURPOSE OF REPORT

To report on the responses received to the consultation draft Planning Brief incorporating Informal Development Principles and Management Guidelines and to seek approval of the amended document. To consider the manner in which the site is being disposed of and to comment upon that. To seek the engagement of Defence Estates and English Heritage in the joint preparation of Management Guidelines for the flying field and technical site.

This report is public

#### Recommendations

---

The Executive is recommended:

- (1) to note the responses received to the draft document and to approve the content of the amended document for publication
- (2) to express its concern to the Ministry of Defence that the maintenance of the buildings on the technical site has not been undertaken in accordance with the DCMS protocol
- (3) to express its concern to the Ministry of Defence at the extent to which the disposal of this site has been undertaken in a manner contrary to the DCMS protocol, in particular with respect to a comprehensive approach to securing the future of the whole of the heritage asset
- (4) to invite Defence Estates and English Heritage to engage fully and quickly in the process of drawing up Management Guidelines for the flying field and Technical site to ensure that these are agreed prior to the sale.

## Executive Summary

---

- 1.1 This document refers to those parts of RAF Bicester that have been declared surplus to defence requirements and are to be sold by MOD, comprising the flying field and technical site, east of Buckingham Road, and the domestic site, west of Buckingham Road.
- 1.2 The flying field and technical site have not been in active military use for a number of years and, other than one aircraft hangar, which is in use by Windrushers Gliding Club, the buildings, most of which are listed, and defence structures, most of which are scheduled ancient monuments, are in a poor state of repair. This site may be sold in due course, subject to the outcome of the Crichel Down process.
- 1.3 The domestic site, which was occupied until recently by Defence Equipment and Supplies [DE&S], was put up for sale on the open market by Defence Estates in early July 2009 with the intention of concluding a sale this financial year.
- 1.4 The Council prepared a Draft Planning Brief for the whole site to inform potential purchasers of the planning policy situation, constraints, opportunities and potential future uses. The Draft Brief comprises, not only Informal Development Principles, which the Council would prepare for any large and / or complex windfall site, but also builds upon the Conservation Management Guidelines already prepared for the domestic site to cover the flying field and technical site
- 1.5 This report records the comments received on the Draft Brief at Appendix A, together with the changes recommended to be made to the Brief as a result. The revised Brief is at Appendix B. Members should note that it is the content of the document, presented here in Microsoft Word format, for which approval is sought. The published document will be professionally produced using a graphics software package and colour so it is easier to navigate.
- 1.6 The report highlights the main issues that emerge from the consultation as the structure of the document (which is related to the definition of the planning unit) for the flying field and technical site, the extent of public access and the potential for new development.
- 1.7 However, Members' attention is also drawn to the fact that the maintenance of the buildings on the technical site has not followed the DCMS protocol for the care of the Government's historic estate and also that the way in which Defence Estates is disposing of the site does not follow the DCMS protocol for the Disposal of historic buildings in the Government estate and the implications that follow.
- 1.8 Members' attention is drawn finally to the lack of progress made on the Management Guidelines for technical site and flying field.

## Background Information

---

- 2.1 RAF Bicester comprises the flying field and technical site, east of Buckingham Road, and the domestic site and former officers' and airmen's housing, west of Buckingham Road. Some of the housing is occupied by USAF personnel based at Croughton and some has been sold off on the open market. It is described by English Heritage as "*the best preserved bomber airfield dating from the period up to 1945*". The flying field, technical site, domestic site, the former officer mess (now a care home) and some of the early housing (but not the later housing) is designated a conservation area and there are 41 grade II listed buildings and sixteen areas designated as Scheduled Ancient Monuments.
- 2.2 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. 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. The flying field and technical site have been declared surplus to Defence requirements and, subject to the outcome of the Crichel Down process (where surplus requisitioned Government land is first offered back to the original owner), will be put on the market for sale at some point in the future.
- 2.3 The domestic site, in use by Defence Equipment and Supplies until very recently, has been declared surplus to Defence requirements. Defence Estates placed the site on the open market in early July 2009 with a view to completing disposal this financial year. This part of the site also contains listed buildings, but these are in a better state of repair and have been fitted out for office and laboratory use.
- 2.4 The Council's normal practice is to prepare planning guidance for key sites, whether these come forward through the plan-making process or as windfalls, and it considers that a Brief for this complex, highly constrained and nationally important site is vital to inform potential purchasers prior to sale.
- 2.5 Officers invited both Defence Estates and English Heritage to contribute to the preparation of an emerging draft document prior to wider stakeholder consultation and comments were received. On 3 July 2009 the Draft Document was circulated to stakeholders and comments were sought by 5 August. Stakeholders comprised Oxfordshire County Council, Bicester Town Council, Caversfield, Fritwell and Launton Parish Councils, Defence Estates, Windrushers Gliding Club, English Heritage, Bomber Command Heritage, Bicester Vision and BBOWT. Comments were received from most of the above organisations. English Heritage sent an interim response composed of a series of open ended questions which later formed the basis of its formal response. A meeting was held with Defence Estates and English Heritage on 14 August and comments were received on 20 and 21 August respectively from these organisations.

- 2.6 The comments of each organisation are listed at Appendix A, together with the changes it is considered appropriate to make to the document as a result.
- 2.7 The content of the amended document is in Microsoft Word format at Appendix B. If the Executive approves this, as an informal document, its legal status 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 the determination of planning applications.

### **3 Contents of the Planning Brief**

- 3.1 The brief sets out
- the planning policy context,
  - the special importance of the site,
  - the various constraints associated with the site,
  - the opportunities offered by the site, including a range of potential appropriate uses
  - Management Guidelines for the buildings and the landscape across the whole site that elaborate upon the Management Guidelines agreed with Defence Estates and English Heritage in 2000, revised in 2003, for the Domestic site and expand upon these in Draft for the flying field and Technical site.
  - Appended is a structural report prepared by Monson Engineering Ltd on behalf of the Council, following a visit to the Technical site on 5 June 2009.
- 3.2 In short, the *Draft Informal Development Principles* state that the Councils preferred use
- of the flying field is continued aviation use, with some limited low key recreational use managed to be compatible with aviation use
  - of the technical site is a history of aviation museum, other potential uses include cultural sporting, community use, employment, light manufacturing or storage, with limited potential for residential use and that any mix of uses would require careful management to ensure compatibility
  - of the domestic site is office, laboratory, catering and conference to continue the military uses in civilian use, apartments, retirement community or other specialist living accommodation, hotel, hostel or educational use.
- 3.3 The *Draft Management Guidelines* provide guidance on the management and maintenance of
- the open campus landscape
  - the flying field
  - public access
  - signage, servicing, parking, means of enclosure, outdoor storage
  - buildings and structures including roofs, walls, doors and windows, colour schemes, rainwater goods, services, compliance with parts L and M of the Building Regulations
  - alterations and extensions
  - potential for restrictive covenants
  - public art

- composition of a future management body.

## **4 The main issues emerging from the consultation responses**

### **4.1 The structure of the document**

- 4.1.1 RAF Bicester comprises the flying field with Technical site and the Domestic site (and also dwellings that are not for sale and therefore not covered by this document). There is agreement that historically this was one planning unit and the Council takes the view that it remains one planning unit, where a sui generis military use of the airfield is carried on, the nature of which encompasses a range of uses including offices, laboratories, storage, restaurant, conference space and a ballistics range, all of which exist and are used to fulfil the military use of the site. The planning decisions needed to provide for new ownership and uses, creating separate planning units, need to be considered from this base-line. There would be advantages in selling the entire site as one unit because this would enable the value of the domestic site to cross subsidise the repair of the technical site; the district heating system could be shared; the management of the site would be consistent etc. The Draft Brief was therefore structured to provide advice on policy, constraints, opportunities and management guidelines for the whole site, with each of those topics split into three sections dealing with the flying field, the technical site and then the domestic site in turn. However, Defence Estates considers that this is confusing and asked that there should be standalone documents for the flying field / technical site and the domestic site.
- 4.1.2 Management Guidelines for the domestic site were prepared by English Heritage in an association with the Council and Defence Estates in 2000 and updated in 2003, but these were written in the expectation that the domestic site would remain in MOD ownership. The Draft Brief elaborates upon these to acknowledge its sale to the private sector and that other land uses will be introduced. Neither Defence Estates nor English Heritage has made any significant comment upon that part of the Draft Management Guidelines document.
- 4.1.3 There are no Management Guidelines in place for the technical site. The site includes specialist buildings on which specialist advice is required. The intention was to produce, albeit within a short timescale, one all-encompassing Management Guidelines document to inform potential future purchasers. The Draft Brief in Section 5 attempted to kick start this process in the expectation that Defence Estates and English Heritage would engage and contribute specialist knowledge. However, this did not occur and it is disappointing that the specialist input from Defence Estates and English Heritage was not forthcoming to enable comprehensive Management Guidelines to be prepared at this stage.
- 4.1.4 English Heritage suggests de-coupling the Management Guidelines from the Brief to allow the guidelines to be a “live’ document which can be regularly reviewed in the light of changing circumstances”.
- 4.1.5 As the Management Guidelines for the technical site remain incomplete as a result, in the circumstances, it is considered that there is no option but to de-couple the Management Guidelines as suggested by English Heritage. It is recommended that the Draft Brief be split into two sections:

- A Informal Development Principles, which deals with planning matters on the flying field, technical site and domestic site
- B Management Guidelines, which has separate guidelines for the flying field, technical site and the domestic site, where the guidelines for the domestic site are agreed, but the guidelines for the flying field and technical site remain a 'live' document, as advised by English Heritage.

That said, it is considered vital that both Defence Estates and English Heritage engage quickly and constructively in the collaborative preparation of the guidelines for the flying field and the technical site, because, as English Heritage states in its response of 21 August, "It will be important to have this in place whenever the technical site and airfield come to be marketed (subject to the rights of former owners)."

## **4.2 Public access**

- 4.2.1 English Heritage expresses concern at potential conflicts between public access and aviation use. Bomber Command Heritage sees public access as imperative. On the flying field Windrushers Gliding Club currently allows members of the public, who are social members of the club, to have access to the area beyond the perimeter track for low key recreational use, such as jogging, dog walking, kite flying etc. Membership is required to ensure that people using the airfield are aware of and signed up to the local airfield regulations. Windrushers consider that the existing model works well, but makes a strong case that unrestricted public access would be dangerous.
- 4.2.2 It is important that local aspirations for access to the flying field take account of the fact that continued aviation use has safety implications in this regard and that public access will need to be limited in some ways and in some areas and at some times.
- 4.2.3 The Brief states that if aviation use continues, a similar or other model would need to be agreed between interested parties to ensure public safety. The Council would seek to ensure some form of public access through a future Management Plan appended to any planning consent.

## **4.3 Potential for new development**

- 4.3.1 In 2002, to inform the preparation of the, now, Non-Statutory Cherwell Local Plan 2011, the Council commissioned CGMS and LDA to examine the potential of the flying field and technical site to accommodate new development. The study did not examine the potential of the domestic site because, at that time, it was expected to continue in Military use.
- 4.3.2 The study concluded that there was no scope for new development on the flying field. It also concluded that there was no scope for development within the technical site. It did, however, identify a strip of land outside the technical site, south of the original alignment of Skimmingdish Lane, in the ownership of Defence Estates, which it considered had some potential.
- 4.3.3 The document was accepted by the Council and resulted in the major urban extension in the Non-Statutory Plan being allocated to SW Bicester .
- 4.3.4 Defence Estates continues to promote the flying field and technical site for development through the LDF process and, in its response to the Draft Brief,

states that “Reference to a dated [CGMS LDA] consultants’ report appears unnecessary and could be seen to be giving undue weight to something that is not policy.”

- 4.3.5 English Heritage suggests that reference should be made separately whether there is a case for any enabling development in relation to English Heritage’s guidance, stating that “This would support the Council’s argument that the criteria for enabling development are not met in this case.”
- 4.3.6 In response to both comments, officers’ advice is that there has been no material change in circumstance to invalidate the findings of the 2003 CGMS report. Further, due to the Eco-Town announcement, the Council considers that its residential land allocation in Bicester is effectively catered for until 2026. This is the emerging policy position set out in the Planning Brief.
- 4.3.7 The statement by English Heritage that there is no case to be made for enabling development is helpful and should be noted, as there will be resultant implications as to how the repair of the buildings on the technical site will need to be funded

## **5 Issues of concern to the Council regarding the disposal of the site**

- 5.1. The sale of surplus MOD land is handled by Defence Estates. English Heritage’s Government Historic Estates Unit advises Government on historic assets in its ownership in England. Once Crown land is sold, responsibility for advising both the land owner and local planning authorities falls to the regional offices of English Heritage. English Heritage and DCMS have published a number of guidance documents relating to the Government’s historic estate.
- 5.2 *Twentieth century Military Sites* (English Heritage 2003) and *Historic Military Aviation Sites* (English Heritage 2003) promote protection of historically important sites through scheduling nationally important structures as ancient monuments, listing of buildings of historic or architectural significance, designation of military landscapes as conservation areas, the preparation of Conservation Management Plans and Guidelines and protection through the planning process.
- 5.3 *The Protocol for the Care of the Government Historic Estate* (DCMS 2003) sets out a 10 point protocol for government departments with historic estates to follow, including that the government department should
- Commission regular condition surveys
  - Prepare biennial conservation reports
  - Develop site specific management guidance
  - Implement a programme of repairs and maintenance
  - Protect buildings at risk
  - Safeguard historic buildings that are in the course of disposal.
- 5.4 *The Disposal of Historic Buildings: guidance note for government departments and non-departmental public bodies* (DCMS 1999) advocates
- Early consultation with all interested parties to assist in overcoming difficult or controversial issues
  - Disposal of a large or complex historic site can be assisted by a planning brief and a conservation plan. It explains that the planning brief has the

advantage of offering prospective purchasers a higher degree of certainty about what will be permitted; it is prepared by the Local Planning Authority and the vendor and sets out the development possibilities based upon the development plan. The Conservation plan explains the historic significance of the site, defines constraints and opportunities and develops a strategy for conservation and will need to be drawn up liaising closely with English Heritage

- Where historic buildings have a negative market value because of limitations on alternative uses or a backlog of repairs and maintenance, it is normally preferable to put the buildings into a reasonable state of repair before sale, to bring the market value up to a positive figure, rather than to pay a reverse premium or a dowry.
- Disposal within 3 years of property being identified as surplus to avoid deterioration of empty buildings. Where buildings unavoidably stand vacant pending disposal, the document states that it is essential that they are regularly inspected and that maintenance regimes are strictly observed to ensure that buildings are kept weather proof and well ventilated
- Sites containing groups of buildings should be considered as whole and may need to be marketed as a single development package. Sites should be packaged for disposal such that historic buildings, which in isolation could be a financial liability, are marketed together with other parts of the site having development potential to avoid potential purchasers "picking off" the most profitable elements.
- Maximisation of receipts should not be the overriding aim in cases involving the disposal of historic buildings; the aim should be to obtain the best return for the tax payer having regard to the provisions of the development plan for the area, PPGs15 and 16 on historic buildings and areas and archaeology, the clear recognition that the most appropriate use may not be the use that generates the optimum financial return, the current state of repair, non-financial and wider regeneration benefits.

5.5 Defence Equipment and Support is currently vacating the domestic site and this was put up for sale on the open market by Defence Estates in early July 2009 with the intention of concluding a sale by 31 March 2010. This part of the site is in relatively good state of repair and will command a positive value.

5.6 However the situation is somewhat different at RAF Bicester flying field and Technical site. These were declared surplus over ten years ago and yet have still not been disposed of, during which time

- Both routine maintenance and basic repair of the property has been inadequate leading to 19 listed buildings on the technical site being identified as "At Risk" on English Heritage's Buildings At Risk Register and led the Head of the Government's Historic Estate Unit at English Heritage, in a letter to Defence Estates dated November 2008, to describe the technical site as "*the most worrying heritage site on the whole government estate in terms of the number of neglected buildings and structures, the scale of the maintenance backlog and the lack of progress that has been made towards finding a new use for them*".
- Access for Council officers to inspect the condition of the buildings has been continually frustrated

- Defence Estates has continued to seek an allocation of development through first the preparation of the Non-Statutory Plan and, more recently, the Local Development Framework.

5.7 The DCMS protocol outlined above has not been complied with in the following respects:

- Regular condition surveys have been delayed
- Biennial conservation reports have not been produced
- Site specific management guidance has not been produced by DE
- An adequate programme of repairs and maintenance has not been undertaken
- Buildings at risk have not been protected
- Historic buildings that are in the course of disposal have not been safeguarded.
- Attempts by Defence Estates to consult with the Council to assist in overcoming difficult or controversial issues have not been followed through to a conclusion
- The buildings have not been brought up to a reasonable state of repair before sale. Officers were advised on 20 May 2009 that there would be no further expenditure on the buildings and nor would there be a dowry to accompany the sale.
- Disposal has not progressed within 3, nor indeed within 10, years of being identified as surplus.
- Empty buildings pending sale have not been subject to strict maintenance regimes.
- The marketing of the historic buildings on the technical site, which are a financial liability, is not being done together with other parts of the site (ie the domestic site that have a positive value) to enable cross subsidy. On the contrary the most profitable part of the site is being sold without encumbrance, effectively “cherry picking” to maximise its value.
- Although the protocol advises that the aim should be to obtain the best return for the tax payer having regard to the provisions of the development plan, DE continues to promote major development on the flying field. Despite being advised that the Council is working on the assumption that the SE Plan housing requirement up to 2026 will be provided for by the Eco-Town at NW Bicester, in a meeting with officers on 14 August 2009, Defence Estates stated that there was potentially one scenario where the site could be sold to a future purchaser at a price including “hope value”, where the purchaser would continue to promote the site through the plan- making process, including for the period post 2026. This would create continued uncertainty in respect of aviation and related uses, the future use of the technical site and the condition of the listed buildings.

5.8 The Report of the Strategic Director, Planning, Housing and Economy to the Overview and Scrutiny Committee on 14 July 2009 sets out in detail how officers’ requests to access the technical site had been frustrated and how Crown Immunity prevents the Council taking any action against Defence Estates to ensure the repair of the buildings. On 19 May, access was arranged for the Conservation Officer and the Council’s consultant structural engineer to take place on 3 June. On 20 May, through the intervention of Tony Baldry, MP, officers attended a meeting with the Right Honourable

Kevan Jones MP, Under Secretary of State for Defence. Officers' notes of that meeting record the Under Secretary asking for

- the Crichel Down process on the flying field to be speeded up by Defence Estates
- a Conservation Management Plan to be prepared for the technical site
- Defence Estates, English Heritage and the Council to work together on a Development Plan for the whole of RAF Bicester.

Although Defence Estates has questioned the Council's record of that meeting as set out at the beginning of Appendix A, Council officers have attempted to expedite the last two requests, through the preparation of the Planning Brief and Management Guidelines for the whole site.

5.9 Therefore, not only have the buildings been allowed to fall into disrepair, the opportunity to sell the positive and negative value assets together to enable cross subsidy has not been taken. Further, by its own admission, Defence Estates has not ruled out a scenario where there would be the sale of the technical site to a purchaser who would continue to sit on the site for a further 17 years hoping for a development allocation.

5.10 These concerns are shared by English Heritage. A letter dated 21 August from the Head of the Government Historic Estate at English Heritage to Defence Estates, following the meeting with Council officers on 14<sup>th</sup> August,

- states "it is reasonable to expect DE/MOD to bring all the historic buildings on the technical site into a stable condition"
- and asks "what scope there is for sale receipts from DE&S to be used to fund further repairs on the remainder of the site and other enabling works, such as decontamination, that might facilitate future sale and re-use."
- It goes on to express "some sympathy for the Council's concern that if the DE&S [domestic] site is sold as a separate entity, there is the risk that the technical site and the airfield could be left behind as a liability."
- And asks for "a pause in the disposal of DE&S [which] might allow time for a more fruitful discussion of the brief."

## **6 Conclusion**

6.1 Members are invited to note

- that the technical site has not been maintained in accordance with DCMS protocol for the care of the government historic estate,
- the lack of ability of this Council to intervene directly in building conservation issues on the site due to the immunity of the Crown Estate
- that the site is not being disposed of in accordance with the DCMS protocol for the disposal of historic buildings in the government estate
- that, although Defence Estates has commented upon the Draft Planning Brief and attended a meeting, co-operation on the production of Management Guidelines for the technical site has not yet been forthcoming
- Defence Estates has recently embarked upon the process of disposing of the technical site and flying field, by contacting previous land owners under the Crichel Down process, to ascertain whether there is any interest in taking the land back into its previous ownership. Officers are giving consideration to whether this could lead to further delay, further fragmentation of the historic asset and even prejudice future aviation use

## **Key Issues for Consideration/Reasons for Decision and Options**

The following options have been identified. The approach in the recommendations is believed to be the best way forward

### **Planning Brief:**

Option One To approve the content of the Planning Brief, as amended following consultation, for publication.

Option Two To make any other changes as Members see fit.

### **Maintenance of technical site:**

Option One To express its concern to the Ministry of Defence at the fact that the maintenance of the buildings on the technical site has not been in accordance with the DCMS protocol.

Option Two To take no action in this respect.

### **Disposal of site:**

Option One To express its concern to the Ministry of Defence at the extent to which the disposal of this site has been undertaken in a manner contrary to the DCMS protocol, in particular with respect to a comprehensive approach to securing the future of the whole of the heritage asset.

Option Two To take no action in this respect.

### **Preparation of Management Guidelines**

Option One To invite Defence Estates and English Heritage to contribute to the joint preparation of Management Guidelines for the technical site and flying field as a matter of urgency with the aim of agreeing a joint document prior to the marketing of this part of the site.

Option Two To take no action in this respect.

## **Consultations**

---

Defence Estates,  
Oxfordshire County  
Council,

Bicester Town Council,  
Caversfield Parish  
Council,

Launton Parish Council,  
Fritwell Parish Council,  
Windrushers Gliding  
Club,

English Heritage,  
Bomber Command

All comments recorded in Appendix A

Heritage,  
Bicester Vision,  
BBOWT

## **Implications**

---

**Financial:** The costs of preparing this Planning Brief have been absorbed by the Council's revenue budget.

Comments checked by Eric Meadows, Service Accountant 01295 221552

**Legal:** This is a large and complex site of national importance and its future is uncertain. The Council is aiming to provide planning guidance. The Council also has a duty to have regard to the conservation and enhancement of designated conservation areas. Having been consulted upon, the Brief will, although not being part of the Statutory Development Plan, carry some weight as a material consideration in the determination of applications within the site.

Comments checked by Nigel Bell, Solicitor 01295 221687

**Risk Management:** In preparing this document the Council is aiming to provide guidance to potential purchasers about the planning context and, by doing so, reduce the risk of purchasers having unrealistic expectations for the future of the site. This should assist in finding appropriate future uses that will preserve or enhance the conservation area and reduce the risk of further listed buildings falling into disrepair.

Comments checked by Nigel Bell, Solicitor, 01295 221687

## **Wards Affected**

---

All Bicester wards and Caversfield, Launton, Fritwell wards

## **Corporate Plan Themes**

---

Cherwell- a District of Opportunity  
A Cleaner, Greener Cherwell

## **Executive Portfolio**

---

Councillor Michael Gibbard  
Portfolio Holder for Planning and Housing

## Document Information

---

<b>Appendix No</b>	<b>Title</b>
Appendix A	Comments received on Draft Planning Brief and Response of Planning and Affordable Housing Manager
Appendix B	Revised Planning Brief
<b>Background Papers</b>	
Urban Capacity Study RAF Bicester (CGMS Consulting, LDA) RAF Bicester Conservation Area Appraisal 2008	
<b>Report Author</b>	Linda Rand, Design and Conservation Team Leader
<b>Contact Information</b>	01295 221845 Linda.Rand@Cherwell-dc.gov.uk