

**THE LONDON BOROUGH OF HARROW (GRANGE FARM ESTATE REGENERATION PHASES 2 AND 3) COMPULSORY PURCHASE ORDER 2020**

**RAF AIR CADETS CENTRE, 84 NORTHOLT ROAD, HARROW HA2 0DW, IDENTIFIED ON THE ORDER MAP AS PARCELS 75 AND 76**

**PROOF OF EVIDENCE OF NICHOLAS ROBSON SUMMERS**

**1. Introduction**

- 1.1 My name is Nicholas Robson Summers. I hold a Bachelor of Science Degree in Surveying. I am a Fellow of the Royal Institution of Chartered Surveyors and a Fellow of the Chartered Institution of Building Engineers.
- 1.2 I am the Director of Estates and Commercial Lettings for the Reserve Forces' and Cadets' Association for Greater London (RFCA for Greater London) of Fulham House, 87 Fulham High Street, London SW6 3JS. I have held that position since 2005. I commenced employment with its predecessor, the Territorial Auxiliary and Volunteer Reserve Association for Greater London (TAVRA for Greater London) in January 1986. My position was that of Sector Surveyor West. This denoted that I had responsibility as Surveyor for the Western Sector of Greater London. After the coming into force of the Reserve Forces Act 1996 (RFA 1996), RFCA for Greater London replaced TAVRA for Greater London. My employment transferred across to RFCA for Greater London. In 1996 I was promoted to Deputy Chief Surveyor and I continued to hold that position until I was appointed Director of Estates and Commercial Lettings for RFCA for Greater London in 2005.

- 1.3 At Appendix 1 to this Proof is the Job Description of the position I hold. As appears from paragraph 2 of the Job Description, as Director of Estates and Commercial Lettings, I am a Crown Servant and a full-time civilian employee of RFCA for Greater London.
- 1.4 Save where otherwise stated, I make this Proof from my own knowledge. In the case of section 4 of this Proof my own knowledge is supplemented by information provided by Helen Bird for Ground 4 of the Notice of Objection of RFCA for Greater London dated 19 November 2020 (Notice of Objection). Mrs Bird was at the time an administrator employed by RFCA for Greater London with responsibility for a large section of the RAF Air Cadets Centres across Greater London. She has recently retired from the RAF Air Cadets.
- 1.5 With the benefit of the supplementary information provided by Mrs Bird in respect of Ground 4 I confirm that the facts stated in the Notice of Objection are true.
- 1.6 In Section 4 of this Proof, by way of confirmation of the facts that I set out there, I also rely upon information provided to me by surveyors in my team who regularly inspect all of the Cadet Centres in Greater London and information supplied to me by the Officer in Command of the RAF Air Cadets Squadron based at the Centre located at 84 Northolt Road to which I refer below.
- 1.7 At Appendix 2 to this Proof is a paginated set of documents which primarily comprises correspondence passing between solicitors for RFCA for Greater London (gunnercooke llp) and solicitors for the Acquiring Authority (HB Public Law). References below to page numbers are references to the pagination of Appendix 2.

## **2. RFCA for Greater London**

- 2.1 The RFCA for Greater London is a corporate body established by the Defence Council under powers vested in it by RFA 1996. I am advised that the relevant provision is section 110 of RFA 1996. RFCA for Greater London is one of thirteen such statutory corporate bodies which together cover the whole of the United Kingdom (collectively, the RFCAs).
- 2.2 The RFCAs are governed by regulations issued by Order of the Defence Council under RFA 1996. I am advised that the relevant provisions are section 117 of RFA 1996 together with sections 113, 114 and 115. The most recent of these regulations are the Reserve Forces' and Cadets' Associations Regulations 2014 (RFCA Regulations). These Regulations were made by the Defence Council on behalf of the Secretary of State for Defence. Regulation 1.3 declares that each RFCA (therefore, including the RFCA for Greater London) is a Central Government body with Crown status. A copy of the RFCA Regulations is at Appendix 3 to this Proof.
- 2.3 Specific powers and duties conferred on the RFCAs by Part 4 of RFCA Regulations (which states that powers are derived from section 113(2) of the RFA 1996) are concerned with the provision and maintenance of buildings and other facilities, known generally as "estate services". Within the ambit of these powers each RFCA (including, therefore, RFCA for Greater London) has the power to occupy suitable property of the Secretary of State for Defence and carry out such works and facilities management services to land and buildings as may be necessary for the accommodation of the military or cadet forces it administers (Regulation 4.3).
- 2.4 Within the estate managed by the RFCA for Greater London there are 92 Cadet Centres all of which fall within my remit as Director of Estates. Included amongst those 92 Cadet Centres is the RAF Air Cadet Centre at 84 Northolt Road, Harrow HA2 0DW. The RAF Air Cadets Centre located at that property is the Squadron Headquarters of 1454 (Harrow) Squadron. That Squadron

(formerly Air Training Corp) is the oldest RAF Air Cadets Squadron to operate continuously without a break in the London Borough of Harrow. The Squadron's Royal Warrant is dated 5 February 1941 which was the date on which the Air Training Corp was officially established in the middle of the Blitz.

- 2.5 The RFCA for Greater London represents the Secretary of State for Defence and the Ministry of Defence in respect of the estate comprising all of the 92 Cadet Centres in Greater London pursuant to the RFA 1996 and the RFCA Regulations. This includes the RAF Air Cadets Centre located at 84 Northolt Road.

### **3. RAF Air Cadets Centre at 84 Northolt Road**

- 3.1 The RAF Air Cadets Centre at 84 Northolt Road, Harrow is identified as parcels 75 and 76 on the order map. The freehold land comprised in both parcels is vested in the Secretary of State for Defence. The freehold land comprised in parcel 75 is registered under Title No. MX259129 (pages 5-7). The freehold land comprised in parcel 76 is presently unregistered land but, together with parcel 75, it is the subject of a Certificate dated 7 November 1980 (pages 32-33) given by the Secretary of State for Defence which certifies under section 8(2) of the Military Lands Act 1892 that the whole of the land coloured pink on the plan attached to that Certificate vested in the Secretary of State for Defence by virtue of section 8(1) of that Act. It is considered that the land coloured pink on the plan attached to that Certificate comprises the whole of parcels 75 and 76 on the order map. The Certificate recites that part of the land is registered land under the above-mentioned Title No. MX259129. I am advised that a Certificate of the Secretary of State under section 8(2) which states that the land identified by the Certificate is vested in him under section 8(1) of that Act is conclusive evidence of the fact certified.

- 3.2     Parcels 75 and 76 have different titles, notwithstanding that both are vested in the Secretary of State for Defence and are the subject of that same Certificate. However, they constitute on the ground a single property which is in single occupation and single use by the RFCA for Greater London for the purpose of providing the RAF Air Cadets Centre for 1454 (Harrow) Squadron.
- 3.3     The property accommodates land and buildings without physical division. At the front of the property is a secure parking area. Behind it lies the building used by the RAF Air Cadets for their indoor activities. At the rear of the property is a parade ground.
- 3.4     As appears from records in my possession, parcels 75 and 76 on the order map formerly comprised part of a much larger area of land which belonged to the Ministry of Defence. Most of that land was sold to the Acquiring Authority for housing in or about 1973 or 1974. Prior to that sale the whole of the land in question was a Territorial Army site. Upon selling the greater part of the former Territorial Army site to the Acquiring Authority the Secretary of State retained the freehold land comprised in parcels 75 and 76 in order that, and for the very purpose that, the land so retained should continue to be used as a Cadets Centre by the RAF Air Cadets. This was facilitated by the possession originally of TAVRA and then, following the coming into force of the RFA 1996, by the RFCA for Greater London under the statutory powers conferred on it.

#### **4.     Exclusive possession, occupation and use**

- 4.1     Although some of the RAF Air Cadet activities are undertaken away from the Centre, such as flying and gliding, adventure training and sports, many of the key activities of the Air Cadets are undertaken at the Centre itself at 84 Northolt Road. These key activities include parade and drill, training and education and some Duke of Edinburgh Award activities in which Air Cadets are encouraged to participate. Parade and drill are a central activity of the RAF Air Cadets. These involve practice, discipline and skills which are an absolutely essential element of the experience and development of qualities of an Air

Cadet. That is why the RAF Air Cadets Centre at 84 Northolt Road, in company with other such Centres, has a parade ground.

- 4.2 The RAF Air Cadets drill and parade and carry out their activities in uniform. It is an unfortunate fact that the Air Cadets, as part of the Armed Forces, face a threat from terrorism. RFCA for Greater London acknowledges that the Air Cadets are a target and it owes the Air Cadets a duty of care for their security and wellbeing.
- 4.3 It is for that reason that the whole of the RAF Air Cadets Centre at 84 Northolt Road, in line with the other 91 cadet centres in Greater London, comprise secure premises which are inaccessible to the public. This includes the parking provision at the front of the property which is required to be secure and inaccessible to the public so as to guard against the Squadron's vehicles being vandalised or tampered with. Similarly, the Squadron's parade ground at the rear of the premises is secure and shielded from the public.
- 4.4 For these reasons of essential security RFCA for Greater London has exclusive possession under the statutory powers conferred on it on behalf of the Secretary of State so that in turn the RAF Air Cadets have exclusive use and occupation of the property. For these same reasons, that has necessarily been the case during the whole of my employment with RFCA for Greater London and its predecessor which spans more than 35 years.
- 4.5 The precise date on which the RAF Air Cadets first took occupation of the Centre at 84 Northolt Road is not known by me but is thought to date back to the 1960s. I cannot state what the position was before I commenced employment with TAVRA for Greater London in January 1986 but I can state that when I first visited the Air Cadets Centre at this location, which was probably in the spring of 1986, it was accommodated in secure premises. It has continued to be so.

- 4.6 The need for such strict security dictates that the Air Cadets including the adult volunteer staff have and have had exclusive use and occupation of the Centre at 84 Northolt Road, to the exclusion of all others. Visits by the Mayor, other local dignitaries and others and even by parents are, strictly, by invitation only.

## **5. Remaining Objector**

- 5.1 Gunnercooke LLP, as solicitors to RFCA for Greater London, wrote to the Acquiring Authority on 27 October 2020 (pages 1–3). By that letter RFCA for Greater London stated that all of its interests in parcels 75 and 76 on the order map comprise Crown land as well as the interests of the Secretary of State for Defence and RFCA for Greater London in parcel 96. Although it took the Acquiring Authority five months to do so, by the letter dated 1 April 2021 from HB Public Law the Acquiring Authority accepted that the interests of RFCA for Greater London within the Order land are Crown interests and it agreed to exclude those interests from the Order (pages 24-25).
- 5.2 Notwithstanding that the Acquiring Authority has agreed ever since 1 April 2021 to exclude the interests of RFCA for Greater London in parcels 75 and 76, as to which the interests of the Secretary of State for Defence were already excluded, and notwithstanding that, in truth, there are no other interests in the land comprised in parcels 75 and 76 the Acquiring Authority has refused to exclude that land from the Order and from the pink shading and red line of the order map.
- 5.3 Although the Acquiring Authority has suggested as a mere possibility that some unknown interest might exist in parcel 76 no such interest has been identified by it. In particular, it has not even begun to explain the nature of the alleged “unknown” interest, how such interest could have been allegedly created and how it could possibly still subsist or who might own such interest. It would appear that the Acquiring Authority is unable to do so by virtue of the fact that it has referred to this alleged mere possibility as being that of an “unknown” interest. It has provided no evidence that any such other interest exists or

could exist. As the Acquiring Authority alleges the mere possibility of an “unknown” interest, by definition, it is not in a position to provide any such evidence.

5.4 Having regard to:

5.4.1 the Secretary of State’s conclusive Certificate (pages 32-33) concerning the land within both parcels 75 and 76 and his registered title to parcel 75; and

5.4.2 the exclusive possession of the whole of that land under statutory powers of RFCA for Greater London and its predecessor; and

5.4.3 the exclusive use and occupation of the whole of that land by the RAF Air Cadets Squadron for more than 35 years (during my employment alone) which, for reasons of strict security, has to be and has been exclusive

I do not believe that any such other interest exists or could possibly exist.

5.5 Moreover, the continuing exclusive possession, use and occupation of the land within parcels 75 and 76 by RFCA for Greater London under the statutory powers conferred on it by the Secretary of State for Defence for the purpose of providing the RAF Air Cadets Centre at this location not only completely eliminates the possibility of such other interest subsisting but also renders any other interest (the existence of which is denied) of no utility to the Acquiring Authority whatsoever.

5.6 There cannot be any case, still less a compelling case, for the compulsory acquisition of an alleged mere possibility of an “unknown” interest which even if it exists, which would be contrary to the facts described above, would be of no utility whatsoever to the Acquiring Authority for the purpose of its scheme.



- 5.7 Therefore, for the reasons that I have explained, the position of the RFCA for Greater London is that parcels 75 and 76 should be excluded entirely from the Order schedule and the pink shading and red line of the order map.
- 5.8 Although I understand that this will be a matter for submissions at the Inquiry, the position of RFCA for Greater London has been set out in some detail in the letters from gunnercooke llp respectively dated 11 May 2021 (pages 30-31) and 21 May 2021 (pages 35-37).

**Dated: 8 June 2021**