

# **QUESTIONS RELATED TO BIGGIN HILL AIRPORT** **SINCE (AND INCLUDING) 16<sup>TH</sup> JULY 2018**

*(Excludes questions about the Heritage Centre/Museum)*  
*(Teamsite/Committee Admin/Executive - updated August 2018)*

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**QUESTIONS TO FULL COUNCIL**

**COUNCIL MEETING ON 25<sup>TH</sup> MARCH 2015**

**QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY**

**From Mrs Annick Tuesley**

Why does the Council allow the Airport to state that it operates from 06.30 to 22.00, when those are the very hours that were overwhelmingly rejected (twice) prior to the Olympics, and what justification would there be for the Council to grant those hours now, and even more?

**Reply**

It should be noted that for aircraft normally based at the Airport the lease allows departures from between 06.30 am and 07.30 am on weekdays, and landings up until 22.00 pm on weekdays only.

For these reasons, accepting the restrictions that are in place, I believe it is possible to describe the Airport as being open from the hours of 06.30 am to 22.00 pm. and therefore operational.

**Supplementary Question**

Mrs Tuesley asked whether the Council accepted that the Noise Action Plan presented by the airport was only limited to assessing progress every five years towards noise reduction within the airport contours and if this was the case, Mrs Tuesley enquired how this would help residents.

**Reply**

The Leader indicated that should the decision be approved it was his intention that any monitoring would be live, day-by-day, and constantly reviewed from the period that an application was successful.

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**From David Hook**

Will the proposed (by BHAL) limited number of Air Traffic Movements of 50,000 per year, be incorporated into the new Lease, and/or temporary adjustment to the existing Lease?

**Reply**

If amendments are approved, any change to air traffic movements would be incorporated into the revised third schedule of the lease.

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**From Peter Birdsall**

(1) Regardless of the outcome of tonight's meeting, what steps are the Council planning to take which will increase the income from this relatively poorly performing investment property?

**Reply**

The lease determines the rent and fees the Council can expect to receive from the Airport. This is made up of an index-linked base rent plus an additional amount payable at the higher of the amount by which 3% of turnover or 12.5% net profits exceeds the base rent.

As stated in the report at paragraph 3.2, the base rent in 2014/15 was £89,444 and the additional turnover/profit income was £119,084. Also, as stated in paragraph 5.5, the Council's budget assumes an estimated income of £206,000 from the Airport.

Regardless of the decisions tonight, the Council will continue to support appropriate business activity at the Airport which will not only support and attract further employment but also serve to increase the income the Council receives.

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(2) Why did the Council refuse to give residents any detail about income to the Council when the Airport has been keen to mention large amounts in newspaper articles? How believable are those figures?

**Reply**

As stated in the report at paragraph 3.11 BHAL submitted to the Council on 10<sup>th</sup> November, a "private and confidential" financial proposal which BHAL recently agreed could be included in the report. This was agreed by BHAL on the basis that as much information as possible should always be in the public domain in the interests of openness and transparency. Until such a time that BHAL agreed the financial information could be included in the report, the Council was not able to act otherwise.

Regarding "believability", as stated in paragraph 5.1 of the report, these figures represent a financial forecast, not a contractual commitment. Further work would be required on the financial appraisal linked to any conditions and obligations the Council would require which in turn determine the amount the Council could expect to receive.

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(3) How do you explain the most recent figure that the Council stands to make £11million a year? Is that before or after all the infrastructure and service costs?

**Reply**

As stated, the £11m is a BHAL income forecast. It represents a cumulative figure over the period 2015/16 to 2030/31 and does not represent the annual income. Any such forecasts must be treated with caution. As far as I know any forecast does not include any assessment of costs.

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**From Mike Overall**

(1) Irrespective of the result of tonight's debate, will the Council now ask the Airport to prepare a fully detailed Report on use of Alternative Flight Paths over open countryside on the East, accompanied by a Noise Action Plan that considers overflying of residential areas rather than airport contours?

**Reply**

In such an event, we will not only ask but insist.

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(2) Since this seriously affects tens of thousands of Keston Village and Bromley residents, will the Council make publicly available detailed results of these studies and, if enforceable, impose sanctions for non-compliance by the Airport?

**Reply**

Absolutely.

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**From Michael Latham**

(1) Why are Members asked to consider this application given that the officer's report for Members states at Finance 1: *'It has not been possible to gauge how realistic these projections are at this stage as no detailed submissions were provided to support these proposals'* ?

**Reply**

It is the case that more detailed discussions between BHAL and LBB would be required before details could be agreed. However, Members need to decide if the proposals merit further discussion. That is the purpose of the report tonight.

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(2) Why does the officer's report at 6.4 (d) not mention the environmental damage inflicted on the non-air conditioned Princess Royal University Hospital by planes flying low overhead to land at Biggin Hill – as this can affect all Bromley residents – at particularly stressful times?

**Reply**

Effects on the hospital have been considered: it is a noise sensitive facility that the Government would expect to be assessed against the 57dB  $L_{Aeq,16h}$  parameter in line with dwellings. The hospital is located outside the present and anticipated future noise contour at this value.

The Aviation Policy Framework states (in para.3.37) that airport operators should offer acoustic insulation to noise sensitive buildings, including hospitals, exposed to levels of noise above 63dB  $L_{Aeq,16h}$ . The hospital lies well outside this contour.

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(3) Will Councillor Carr confirm the Chief Executive wrote to him on 22.9.04 and 3.3.05 about the; 'detrimental effect on the PRUH and its patient environment' since when planes have become lower and larger - and that Councillor Arthur, non-Executive Hospital Trust Board Member, was party to those letters ?

**Reply**

This may be the case and I refer to the answer given to the last question. I can also confirm that in conversation with Mr Watkinson, that the Trust did not have any issues with these plans.

**Supplementary Question**

Mr Latham enquired whether the Leader accepted that the hospital Chief Executive confirmed in the year 2000 that the hospital trust were unaware of plans by the airport to attract bigger planes and also that the Council's Chief Planner confirmed at a Council meeting in 2003 that he was responsible for negotiating the hospital planning permission and that the overflying by planes had not been mentioned to the hospital trust.

**Reply**

The Leader indicated that he was unable to provide the confirmation Mr Latham sought and Mr Latham stated that he had letters to confirm it.

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**From Tony Trinick (Question put by Mark Trinick)**

(1) Why did the Council not reveal that the supposed increase in jobs is not only linked to an increase in operating hours but to a raft of other major concessions to the Airport, including sacrificing Green Belt for hangars and building better access to the airport?

**Reply**

BHAL has made it clear that the potential to create up to 2,300 jobs is predicated on the hours being varied as proposed. Green Belt and transport matters would need to be dealt with separately and on their own merits in the normal way.

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(2) Why did the Council not reveal (I quote from Appendix 1 of the NLP report) that there is an underlying request to de-link the "roles of the Airport from environmental factors including green belt, noise, access and amenity"?

**Reply**

The Council does not believe it is in anyone's interest, including the Airport's, to "de-link" the role of the Airport from environmental factors including Green Belt, noise and amenity. The Airport does not operate in a vacuum and the Council will continue to ensure that its impacts on the wider community are properly considered in any response to current and future development plans.

**Supplementary Question**

Mr Trinick enquired whether a potential 2,300 new jobs and ambitious gross added value of £230m per year had been assessed in relation to hours only or the entire spectrum of the Nathaniel Litchfield and Partners report, and could the Council confirm that it would maintain its UDP (Unitary Development Plan) policy of balancing the economic prospects of the airport with residents' local amenities.

**Reply**

The Leader confirmed that balancing the economic prospects of the airport with residents' local amenities would be maintained. It was hugely important to the Council. Concerning a gross added value of £230m per year, the Leader did not immediately recognise the figure, and not wishing to misinform Mr Trinick, explained that advice would be sought and Mr Trinick advised.

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**From Susan Radford, Petts Wood & District Residents' Association**

Does the Council accept that the aircraft approach heights proposed in the trial announced in BHAL's press release will remain unchanged over Petts Wood and therefore the promised reduction in noise is likely to be minimal in our area?

**Reply**

I understand that the recent BHAL press release stated that aircraft flight altitudes are being raised over Chislehurst and Petts Wood. Aircraft will establish on the current approach slope to complete their landing, but will join that slope approximately one-and-a-half miles further from the Airport and 400 feet higher. The Council, BHAL and residents should perhaps wait to see what difference this initiative makes before judging how effective these measures may or may not be.

**Supplementary Question**

As a condition of any change to operating hours, Susan Radford asked whether the Council would agree that BHAL should introduce fly paths which would not overfly residential areas.

**Reply**

In his reply, the Leader felt that everyone would like to see this happen. Some of the recommendations from the Council's noise consultant (including proposals related to noise contours) indicated that these, and the placing of conditions, would help address and perhaps counteract the noise impact that aircraft currently make. Any change to runway approach would also be of benefit.

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**From Giuliana Voisey**

(1) Does the Council accept that the busiest and noisiest flight path is the one running below 2500 feet from Sidcup/Chislehurst to runway 21, as clearly demonstrated by the red corridor of NO votes on Map 2, Appendix 8, which gives a very good indication of where the main problem is?

**Reply**

Yes I do.

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(2) Does the Council realise that the estimated increase in revenue of £626,000 in 15 years' time equates to just £90 per household under this flight path alone, in 15 years' time, and the proposed Community Fund equates to £20 (£110 in total) based on a very conservative estimate of 7000 affected households?

**Reply**

As stated in the report and indicated in an earlier response, the figures presented by BHAL are forecasts not commitments. However, the income included in their projection is not insignificant and increases by £772k by 2030. I am not currently convinced that the supplementary community payments are commensurate with the increase in noise generated at anti-social hours and as stated in the report more work would be required to consider an appropriate level of charging if Members were to decide to allow these proposals.

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(3) How do 2300 jobs in 15 years' time in a borough that only has 1.4% unemployment (which is as low as it can realistically get), mainly created by attracting non-Bromley employees, compare with the sacrifices you are asking more than 100,000 of your residents to make from now?

**Reply**

Biggin Hill has been identified by the Council as one of three strategically important locations for future employment growth. I am pleased to note that we have recently received GLA funds to assist the Council and local stakeholders including the Airport to prepare a detailed feasibility report and business plan for an Aviation Technology and Enterprise Centre. Notwithstanding the fact that Bromley's economy remains healthy, we cannot rest on our laurels, and to ensure our economy remains healthy we need to ensure that good quality, sustainable local jobs are available for local people in the coming years. That is not to say that we will accept job growth at any cost. It is the job of the Council to ensure that the right balance is struck.

**Supplementary Question**

If the Council realised there was a problem in the flight path corridor to Runway 21, Giuliana Voisey enquired why the approach to the runway was not mentioned in the Airport's Noise Action Plan and consequently not picked up by the Council's noise consultants. She felt that people under the flight path approaching the runway were ignored in the Noise Action Plan.

**Reply**

The Leader indicated that a reason why no reference had been made was that it was something currently beyond the control of the airport and others. The Leader understood however that negotiations were moving forward to try and alleviate the problem.

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**From Hugh Bunce**

(1) Why has no mention been made of the PRU hospital, one of the largest in South England, 1.5 miles from the end of the runway, with aircraft only 700 feet directly above creating a serious safety risk, and what can be done to restrict jet movements over this sensitive site?

**Reply**

As I stated in my response to Mr. Latham earlier, the effects on the hospital have been considered. Regarding safety risk, I am not aware of any concerns being raised with the

Council to date but will happily consider any detailed concerns you may have which I can discuss with the Airport and/or appropriate authorities.

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(2) The flight path crosses from Locksbottom, to Bexley, covering 200,000 residents, two major hospitals, and 8 schools, (one of the most densely populated areas of the UK). Is the safety, quality of life, and environment of these people more important than developing an airport with severe infrastructure limitations?

**Reply**

Safety is of course a critical priority for the Council as landlord and we would not do anything that puts at risk people's safety. Airports are, of course, regulated by the Civil Aviation Authority, and they do not permit any activities at the Airport that put at risk people's safety. I should add that it should come as no surprise to residents who live under the flight path that their properties indeed lie under the flight path of what has been an active airport for many years.

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(3) There are over 100,000 voters in four constituencies who are subjected to the effects of the flight path to Biggin Hill Airport. If you make a decision against their wishes are you happy to lose these constituencies on May 7th?

**Reply**

It is the job of elected Councillors to weigh up the pros and cons of all proposals that come before us. It is the case that not all residents (or Members come to that) will always be happy with decisions that are taken, but that is democracy at work.

**Supplementary Question**

Should voters in the constituencies affected by the flight path to the airport be unhappy with the decision taken, Mr Bunce asked for the Leader's view should voters be advised to no longer trust Conservatives to protect their amenities, quality of life, and their environment.

**Reply**

The Leader explained that the Conservative Group at the Council had allowed a free vote on the matter. It was a difficult decision for many and the Leader was determined that Members of the Conservative Group would be able to express their views in dealing with a particularly sensitive and emotive issue. The Leader understood that a lot of people would not favour a particular outcome but this was democracy at work and Members were elected to make difficult decisions.

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**From Barrie Mayer (Question put by Mrs Annick Tuesley)**



(1) Isn't a decision on this Application seriously premature as most all the mitigating factors offered by BHAL or suggested by Cole Jarman are untested, best-efforts or insignificant?

**Reply**

The consultant's noise control recommendations are consistent with best practice used at other airports in the UK where they have been tried and tested.

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(2) Does the Council accept that the Noise Action Plan presented by the Airport is only limited to "assessing progress every 5 years towards noise reduction within the Airport contours" (page 10) and, if so, how is this going to help residents?

**Reply**

If the Council were to consider approving the application it would look for more rigorous management of noise reduction including continuous real-time monitoring.

**Supplementary Question**

Why was it not proposed that helicopters be excluded during the most unsocial hours by either the Airport or Cole Jarman?

**Reply**

The Leader indicated that this was the case as there had been no application to allow helicopters to operate in those hours.

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**From Jason Polis**

(1) What would be the contractual and other legal provisions to revert the lease back to its current terms should the promises made, including those about noise reduction, fail to materialise or meet expectations?

**Reply**

BHAL as the Council's tenant is seeking to amend the third Schedule of the lease which sets out the operating criteria for the airport - as it is entitled to do under the terms of that document. No decision has been made so my answer must be taken in that context. However if any variation to the third schedule was agreed the Council would look to ensure appropriate safeguards were included and this is identified as one of the three choices on the report being considered this evening.

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(2) What budgetary, legal and contractual provisions would be made to defend Council and Councillors from legal actions in relation to the consequences of any decision made in relation to this matter?

**Reply**

No decision has been made at this stage so it would be purely speculative to consider what if any challenges could be brought. As with all matters then if any consequential work couldn't be contained within existing budgets for legal services support – which can't be judged at this stage - the provision of any necessary supplementary funding would need to be considered at an appropriate time. Individual Councillors have a range of statutory protections and indemnities in respect of the majority of decisions that they collectively make.

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(3) What are all the expected consequences for residents and Council of earlier and later flights on every day and night of the week?

### **Reply**

The consequence for residents of the proposals before Members tonight include:

- The potential to create new jobs and investment for the Borough.
- A cap on permitted flights.
- New, more affective noise management and monitoring arrangements.
- Increased hours of operation and associated mitigation measures including an aircraft charging schedule to reflect the increased noise generated during unsocial hours and to take account of any public purse expenditure required as a result of the increased business at the Airport.
- There could be more flights than currently and this is a factor we have to take into account in making a decision.

I would draw your attention to Appendix 7 of the report for a fuller analysis of the proposals, and the controls and obligations that would need to be in place to ensure the consequences for residents of the proposal are reasonably mitigated.

### **Supplementary Question**

Should any variation to the third schedule of the lease be agreed, Mr Polis sought clarification in regard to safeguards that would be included and whether one of the safeguards would include reversion of the schedule back to its current terms.

### **Reply**

The Leader suggested that the supplementary question from Mr Polis could only be determined as a result of any negotiations that might or might not go forward. The Leader understood the point from Mr Polis and highlighted that the Council was determined to do what it could to protect residents if there was any change to the current terms of the lease. The Leader acknowledged the importance of the supplementary question from Mr Polis.

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### **From Will Curtis**

In the light of the overwhelming support for the proposals made for the future use of Biggin Hill Airport, does the Leader agree that, provided that environmental concerns can be satisfactorily addressed, the proposals made by the Airport will secure the future of the airport in the quietest and lowest density sector of commercial aviation whilst at the same

time providing both social and economic benefits and safeguarding the heritage of Biggin Hill airport?

**Reply**

The various consultation results have indicated that a majority of the Borough residents support BHAL's proposals. However, BHAL's own proposals acknowledge that noise and other environmental concerns need to be properly managed in order to ensure that residents' concerns are properly addressed. The question is have BHAL offered a sufficient level of mitigation to allow these proposals to be supported? The Council's consultants have identified areas where the Airport would need to improve their offer to the Council and our residents before any approval should be given. Weighing up the pros and cons of the proposals and the adequacy of the mitigation measures is the subject of the debate tonight.

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**From Robert Walters**

Can the Leader say what alternatives there may be to business and general aviation if the airport continues to lose market share due to its unfavourable operating hours and what other sectors of commercial aviation exist that could fill any revenue shortfall resulting from further loss of market share?

**Reply**

No I cannot.

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**From Barry Sargeant**

With 31,500 residents supporting Biggin Hill's proposals, does the Council feel that it has received a clear instruction from residents to support BHAL's proposals?

**Reply**

The consultation is not a ballot or a referendum. Its results do not provide an "instruction" to the Council to support BHAL's proposals. The purpose of the consultation was to give residents the opportunity to express their views which the Council would take account of in reaching its decision on the proposals. I should point out that whilst there was general support for BHAL's proposals across the Borough as a whole, there was much less support in areas under or close to the flight path - notably Petts Wood and Knoll and Farnborough and Crofton Wards being against the proposals. In reaching a decision on the proposals the Council must take account of the concerns expressed as well as any expressions of support. In reaching our decision the Council must ensure that we are acting "reasonably" and have considered the application on its own facts and merits.

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**From John Willis**

Does the Leader believe that the planned Aviation Technical College will fit well with the recently announced and very commendable boost in the government apprenticeship scheme such that it will create jobs for Bromley residents and align with current Conservative economic policies?

**Reply**

I hope so.

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**QUESTIONS FROM MEMBERS OF THE PUBLIC FOR WRITTEN REPLY**

**From Andrew Cairns**

What alternative uses for the airport site has the Council considered, more appropriate to the residential nature of the surrounding areas, given that the management of BHAL feel unable to operate a viable business without increasing their weekly operating hours by an overall 14.5% (42% increase at the weekend)?

**Reply**

The Council has not considered an alternative use for the airport site as it is leased to BHAL Ltd for a term of 125 years from 7<sup>th</sup> May 1994.

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**From Matthew Coates**

(1) As job and Gross Added Value estimates are linked by NLP to more than just the increase in operating hours, has the Council received a satisfactory Business Plan from the Airport related exclusively to the increase in operating hours?

**Reply**

The Airport has stressed that the forecast job growth could not be achieved without an increase in hours. The Council is reasonably satisfied that this is the case as evidenced by consultants (URS and DTZ) and BHAL's feedback from potential investors.

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(2) Why does the Council keep referring to the overall support for the Airport's proposals during its October survey when the Populus survey actually showed that only 35% unreservedly supported the only question that matters: Operating Hours, thus perpetuating BHAL's misrepresentation of it?

**Reply**

The Council has encouraged the residents to read the full submission published on the Council's website. The populus survey result showed that "65% support the new opening times (including 35% who strongly support them) compared with 18% who oppose".

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(3) Why does the Council believe that taxpayers have to continue to provide funds and concessions to a private business serving an elite clientele AND already profitable, when that money would be better spent supporting other types of industries and enterprises?

**Reply**

I don't believe the Council is.

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**From Zoe Chambers**

(1) What forecasts have been run to ensure that there are enough students from the borough of Bromley to justify Bromley taxpayers paying £3.5m towards it and why was it not made clear that we taxpayers, not the airport, are paying for it?

**Reply**

The Council is not in receipt of a Business Plan for the proposed training facility at the Airport and therefore it is premature to comment on costs and who will pay for the facility.

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(2) Has the Council analysed alternative sources of income for that large area which do not involve aeroplanes overflying people's homes and why would this not be a reasonable opportunity to ask the Airport (which is profitable and does not need extra support) whether they might want to rescind the lease if they do not like it as it is?

**Reply**

The lease includes provision for the Airport to seek revisions to the operating criteria. That is all they are doing.

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(3) How much profit has the Council made in real terms from BHAL over the past 20 years after deducting the £1.5m to resurface the runway, additional money to install the ILS, £400k granted in 2007 (taken from BHAL's accounts) and other general infrastructure/services expenditure? Why do you think they are not taking you for a ride again?

**Reply**

Since the lease agreement was signed, the Council has received rent payments totalling £2,382,374 for the period 1994/95 to 2013/14. In 1994, the Council undertook to contribute up to £1.5m towards the resurfacing of the main runway and actual expenditure on this totalled £1,500,850.00 between 1994/95 and 1998/99. In addition, the Council spent a total of £82,619.48 on lighting improvements between 1993/94 and 1998/99. This provides a net difference of £798,904.52 over the period 1993 to 2014. We have checked back through our records and, from the information provided, have been unable to find any record of a contribution towards the ILS or of a £400k grant.

Subject to Members' decision tonight, I would be seeking to ensure that any new agreement with BHAL addresses more satisfactorily than was the case with the original lease agreement, a significantly better financial deal for our residents.

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**From Nicholas Voisey**

(1) Now that I have read the report circulated yesterday, how can a decision be taken with so many imponderables, suggested 'best efforts' amendments, unsubstantiated projections, undeliverable pledges etc?

**Reply**

The Council has received a proposal from BHAL and is obliged to consider the proposal in a timely manner.

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(2) How can the Council even consider such a divisive decision based on putting two thirds unaffected residents of the borough against the third which is affected?

**Reply**

The Council has a duty to weigh up the pros and cons of such proposals and make decisions based on what is in the best interests of the Borough as a whole.

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(3) How can a Council, any council, support a party that has based its canvassing on market manipulation rather than market research and run a campaign by calling the opposition liars instead of using arguments as well as writing personal intimidating letters? All of this can be proven.

**Reply**

The Council cannot be held responsible for activities undertaken by third parties and will make its own decisions based on its own merits and facts on the application it has received.

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## QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY

### From Mrs S Stribling

(1) Why are Bromley Council even considering Biggin Hill's proposals to extend the operating hours/flying times, when they know what a negative effect this will have on the PRU hospital's patients and staff, as it is only 1 ½ miles from the flightpath and planes fly over the hospital on descent?

#### Reply

The Council as I said in my statement is legally obliged by the lease to consider proposals from its tenant and this proposal given what I said earlier might just make the situation better and not worse. It is not accepted that there is a particular problem for the PRUH.

#### Supplementary Question

The PRUH is the only hospital in the UK to be situated just two miles from the airport touchdown with planes flying just 700 feet above the hospital. There is no air conditioning - I sampled that myself - and the windows have to be open for ventilation. You have proposed to agree to increase the hours of flight over the hospital from 6.30am until 11.30pm. In the minutes of the meeting on 25<sup>th</sup> March which I attended the acoustics consultant Cole Jarman stated that Biggin Hill received larger aircraft with increased noise. As the PRUH is directly under the flightpath how can you justify this?

#### Reply

As I said, we have a duty to consider all such requests and we are doing so and we have to weigh the balance of positives and negatives. I might add that I have recently unfortunately spent three days and three nights in the PRUH and I did not notice a single aircraft.

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(2) As there are no guarantees whatsoever to reduce noise levels and we are only being quoted what the aims are, how will Bromley Council tackle the problem of ventilation in the PRU hospital, as there is no air conditioning and the only ventilation is by opening the windows?

#### Reply

Actually, mechanical ventilation can be provided to the wards with the windows closed although of course the windows can be opened for additional ventilation if desired.

The Council has not yet agreed to anything and the PRUH's lack of ventilation would be something that the NHS or the Trust can improve if they so desire – they built the hospital knowing there was an airport nearby.

The Department of Health 'Specialist Services Health Technical Memorandum 08-01: Acoustics' contains criteria for noise intrusion from external sources. With regard to wards there is no limit for maximum noise level during the day. At night, a level of 45 dB L<sub>Amax</sub> is given when the windows are fully closed. The operating hours of Biggin Hill Airport are however restricted so that night flights do not occur. In a study in 2009, with the windows closed many of the daytime flights would have met even that night-time criteria.

**Supplementary Question**

The Council propose to allow flights from 6.30am until 11pm Monday to Saturday. As the councillors have mentioned grants to many residents this tells me that the Council is fully aware that noise levels will increase and how can it possibly benefit patients. Windows must to be open for ventilation. It's not going to work, you've got to open those windows. I was there for five weeks and believe me you do. You must have been very lucky on your week.

**Reply**

Hospitals usually wake up at about 6am I can tell you to my cost. Flights do not begin until 6.30am and therefore we are not waking folk up as the nurses have already done that job.

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(3) Did Bromley Council include the PRUH hospital in their survey and make the hospital aware of the proposals to extend BHAL's operating/flying hours and to fly larger and more planes over the hospital, considering how the hospital opposed the extension three years ago?

**Reply**

The PRUH could have responded with the 40,000 who did had the hospital wished to. It is not true to suggest that the PRUH objected to anything 3 years ago. The Council's consultation was open to anyone and any organisation to respond to but was specifically targeted at residents rather than organisations. BHAL have not proposed to operate larger planes than are currently permitted, and neither are they proposing any increase to the total number of movements.

**Supplementary Question**

As the increased hours will have serious implications for the hospital, one would have expected Bromley Council to include the PRUH and Kings as formal consultees and to have held meetings with them in advance of the agreement on 25<sup>th</sup> March. However, I have a letter here dated 4<sup>th</sup> June from Kings College Hospital and the PRUH stating that the Council did not include them as a formal consultee and in fact Kings are having to approach the Council to request a formal meeting this late in the day. I personally find this extremely alarming. Could you please explain?

**Reply**

Telephones work both ways – I don't understand why the hospital did not get in touch – they must have known all about this and I am very happy to talk to them even now.

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**From Mr Peter Zieminski**

(1) Helicopters are particularly noisy and fly lower than the permitted 1,000' above residential areas. Can LBB insist that arriving/departing helicopters descend from and lift to not less than 1,000' within the airport boundary and can they also route from and to Biggin Hill even higher?

**Reply**



Movements, including those of helicopters are covered in operating criteria and cannot be changed without the agreement of both the landlord, the Council and the tenant, the Airport.

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(2) As helicopters are generally very noisy, are they permitted to use the airport given the restrictions in the lease under the Third Schedule, Operating Criteria, part (f) and has the Council's Chief Environmental Health Officer undertaken measured noise data tests in accordance therewith since the proliferation of helicopter movements?

**Reply**

Yes, they are permitted.

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(3) Are there any proposals to amend the current flight tracks to permit aircraft to fly directly over Keston Village?

**Reply**

The Council supports the Airport's proposals to route flightpaths away from residential property and understands but acknowledges that CAA approval is required.

**Supplementary Question**

How specifically will local residents be involved and consulted over any proposals to amend the flight-tracks for the future of Biggin Hill Airport's use?

**Reply**

That will be extremely difficult to arrange as we have these huge safety concerns and the CAA involved. Even with the Airport talking to the CAA and us as bystanders it is very difficult to get any kind of decision. We do not know quite where it will be yet. We do support the Airport's desire to route flightpaths as far as way from residents as is practical and we will do that. We do understand the concerns and it is our desire to make sure that residents are disturbed as little as possible. To have local residents all around the borough involved in consultation is going to be a complete nightmare – I don't think we could ever do that.

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**From Guy Marks**

(1) Is it possible to only permit any change in operating hours once BHAL can prove noise levels have been reduced and when they have implemented the proposed '03 runway approach' of aircraft at above 3000ft above sea level (bearing in mind Biggin Hill is approx. 690ft above sea level)? *Reason being why should BHAL bother once they have got the change in operating hours.*

**Reply**

Legally, the Council cannot unreasonably withhold permission but is in discussions with the Airport to see what improvements to current circumstances can be made, with no agreement made.

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(2) What limits are there on the size of aircraft using Biggin Hill Airport? *Reason being we could have privately owned large jets using the airport.*

**Reply**

There is no limit on the size or the weight of aircraft permitted to use the Airport. The Lease limits the aircraft by reference to the noise criteria and the runway length also indirectly limits the size.

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(3) How will breaches in noise level limits be dealt with? *Reason being there must be an appropriate deterrent that is enforceable in law otherwise it's a waste of time*

**Reply**

The Airport is accountable for breaches in the lease and operating criteria. Any hypothetical and theoretical future agreement would need breaches to be dealt with as the Airport have publicly agreed.

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**From Michael Page**

(1) Why did the Council totally disregard medical science and put the potential 2,500 jobs offered by B.H.A.L ahead of tens of thousands of residents who will now suffer with many serious medical conditions and who's children will suffer growth problems and learning difficulties and disrupted sleep.

**Reply**

The Council has sought independent expert advice on matters relating to noise levels and relies upon government guidelines rather than the subjective perception of individuals whose personal experience will vary.

**Supplementary Question**

By allowing over 5,000 aircraft movements in the first and last 30 minutes of the extended opening hours and no cap on the previous 30 minutes, this will deprive children of over 10,000 hours of sleep during their 13 years of schooling.  
How is this protecting the borough?

**Reply**

Clearly it would be better if we had no airport at all, but we do have an airport and we just have to deal with the situation as it is and do our very best for residents. I'm not sure where that number came from, it does not sound a number I am familiar with. (16 a day over a year is 5,800.) That is rather more than I thought.

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(2) In the Councils assessment document:

Why did the Council not disclose the Medical facts that saying yes to the extended flying hours would probably cause local residents major medical conditions which in turn would put a greater burden on the local N.H.S.?

**Reply**

I am not sure what medical fact is being referred to but it needs to be remembered that part of the Council's objectives is to improve the current situation.

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(3) Being responsible for the decision that almost certainly condemns this and future generations to underachieve academically and suffer from various medical conditions (which I wanted to explain earlier) earlier death than would be anticipated. What financial provisions have the council put in place to protect the borough against future claims?

**Reply**

Bromley pupils have a long and proud record of academic achievement which will continue irrespective of any decision which has not been made and which may serve to reduce noise nuisance.

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**From Carole and David Murray**

(1) In the information we were given to consider when voting, there was no mention of the increase in the helicopter flights to transport people on from the airport. Could you please tell us how many more helicopter flights there will be as these fly very low and are extremely noisy.

**Reply**

Helicopter flights are included in the overall volume of permitted movements within the current arrangements, with no decisions taken regarding the future. Nevertheless, the subject of helicopters is of interest to local people and was raised at the Council's Executive meeting and remains part of discussions.

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(2) From our memory, in the information given there was no mention about the size of aircraft that would be able to use the airport. We have recently noticed an increase in the size and number of aircraft using the airport. Could you please let us have the figures for April and May 2014 and 2015 to enable us to compare.

**Reply**

The control within the Lease is related to the noise produced by an individual aircraft and not by its weight or size.

The total number of corporate aircraft in April and May this year was 1646, an increase of 97 or 6.3% compared to last year. The average tonnage of individual aircraft in April and May this year was 14.5 tonnes, an increase of 0.6 tonnes or 4.5%. As the economy improves, I am advised that the Airport is seeing modest increases in volume, well within the lease, having being generally 'flat' over the past 5 years.

As aircraft technology improves, particularly in controlling the noise output, it follows that the size and weight of permitted aircraft will increase while still satisfying the noise criteria.

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(3) Has the noise level from aircraft been measured in recent months as we feel this has increased?

**Reply**

No, but I refer to my previous answer.

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**From Adrian Stoneham**

(1) The Council's Assessment of BHAL's Proposals by Cole Jarman, Acoustic Consultants, set out a number of unspecified matters, for example:

BHAL to quantify and agree with the Council's existing noise levels;  
BHAL to establish and agree with the Council the limits on noise; and  
noise limits to be agreed;

Why isn't a proper and full investigation, and an assessment of impact/mitigation in place so that an informed decision on this matter can then be taken?

**Reply**

The Council did assess the proposal it received and the Council's expert has given advice. Clearly both the Council and the Airport would need to agree limits before an agreement could be reached – both parties have to agree. The Council's advice is clear about using quantifiable, measurable and objective data.

**Supplementary Question**

I would like to know why this cannot be done before any further decision is made so that there is absolute certainty and transparency. Without this sort of process, including an Environmental Impact Assessment we have no idea of the impact and damage on residents and your report dismisses this far too lightly.

**Reply**

Clearly we have to rely on the advice given by Cole Jarman and I will have a chat with them after this meeting to see if there is anything more they can do to inform us.

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(2) There can be no question that allowing flights at times which are currently quiet will have a detrimental effect on residents. These would be at those times of the day most sensitive to noise, early in the morning and late at night all through the day. How can this be said to positively improve health and quality of life, as is required by policy?

**Reply**

There has to be a balance. Whilst no agreement has been reached, if overall noise levels were decreased and permitted overall flight movements were reduced, this could be seen as an improvement on the current situation.

**Supplementary Question**

I would like to counter that. The special sensitivity to noise in the early and late hours do not appear to have been considered and I would like to know why not?

**Reply**

They have been considered very earnestly if only at the prompting of everybody that lives in the flightpath. We have taken it very seriously and it will be fully measured in the balance when we take our decision.

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(3) Why doesn't the operator put in place the changes to reduce noise now so that the community can judge their effectiveness and then make a decision on increasing flying times? If the operator is confident that they would be a success this should not be a problem.

**Reply**

I cannot speak for the Airport and can only repeat that the Council assessed the entire proposal it was presented with. It is a matter of public record that the Airport have started some of the processes including flightpaths with the CAA required to effect changes from the current operations.

**Supplementary Question**

So we wind the clock forward, we get to September and, let's assume the decision is to allow this go ahead, we then have local residents effectively paying in advance for this problem while BHAL have the license or the extension required. If the operators believe they can reduce the noise as stated, why is this not being done now, why are we being forced to wait for a decision in September when they can operate as they wish?

**Reply**

It is probably the same question. I cannot speak for the airport. It would be very nice if they did do this, but some of these things take a long time. We will encourage them to do so.

-----

**From Anthony Young**

Aircraft including helicopters which are under the jurisdiction of the airport fly over our houses and gardens completely ignoring the flight paths. I have rung the CAA and asked them why I can read the tag numbers from about 100 feet above my garden. They do not adhere to the flightpaths. I would like to put in for planning for a barrage balloon. How can we guarantee that when or if you have agreed that they can have their extension for the extension of their times, I understand aircraft based there now can have another hour either side and does that mean another hour either side of extended hours?

**Reply**

Part of the proposals would actually give us better monitoring and accountability and that would be good for everybody. Breaches of the lease need to be brought to the Airport's attention so they can investigate and take action if a rogue aircraft is doing something they need to know about it so that they can do something. The Council will certainly take action as landlord if needed and if the complaint is proved.

In the past, many helicopter complaints have related to the Police, Air Ambulance and to helicopters which did not originate from Biggin Hill. If implemented, the integrated noise and track keeping system will for the first time enable the Council to identify individual helicopters and to confirm whether or not they are associated with Biggin Hill.

**Supplementary Question**

I have constantly phoned Biggin Hill Airport about planes flying down my garden, and I do not mean at high level. I get an arrogant reply and then I get put on to an answerphone. Leave a message – yes, someone comes back, we had to let that aeroplane fly in over your garden because it got in before a jet, these are the sort of answers we are getting. If they are in breach of their lease - I own several properties, if my tenants are in breach of their lease we can do something about it. The London Borough of Bromley does not seem to be have control. I know they cannot police it 24 hours a day, we understand that, but the airport seem to be taking liberties beyond what should be taken in life.

**Reply**

When we get the new noise monitoring devices in we will be able to monitor what is going on we will be able to monitor much better than we can now and we will not hesitate to take action if that is what is required.

-----

**From Hugh Bunce**

(1) Air pollution associated with aviation includes particulates, unburnt hydrocarbons and nitrogen oxides. Who is responsible for carrying out air quality tests, and where can I see results for monitoring around Biggin Hill and along the flight path from Chislehurst to Biggin Hill?

**Reply**

Following extensive modelling for a range of pollutants, including those highlighted, in March 2007 the Council declared an Air Quality Management Area (AQMA) covering the North and North West of the borough for the pollutant nitrogen dioxide. Subsequently an Air Quality Action Plan has been implemented and regular air quality monitoring is undertaken within the AQMA. The results are assessed and published regularly and show no further modelling or monitoring is required at present. Currently no monitoring is undertaken outside of the AQMA.

**Supplementary Question**

Does that include the flightpath between Chislehurst and Biggin Hill and would it not be sensible to undertake some risk assessment for those thousands of residents who could be subjected to such pollution along the flightpath.

**Reply**

I do not know the answer but I will find out and let you know.

-----

(2) Does Bromley Council accept that the application to change operating hours will benefit few residents across the borough, but reduce the amenities, environment and quality of life for 130,000 residents living along the flight path from Chislehurst to Biggin Hill?

**Reply**

No. The application could, if we get what we want, actually benefit all residents and there is a balance of positives and negatives which need all the consideration we can give it. The Council is also legally required to be a reasonable landlord to its tenant.

**Supplementary Question**

If it can be demonstrated that the overwhelming majority of the 130,000 residents along the flightpath are strongly opposed to extended operating hours, would Bromley Council please reconsider its decision?

**Reply**

We have not made a decision. The feelings of the residents who have made their feelings known will be fully taken into account and we will make our decision accordingly. Whatever our residents say, we still have to be a reasonable landlord.

-----

(3) Why has Bromley Council not considered the impact of sleep disturbance for residents living along the flight path, as a direct result of the application to change operating hours, with particular reference to the impact upon children?

**Reply**

The Council has sought expert and independent advice about noise disturbance and therefore the potential impact on sleep. Ultimately, government guidelines are the guiding principle rather than individual subjective views.

**Supplementary Question**

There are approximately 40,000 children living along the flightpath from Chislehurst to Biggin Hill. I quote from a House of Commons research report SM261 on sleep disturbance from aircraft noise - "The most notable effects in children are decreases in reading ability and memory." When you have consulted the staff of the eight schools along the flightpath can you tell me what they said about this point?

**Reply**

I don't have that information to hand but I will discover it and I will let you know.

-----

**From Andrew Newlands**

During the BHA consultation, did LBB consider weighting responses, from this borough-wide exercise, to fairly consider those most impacted by additional, earlier & later flights, over homes beneath the flight-paths, or near the airport, and why was such weighting not applied in fair consideration of its most directly affected residents?

**Reply**

Responses were not weighted but recorded as part of the overall factors that needed to be considered in the Council's deliberations.

**Supplementary Question**

The consultation being the primary voting influence on 25<sup>th</sup> March, how is it fair or reasonable that just 100 people from Crystal Palace in favour of the proposals, that is less

than 1% of that ward, resulted in two votes for the proposal in this chamber, whilst an opposing 2,500 Farnborough and Crofton residents translated to just one vote against. Will the Council conduct a further unbiased survey in keeping with its duty to protect the .13 million residents under the flightpath?

**Reply**

I do not believe that having a re-run of the referendum on whatever basis will give us any more information than we already have. We are fully aware of the feelings of those that live under the flightpath.

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**From Annick Tuesley**

Given there are at least 10 Schools within the Borough and directly under or very close to the flightpath, what steps have been taken to involve head teachers in the consultation process, with particular regard to the loss of sleep for pupils and its effect on their school performance?

**Reply**

I am not aware of any complaints ever being made by or on behalf of a school alleging that aircraft noise is interfering with lessons. The proposed increase in operating hours will have no impact during school hours. Furthermore, I am not aware that any school is currently aware of any problem with sleep for pupils, with pupils presumably sleeping in the current operating hours. Neither are headteachers expert in this field and nor is Biggin Hill Airport the only airfield operating within London. I get woken up by aircraft from Gatwick and Heathrow but not by Biggin Hill.

**Supplementary Question**

You call yourselves a reasonable landlord. Will the Council undertake measures to take and record complaints from residents for breaches of the lease because they are not doing so now. When people phone up and complain about aircraft coming in when they are not supposed to, as the gentleman previous to me said, they just get pushed over to Biggin Hill Airport and nobody at Bromley Council as landlord takes responsibility.

**Reply**

We will see how we can improve on the current situation.

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**The time for taking oral questions having expired, the following questioners would receive written responses to their questions in accordance with the Constitution.**

**From Mrs Penelope Denby**

(1) Were the clinical and non-clinical management team at Princess Royal University Hospital, only 500-600 metres from the public safety zone according to UDP, invited to participate in the consultation about Biggin Hill Airport? If not why not?

**Reply**

I refer to previous answers given, with all and any individuals able to respond.



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(2) If the Council agrees to Biggin Hill Airport's request for an extension of hours six more flights per day by 2030 are forecast to be flown? Has the council considered the effect of increased noise on patients recovering and staff working in the PRUH?

**Reply**

The Council is considering all potential impacts and no decision has been made.

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**From Mrs Andrea Stevens**

(1) How many noise monitoring stations are currently in use to measure noise emanating from aircraft landing and taking off at BHA, where are they located and to which LBB Committee do the results from these stations get reported?

**Reply**

None. The Biggin Hill Consultative Committee, which has Bromley Council representation does consider noise monitoring and complaints and alleged breaches of the lease are taken very seriously by the Council.

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(2) Prior to BHAL's purchase of Milking Lane Farm, at a cost of £1.6m, nine months ago on 14th September 2014, were the Council made aware of the Tenants' intention to purchase this extensive piece of agricultural land immediately adjacent to the north-western end of the main runway 21?

**Reply**

No.

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**From Robert Pattullo**

In Section 5.10 of the BHAL lease, BHAL are required to pay all costs for every application made by the Tenant. What were the Landlords costs of the Olympic Games application and have these been paid by the Tenant to the Landlord?

**Reply**

At the time it was considered debateable whether the Olympic proposal was caught by this provision. However, I will ask officers to revisit this.

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**From Giuliana Voisey**

(1) Are members of the Council aware that Aviation Minister Robert Goodwill, in co-ordination with the Civil Aviation Authority, is considering requests from Heathrow, Gatwick, City and Farnborough airports to review the same track-monitoring systems that BHA would like to introduce in Bromley because of the disturbance and anxiety they have caused to residents?

**Reply**

No, not at present, despite contacting both the Department for Transport and the CAA. The CAA have said that they “certainly do not oppose web track tools. Anything that provides transparency for the public regarding aircraft movements has to be a good thing.”

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(2) Are Councillors aware that the noise protection we have in the Lease is stronger than the noise monitoring schemes the Airport are now trying to apply? Why have the Council not applied the clauses which are already in the Lease?

**Reply**

Noise protection and noise monitoring are fundamentally different and the Council is seeking to strengthen both, with no decisions taken.

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(3) Why do you believe that a machine telling you that average noise over a 16-hour period is within limits can be considered a satisfactory compromise for a 27% increase in hours at the most unsocial times of the morning and night? How can this be a "better deal"?

**Reply**

Machines are objective but are only tools to aid us. Any decision is made up of several components this is no different and although no decision is made, it deserves and will always get, our careful consideration.

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**From Anthony Barnes**

(1) During the consultation, did LBB consider weighting the results of the Borough wide survey to fairly reflect those impacted most by any additional early and late flights, over homes under the flight paths and/or close to the airport? If not why not?

**Reply**

No. Responses were not weighted but analysis did note that whilst most respondents supported the Airport’s proposal, many under the flightpath did not. The consultation was one consideration among many that the Council took regard of.

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(2) During the BHAL similar application in 2000 in addition to a thorough and statistically much more sensible way, the Council held four public meetings, (Crofton Halls, Civic Centre, Charles Darwin School, Biggin Hill 2) attended by nearly 2000 people. Why did LBB not repeat this exercise for this application?

**Reply**

By asking for all residents views, the Council actually consulted more residents than in 2000.

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(3) Recently there has been more frequent use by jets of the right hand visual circuit to land on runway 21. They often pass overhead Keston village descending on a more or less splayed base leg. Can LBB insist that all jets landing on 21 are via a straight in approach?

**Reply**

No. Any proposal by the Airport to change landing or take-off procedures must be approved by the Civil Aviation Authority, and LBB cannot impose any such change

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**From Vivien Haskey**

For the good of the environment & the Borough, I recycle all my plastics, paper & wasted food, clear up rubbish in the street outside my house, trim side shoots off trees and I am a snow friend organising snow clearance in Keston. What is the point of doing all this if you are going to ruin the environment by extending the airport with extra noise & pollution, building on green belt, putting in extra car parks in Shire Lane, extending the infrastructure etc.

**Reply**

Thank you for what you are doing. The Airport is not being extended but there is a proposal to extend operating hours by a relatively modest amount which has a number of benefits, part of which could be additional protection for residents. I repeat, no agreement has yet been reached.

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**From David Evans, Downe Residents Association**

(1) Ref: Biggin Hill Consultation Analysis - Appendix 8 Map 2.

In terms we can all understand, logic says one dot must represent one reply, is this the case?

**Reply**

Yes. As Appendix 8b stated, which was distributed on the evening of 25<sup>th</sup> March, - To portray the information graphically and by household response, the 'red and blue dot map' has been produced, which involved a complex process of 'geo coding', to effectively place the responses onto the 'red and blue dot map'. This process did not successfully pick up each and every address but the map does show the overall trend for responses across the borough in a way that simple reporting by ward does not and this is why the map was published as it is.

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(2) Why does a single red dot appear at Luxted, south of Downe Village, when I and at least five other households in that area responded?

**Reply**

I refer to my previous answer.

-----

(3) Why did certain households particularly under the flightpath, for example Shire Lane, not receive an invitation to participate?

**Reply**

I refer to my previous answers. All households were invited to participate.

Supplementary – We did receive responses from residents in Shire Lane, five in total, all ‘no’. Also, no distribution is ‘perfect’ and where ‘misses’ were brought to our attention, they were rectified at the time.

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**From David Clapham**

(1) The extensive URS Report – Biggin Hill Study – Final Report along with the London Plan designation of Biggin Hill Airport as a Strategic Outer London Development Centre (SOLDC) guide planning direction. Were Councillors briefed on the implications and context of these fundamental plans prior to the discussion on 25<sup>th</sup> March 2015?

**Reply**

Yes. The Local Development Framework Advisory Panel, of which I am the Chairman, received updates on:

- 22<sup>nd</sup> April 2014
- 18<sup>th</sup> June 2014
- 5<sup>th</sup> August 2014
- 15<sup>th</sup> January 2015
- 24<sup>th</sup> February 2015.

The report and findings were also considered at the Executive on:

- 12<sup>th</sup> June 2013
- 26<sup>th</sup> November 2014

and R&R PDS on:

- 23<sup>rd</sup> June 2014
- 18<sup>th</sup> November 2014

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(2) The Employment section page 52 of the URS Report – Planning for Growth in Bromley – Biggin Hill Study – Final Report says that the predicted growth in jobs of 930 by 2017 ‘would appear ambitious’. What confidence do you have in these predictions?

**Reply**

Estimates and predictions are valid but they remain just that.

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(3) In view of the fact that Councillors were not all aware of background growth plans for Biggin Hill Airport please confirm that once discussions with Biggin Hill are concluded, that

Councillors will be allowed to express their views and vote on the proposal before the Executive makes the final decision.

**Reply**

The Council’s own report considered by Councillors noted the growth plans and specifically said that “The Airport has been identified as a Strategic Growth Area by the GLA and BHAL plans indicate that the Airport could create up to 2,300 jobs over the next 20 years.” It also referred to BHAL’s economic growth plan produced in April 2014.

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**QUESTIONS FROM MEMBERS OF THE PUBLIC FOR WRITTEN REPLY**

**From John Kaufman**

(1) Is the council aware that many ‘Business aeroplanes’ in use at Biggin Hill include 100+ seat jets (A319/Boeing 737 and others) which have a luxury internal 100+ configuration but create an enlarged and more intrusive noise 100+ footprint than smaller aircraft normally considered ‘business’ jets?

**Reply**

Business aviation is ultimately defined not by the specific jet but by the purpose the jet is used for.

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(2) The Princess Royal (PRU) is directly under the flight path at a point where aircraft are flying at very low level creating considerable noise. Were the management of the PRU consulted regarding increased noise and extended flying hours? Did the Council consider fully the adverse effect of extended hours and the increasing use of heavier, noisier aircraft on both the hospital operation and seriously ill patients.

**Reply**

I refer to previous answers about the same question.

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(3) Does the Council consider that a borough-wide opinion is sufficient to allow these sweeping changes to operational hours? The ‘Man on the Clapham Omnibus’ would certainly not think they were. It is as if an option poll on the third runway at Heathrow gave equal weight to the opinions of the residents of Hackney and Hounslow. Bromley residents in the most affected areas gave a very clear no to these suggested amendments.

**Reply**

Consultation responses are always helpful and always need to be considered alongside other factors.

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**From Richard Barnes**

(1) Does the lease with BHAL now require aeroplanes using BHA to meet the latest noise standards in the ICAO document (2001) Chapter 4 and will it require them to meet the latest Chapter 14 standard due for adoption in 2017?

**Reply**

The Airport will need to comply with noise standards/requirements required by legislation and/or the lease. Proposals to vary the lease are currently under discussion and include proposals to reduce the noise levels created by the Airport.

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(2) Is the Council aware of the CAA document Managing Aviation Noise (2014) in which at Chapter 2, Context, it refers to '*.....exposure to noise, particularly at night, is linked to long term health issues.....*' and if so, is the Council willing to expose LBB residents to such risks?

**Reply**

Yes the Council is aware, the same chapter refers to the CAA commissioned study too and we will absolutely make sure that the Airport follow any CAA guidelines where applicable as will the CAA no doubt.

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**From Bruce Anderson**

(1) Is the Council aware that the noise monitoring system proposed by BHAL, which averages measurements over the requested Hours rather than individual planes/flights as monitored by the current system, would allow individual planes/flights to generate noise currently judged unacceptable to local residents, without breaking the terms of the proposed contract?

**Reply**

Unacceptable noise is very much a matter of individual perception. Measurements need to objective, clear and transparent. The proposed system will give a number of noise parameters for each "event" which will include maximum level, duration, Leq (average noise level for the length of the event) and SEL (the equivalent noise level if all of the acoustical energy were contained in a one second event). The monitor also makes a recording of each event which may be replayed. In addition to this information, the equipment is continuously logging the background noise levels and this may be used to produce Leq values for any period. The proposed system also includes radar information so the noise contour can be related to the aircraft position in three dimensions and to its speed. This has never before been possible and can only be implemented with the full co-operation of the Airport.

Note - There is no current system as the Council has not conducted any noise monitoring for at least five years following a lightning strike which irreparably damaged the equipment.

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(2) Given the requested extension of Operating Hours into residents' rest time, creating noise at a time that would not be permitted by the Council (in accordance with its own published standards) in, for example, a construction site, how does this show BHAL's – and the Council's - concern for the well-being of the local population?

**Reply**

It could be argued that it is at least partly because of the Council's concern for 'wellbeing' that discussions are taking place. Government guidelines effectively require more stringent measures on night flights and we will be mindful of this in our deliberations when and if a decision is made.

In planning terms, daytime is actually defined as 07:00 until 23:00 equating to 16 hours, and night time.

For the daytime an average noise level is used i.e. LAeq 16hours – The Government treats 57dB(A) as the average level of daytime noise marking the approximate onset of significant community annoyance (DfT Aviation Policy Framework 2013, p.57). Hence throughout the various versions of the NAP the emphasis placed upon the 57db(A) contour. The LAeq 16hours can be seen as an average sound level over the period of measurement.

Night time noise is evaluated in different ways using different units such as single event level (SEL). The SEL is strongly correlated to the LMAX (i.e. maximum noise level) and is the equivalent energy of an event compressed to a one second reference value. It is of great value to acousticians as it makes the comparison of events which may have differing durations easier and is universally used in noise mapping and prediction.

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## COUNCIL MEETING ON 19<sup>th</sup> OCTOBER 2015

### (A) QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY

#### (1) From David Clapham to the Portfolio Holder for Renewal and Recreation

Have Councillors been made aware that FW have submitted a QC legal opinion stating that the concept of the 'lesser evil' used by both BHAL and the Council to promote extending the hours was 'misconceived' and that this may make the decision of 25<sup>th</sup> March unsound?

#### **Reply (by the Leader of the Council):**

Officers have exchanged correspondence with Richard Buxton (who we understand are your lawyers) advising them that the points made in their letter were not accurate. The report to the meeting on 25<sup>th</sup> March did not canvas the "lesser evil" option and neither does the report published on Friday and on this basis I cannot agree the proposition.

I would say in answering the question of whether Councillors are aware of the legal opinion, I cannot be sure that every Councillor knows about the points you want to make – but they are aware now.

#### **Supplementary Question:**

Mr Clapham pointed out that the legal opinion was separate from the letter.

#### **Reply:**

Cllr Carr stated that he had not seen the detail of the legal opinion from Flightpath Watch's lawyers, but he would be soon.

#### (2) From David Clapham to the Portfolio Holder for Renewal and Recreation

Have Councillors been made aware that the acoustic and aviation expert appointed by FW has confirmed that the noise measures recommended in the report by the Council's acoustic consultant are at best not stronger than measures already contained in the Lease?

#### **Reply (by the Leader of the Council):**

In considering the BHAL proposal to vary hours, the Council must seek to ensure that reasonable noise mitigation is in place and naturally the Council will be seeking, where possible, to strengthen current arrangements. The Council will be considering these matters at the Council meeting and Executive meeting in November. I have not seen any expert report that you may have commissioned, so I cannot comment on the validity of its conclusions.

I cannot be sure that all Councillors have been made aware, but I believe that most if not all have.

#### **Supplementary Question:**

To make the point that only eight of the eighteen recommendations from the expert in the report issued on Friday are acceptable, with the remainder "subject to". This leaves a lot of work to be done – are the Council going to keep us informed of the detail sitting behind the remaining ten points.



**Reply:**

Hopefully you will agree that I have tried to be as transparent as I possibly can be. If there is information that we can share we will share it with all residents who have an interest.

**(3) From David Clapham to the Portfolio Holder for Renewal and Recreation**

Are Councillors aware that information provided under the FOIA has revealed potential irregularities in the way the consultation results were arrived at that we have needed to inform the Council's senior solicitor that the matter is being investigated?

**Reply (by the Leader of the Council):**

Flightpath Watch has written to the Council's Senior Solicitor but has given no detail of their findings following their "preliminary assessment" of the data they received. The Council will carefully examine any subsequent submitted detail, should this arise, commenting and explaining as appropriate. To avoid wider resident concern, as a guiding principle, the Council will always be as transparent as possible but for the avoidance of doubt, personal data is closely guarded and therefore is not disclosed in this or other FOI responses.

**Supplementary Question:**

I note and respect Councillor Carr's statement. We are looking into non-personal data and will report to the Council once our investigation is complete.

**QUESTIONS FOR WRITTEN REPLY FROM MEMBERS OF THE COUNCIL**

**2. From Cllr Simon Fawthrop to the Portfolio Holder for Renewal and Recreation**

How many responses to the Biggin Hill consultation survey which were included in the Council and Executive reports on 25<sup>th</sup> March 2015 were excluded from the final results because they were duplicate entries at the same address, of these how many were in favour of the proposals and how many were against?

**Reply:**

The figures contained within the report show that in total, 416 responses were recorded but excluded from analysis principally because names and/or addresses were omitted and or because a 'yes' or 'no' preference was not indicated. There is the possibility or probability that duplicate responses are contained within the 41,711 total individual responses analysed and it is for this reason that the report references the 14,754 individual identified property responses. Analysis of these individual identified property responses shows that there were 11196 (76%) 'yes' responses and 3558 (24%) 'no' responses.

**3. From Cllr Simon Fawthrop to the Portfolio Holder for Renewal and Recreation**

(a) What legal considerations have been given to a) the Human Rights Act in relation to both individual rights and rights to the enjoyment of land (Schedule I part II Article 1) in drawing up the report on Biggin Hill Airports proposals for extended operating hours (The Act postdates the Lease). Please provide a list of any legal advice given?

(b) the Climate Change Act 2008 in drawing up the report on Biggin Hill Airports proposals for extended operating hours (The Act postdates the Lease). Please provide a list of any legal advice given?

**Reply:**

Officers have considered relevant legislation and case law in preparing the report. It must be remembered that the rights under Article 1 of the First Protocol set out in the Human Rights Act 1998 are qualified rights and secondly that BHAL is on the drafting as much a "person" with Human rights for the purposes of Article 1 as any resident. The reports prepared have undertaken the necessary balancing exercises notwithstanding as was recognised in the High Court case that the impact of the Act on contracts entered into before 2 October 2000 will not always be clear cut.

On the Climate Change Act 2008 this had not been considered as the proposal, if agreed, would reduce aircraft movements and possibly indirectly encourage newer, quieter and more efficient aircraft.

## COUNCIL MEETING ON 25<sup>th</sup> NOVEMBER 2015

### QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY

**(1) From Iain Bull to the Portfolio Holder for Renewal and Recreation**

*(As Mr Bull was not present a written reply was sent to him.)*

Increase in pollution. I live under the flightpath and directly on Scadbury Nature Reserve. The increase in aircraft will increase the amount of pollution in the air.

Have you studied the impact of this on me and my family's health and that of the wildlife? If so could I please see this study?

**Reply:**

It should be noted that this application is not about any increase in overall aircraft movements. The Noise Action Plan (NAP) will positively impact on potential pollution levels experienced in the Borough by encouraging more fuel-efficient and less noisy aircraft movements, which will be of benefit to our residents and the environment.

The lease remains silent in respect of air quality and does not form part of the current application.

**(2) From Iain Bull to the Portfolio Holder for Renewal and Recreation**

*(As Mr Bull was not present a written reply was sent to him.)*

House prices. It has been incredibly difficult to get to where I am now with a house and a mortgage. My current house is a stepping stone to the next but an increase in flight traffic is going to put people off the area.

Have you studied the impact on housing prices under the flightpath? How are you going to compensate those affected when their houses have been devalued?

**Reply:**

There is a statutory compensation scheme in respect of public works (including airports) set out in Part I of the Land Compensation Act 1973. It applies to the operation of new works at an airport rather than any intensification of use. However it is for residents to seek their own advice as to whether they are entitled to make a claim. I would also suggest that if we have fewer, less noisy aircraft movements, it could be argued that house prices in the vicinity of the airport could actually go up, not down. Property prices in the vicinity of some other airports are actually more expensive.

**(3) From Iain Bull to the Portfolio Holder for Renewal and Recreation**

*(As Mr Bull was not present a written reply was sent to him.)*

The current levels of noise are tolerable and don't affect my young children. An increase in flight times is going to have aircraft over my house after their bedtime. Sleep in young children is essential for growth, healing and learning. A disturbance in this pattern is widely documented and can be read online.

Where is the study into the noise levels and its impact on the young?

**Reply:**

The sleep of young children is important and in all probability most young children are already in bed and asleep with the present operating hours, and therefore not affected currently. The Council has not received complaints about children not being able to sleep. The NAP essentially follows government advice which does deal with the whole issue of sleep, which is clearly important, not just for children but the entire population. It is for this reason that more stringent controls are proposed in what is officially designated as “night-time hours”, which is specifically 06.30-07.00.

Controls are proposed that limit the level of flyover noise that can be generated during this period to values lower than those that can be generated under the present arrangements. In addition, properties expected to be regularly exposed (once per night on average) to night time flyover levels high enough to be linked to potential sleep disturbance will be eligible for a grant to enhance the sound insulation of bedrooms.

**(4) From Will Curtis, Biggin Hill, to the Leader of the Council**

Does the Leader agree that the proposed new Noise Action Plan introduces new noise controls for the airport and modernises the environmental management of the airport?

**Supplementary Question:**

Does the Leader agree that the proposed Noise Monitoring and Track Keeping System will make it much easier for the Council to oversee the airport and hold the airport to account?

**Reply:**

Yes, I do believe the proposed noise monitoring and track keeping will make it easier for the Council and residents to oversee the Airport’s activities and to distinguish Biggin Hill and other aircraft movements including Heathrow. If approval is granted then we would impose a condition to ensure that there is full cost recovery to the Council for any additional responsibilities involved in ensuring compliance with the lease.

**(5) From Colin Hitchins, Petts Wood, to the Leader of the Council**

Does the Leader believe that the proposed new flight path for runway 03 at Biggin Hill Airport will significantly reduce air traffic over Petts Wood and Farnborough?

**Reply:**

I am aware that the proposals are expected to reduce the number of aircraft that fly over Petts Wood and Farnborough when landing on Runway 03 at the airport.

**Supplementary Question:**

Does the Leader agree that this is likely to reduce, not increase, disturbance in Petts Wood, Farnborough and surrounding areas?

**Reply:**

Disturbance is, of course, a subjective measure, however for those aircraft expected to approach Runway 03 the reduction in number of movements is expected to lead to a commensurate reduction in the overall noise measures.

**(6) From Robert Walters to the Leader of the Council**

Is the Leader able to confirm that following a noise survey at Darrick Wood, London

Borough of Bromley Environment Officer Dr. Hedley Pugh recently reported that aircraft using Biggin Hill had little overall impact on noise levels in the Darrick Wood environs?

**Reply:**

Yes, I am well aware of the contents of the report by Dr. Hedley Pugh, which is attached to the paperwork as Appendix 7.

**Supplementary Question:**

Is the Leader further aware that Dr. Pugh concluded that aircraft using other airports had the potential to cause more impact than aircraft using Biggin Hill Airport?

**Reply:**

Yes indeed - I refer to my previous response which explains this.

**(7) From Katy Woolcott to the Leader of the Council**

Does the Leader agree that the recommendations of the Council's Noise consultant set out all necessary mitigation and noise controls as may reasonably be required in order to protect the local environment and amenities for the foreseeable future and does he have any points on which he has a different opinion?

**Reply:**

The Council retained a leading national independent expert, because it is very important that when we consider this issue we are privy to technical expert opinion which should inform our deliberations. We are guided by that advice, but not bound by it, as was demonstrated by the fact that the Executive determined that more restrictive operating hours than was recommended by our consultant should be adopted. The Airport have since accepted these more restrictive hours. I should confirm that it is proposed there is no ground running permitted before 06.30. Whether this is enough is a matter to be considered in the debate at this Council meeting and in the Executive at its meeting which will follow it.

**(8) From Bethany Russell, Biggin Hill to the Leader of the Council**

Is the Leader aware that there are currently a number of overseas aircraft service companies that are considering investing at Biggin Hill Airport if the revised operating hours are approved?

**Reply:**

I do not have first-hand knowledge, however I have been informed this is the case by the Airport management.

**Supplementary Question:**

Is the Leader aware that in late 2013 Bromley Council officers and the GLA were involved with Biggin Hill Airport in seeking to attract a major multinational aircraft service company to Biggin Hill which ultimately failed due to the existing overly restrictive airport operating hours?

**Reply:**

I am aware that there was such a proposal but I am unable to comment on the reasons as to why they withdrew.

**(9) From David Calver to the Portfolio Holder for Renewal and Recreation**

It is understood that Biggin Hill Airport is used by many Middle Eastern personnel to give them easier access to London.

Can the Council be sure that increased operating hours will not affect the long term security of this country?

**Reply:**

It is my belief that a change in operating hours will not impact on national security.

**Supplementary Question:**

Does the Council really know who is likely to be coming in to Biggin Hill Airport if the operating hours are extended and long-haul flights are allowed?

**Reply:**

There is no way of knowing exactly who is going to come in to an airport at any time in the future, but I can think of no good reason why a change in hours should affect the nature, number and individuality of the people who are coming.

**(10) From Jason Polis to the Portfolio Holder for Renewal and Recreation**

BHAL's proposal and the council report describe different "community funds". Neither demonstrate adequate funding for sufficient compensation, nor how & who would be paid.

If I lose work from lack of sleep or relocate my family home due to noise, who will decide how much compensation is paid and how ?

**Reply:**

The community fund to which reference is made in both reports is the fund into which any fines levied from the Noise or Track Violation schemes would be paid. BHAL identify that the Safety And Noise Abatement Review Board will be responsible for determining the level of fines, where they are considered appropriate. As is the case at other UK airports where such a system is in place, the fund into which the fines are placed is expected to be administered by an independent group that represents the interests of all stakeholder and affected parties. The make-up of that group will need to be agreed with London Borough of Bromley. It will be for the group to determine how the funds are used for the benefit of those affected and the wider community.

We would hope disturbance is less than it is at present and as a consequence payment to the fund would be modest. As is the case elsewhere we would look to the fund being administered by an independent body with the aim of funding being allocated to those with the greatest need.

**Supplementary question:**

How much compensation do you think is reasonable for each of how many households expected to be affected by late night noise nuisance?

**Reply:**

This is not within my gift and my opinion counts for nothing. There are national regulations laid down which are applied at many airports, for example Heathrow and Gatwick, and that is what will determine any level of compensation.

**(11) From Jason Polis to the Portfolio Holder for Renewal and Recreation**

As the loss of enjoyment due to the nuisance from aircraft noise in the proposed additional operating hours is reasonably foreseeable, would the council as landlord become directly liable in tort by effectively adopting this new continuing nuisance ?

**Reply:**

No it won't. First of all, I do not consider the position set out is "reasonably foreseeable". In any event, aircraft noise is not a statutory nuisance (s76(1) Civil Aviation Act 1982). Airports are similarly immune to claims in nuisance (s77 Civil Aviation Act 1982).

**Supplementary Question:**

The report mentions Wednesbury reasonableness – matters which ought/ought not be considered. Is it reasonable for the Council to make a decision without evidence on the number of homes affected, or the extent to which they are affected?

**Reply:**

The Council has been extremely thorough. It is impossible and impractical to sit in every home with a noise measuring machine. I think the Council has been extremely thorough, we have employed the very best consultants and have the best information on which to make our decision.

**(12) From Jason Polis to the Portfolio Holder for Renewal and Recreation**

If as per item 3.7 in the report from March (DRR15/097), the council could not insist upon changes to the lease, how could extended operating hours be revoked by this or future councils?

**Reply:**

By making the consent conditional on compliance with specific conditions by specific dates, failing which the consent will lapse.

**Supplementary Question:**

Before making a final decision, which may or may not be irrevocable, provided there are certain conditions that are adhered to, would it be worthwhile to determine the extent and severity of the actual adverse impacts on residents and the Council, perhaps by a trial period or by at least ensuring that there are clauses to revoke extended hours?

**Reply:**

There will be clauses which will result in a revocation of any agreement. There will be a debate at which these issues will be raised.

**(13) From Tony Trinick FEng, Vice Chairman, Flightpath Watch to the Portfolio Holder for Renewal and Recreation**

When the Council bought the airport in 1974, it did so, among other reasons, to protect the Borough's environment and residents, and their amenities.

Why has the Council, in this report, reneged on this principle?

**Reply:**

No decision has yet been made, but whatever the outcome of tonight's debate the Council will in my opinion not have reneged on this principle. This decision, if taken, will result in lower noise levels. This is also the view of the Noise Consultant. Protecting the Borough's environment, its residents and their amenities does not equate to doing nothing. The proposed NAP gives the Borough greater powers to manage noise generated by the Airport and contains more stringent controls than those contained in the existing Lease. Through policing of the NAP, in addition to retaining the other control mechanisms already set out in the Lease, the Borough is protecting the environment and amenity of its residents.

**Supplementary Question:**

If the proposals go through, to give an example the operating hours at Farnborough Airport stand at 99 per week, City Airport at 93 per week, Northolt at 72 but Biggin Hill airport at 110.5 per week. Will the Leader confirm that the proposals will not protect residents under the flightpath and therefore should be refused.

**Reply:**

Gross hours are not the only issue – noise made by individual aircraft and the noise made in total at various times of the day. The Noise Action Plan produces a better result for residents than if we did not do anything.

**(14) From Tony Trinick FREng, Vice Chairman, Flightpath Watch to the Portfolio Holder for Renewal and Recreation**

After 6 months of negotiations, very little has been achieved, apart from a noise monitoring system which is irrelevant to the issue of operating hours at unsocial times.

How can Councillors ratify now the 25<sup>th</sup> March 'approval in principle' decision?

**Reply:**

During this time residents and others criticised the initial proposal because it was woolly and not precise, and what we have before us tonight is now essentially 18 recommendations that are legally enforceable, precise and specific, and this is what we are here, at least in part, to debate tonight.

**Supplementary Question:**

I cannot agree with that achievement of success. For example, the current lease is still better because it has take off, sideline and landing noise limits whereas the new NAP has averages. Another issue is the noise monitoring system - it is not relevant in that if we do not have any planes in these unsocial hours we do not have any noise to monitor. Where is the limitation on movements, the 50,000 movements? Can residents be assured that the proposals will be refused tonight?

**Reply:**

I cannot forecast the outcome. In my opinion, the protections offered by the Noise Action Plan are better and more effective than those in the Lease. The Lease is still there – this is a better control put on top of it.



**(15) From Andrea Stevens to the Portfolio Holder for Renewal and Recreation**

A press release from the airport stated that Petts Wood residents would see 30% fewer overflights due to the new GPS route to R03.

Do Councillors realise that this leaves an increase of approximately 50% over the current number of jet movements, thereby worsening the present situation for Petts Wood?

*[To illustrate (from NAP pages 8 and 13):*

*19,750 Business Aviation movements in 2020 minus 11,500 BA current = 8250  
less 2,475 (i.e. 30%) = 5775 or a 50% increase on current levels]*

**Reply:**

I reiterate that no decision has yet been made. However, we will take into account the fact that the NAP limits the noise likely to be experienced by residents in all parts of Bromley including Petts Wood by virtue of the noise envelopes. The current Lease has no such limits and permits up to 125,000 movements per year by aircraft that could be much noisier than are forecast for 2020. The NAP therefore provides a greater degree of protection in this regard than currently exists. If the Executive is minded to grant, we would seek to ensure through conditions that noise disturbance for residents does not increase when the NAP is reviewed.

**Supplementary question:**

Cole Jarman has confirmed that contrary to what is believed, noise is projected to increase by 38% by 2020 and will quadruple in the early hours. Is the proposal unjustifiable?

**Reply:**

My understanding of the advice is that in the 6.30 – 7am slot the noise will be considerably reduced and potentially enormously reduced because at the moment there is no control over the type of aircraft taking off. Taking off aircraft are noisier than landing aircraft and the noise envelope will effectively mean that an average of only two aircraft can take off in those hours.

**(16) From Andrea Stevens to the Portfolio Holder for Renewal and Recreation**

Council consultant Chris Smith has shown that BHAL is not disadvantaged against other comparable airports by conditions imposed by the Lease, operating hours being specifically mentioned - so what justification is there for Bromley residents to be treated worse than residents in the local authorities of such comparable airports?

**Reply:**

I would beg to differ. Mr. Chris Smith says in his report that "... the extension would improve the attractiveness of the Airport for business aviation movements and the many support companies upon which the segment relies." I conclude that the extension would indeed improve the attractiveness of the Airport to new investment opportunities. Whilst of course not guaranteed, if there were an increase in Business Rates or in profitability of the Airport that would give a financial benefit to the Borough.

**Supplementary question:**

An application at London City airport was refused the day after the Bromley decision 25<sup>th</sup> March – this was after the Mayor of London gave a direction to LB Newham to refuse on

grounds of noise and the possible creation of a noise ghetto. Do you accept that if this proposal is allowed the affected residents of Bromley will see the same thing, particularly in the unsocial hours of the day.

**Reply:**

No, I disagree.

**(17) From Bruce Anderson to the Portfolio Holder for Renewal and Recreation**  
*(Question withdrawn)*

**(18) From Bruce Anderson to the Portfolio Holder for Renewal and Recreation**

Will you please inform me how much of the loan of £1,583,469 to BHAL has been repaid to date, this being the cost of resurfacing the runway and lighting improvements? When will the outstanding balance be paid?

**Reply:**

This was not a loan - the amount of £1,583,469 relates to capital expenditure incurred by the Council on runway resurfacing and lighting improvements at the beginning of the Lease to make the airport let-able. There is provision in the lease for the receipt of 50% of any profit made by BHAL from certain developments on the premises, up to a maximum amount of £1.5m. There is no requirement for that money to be given to the Council by any specific date.

**(19) From David Clapham to the Portfolio Holder for Renewal and Recreation**

The Executive confirmed on 29th June that helicopter flights would be included in negotiations. Residents remain concerned that these are noisy and fly directly over homes at relatively low levels.

Has this aspect of the negotiations been completed and what was the outcome for helicopters?

**Reply:**

This issue is addressed in Section 19 of the Cole Jarman Briefing Note 15/0009/M09-4 dated 16 November 2015, which is Appendix 2A of the Report. As the NAP effectively requires the Airport to always look for quieter operations, I am recommending to them that, as part of this, helicopters will rise to 1,000 ft and then follow the prescribed and identified tracks.

**Supplementary question:**

Is that a recommendation or a fact?

**Reply:**

A recommendation – this will be enlarged on in the debate this evening.

**(20) From David Clapham to the Portfolio Holder for Renewal and Recreation**

Experts have demonstrated that the concept of the lesser evil was scaremongering, that the consultation was unsound, that noise will be doubling and that LBB cannot obtain additional payments from BHAL.

In this context, how would it be reasonable to sacrifice residents' quality of life and productivity?

**Reply:**

The concept of lesser evil has never been used by the Leader or the Executive. Our intention is to achieve betterment for the residents of the Borough. In my opinion that quality of life would be better if the NAP is implemented than if it is not, so the premise of the question is unsound.

*This could be used in addition to the above – or omitted.* (Our independent noise expert has reviewed all concerns and reports submitted by Flightpath Watch, and has given us detailed commentary on the points raised. What we are confident about is that the NAP, if adopted, gives us controls over the future noise levels of the Airport that are consistent with Government policy and ensure that we can contain noise levels in the future to a much lesser value than they could be if only the provisions of the lease were in force).

**Supplementary question:**

Today, Councillors will collectively make a decision which may mark the beginning of a fundamental change for this borough. Before doing so I ask all of you, are you satisfied in your hearts that the link of the additional hours to the business case is conclusively made?

**Reply:**

Answering for myself, the case for the NAP producing a better quality of life has been made. The case for the betterment of the Airport's business is always on-going. It is always impossible to forecast what is going to happen in the financial world. It has a better chance of doing well if it has the extension of hours.

**(21) From Bob Trott to the Portfolio Holder for Renewal and Recreation**

Recommendation 17 (final paragraph) of Report DRR 15/097 infers the Council is aware of the need for prescriptive documentation for departures to avoid the inhabited areas around Orpington, as well as support any Noise Monitoring and Tracking (NMTK) System. The current situation whereby the majority of aircraft do not follow the BHAL website depicted route, needs attention.

Why are definitive proposals not being made available now, when BHAL and the Council have been aware of this problem for many months and work on the problem has taken place?

**Reply:**

The requirement for BHAL to acquire, install and operate a comprehensive Noise Monitoring and Track Keeping System with proper reporting and data feeds to Bromley Council is expected to transform the ability of the Borough to monitor and police movements to and from Biggin Hill. We cannot undertake this comprehensive monitoring without the full co-operation of the Airport.

**Supplementary question:**

That has not answered the question. I was asking for the prescriptive routing.

**Reply:**

We are giving attention by installing this Noise Monitoring and Track Keeping System and policing properly, ensuring aircraft do not depart from the advised track that they are

meant to be keeping. Routing is the responsibility of the Civil Aviation Authority, it is nothing to do with the Council.

**(22) From Bob Trott to the Portfolio Holder for Renewal and Recreation**

The Commentary in Recommendation 17 of the Technical Consultants Report does not specifically require BHAL to submit to LBB details of the actual tracks upon which the NMTK system will be based.

Will the Council include these as a mandatory element that has to be included as part of the final agreement and that they adhere to the principle of avoiding, as far as possible, residential areas ?

**Reply:**

The Council and any resident can find out from the UK AIP for Biggin Hill, what the flighttracks are supposed to be and where the noise preferential routes are clearly defined. In addition, the NAP contains a provision for ensuring that all Standard Operating Procedures are continuously monitored, and where new procedures are expected to produce a significant benefit to residents without compromising safety in any way, they will be modified accordingly.

**Supplementary question:**

The documentation from the AIP is not prescriptive enough to get aircraft to avoid the built up areas around Orpington.

**Reply:**

The actual tracking is not the Council's business - it is the responsibility of the Civil Aviation Authority and UK AIP.

**(23) From Bob Trott to the Portfolio Holder for Renewal and Recreation**

The NAP(Final) has been developed following discussions between BHAL and LBB. However, para 4.37 (h) states that fine revenues will be used differently from Recommendation 17 of the Technical Consultants Report.

What is the policy of the Council?

**Reply:**

The Airport's Safety and Noise Abatement Review Board will be responsible for determining the level of fines, where they are considered appropriate. As is the case at other UK airports where such a system is in place, the fund into which the fines are placed is expected to be administered by an independent group that represents the interests of all stakeholders and affected parties. The make-up of that group will need to be agreed with Council. It will be for the group to determine how the funds are used for the benefit of those affected and the wider community.

**(24) From Hugh Bunce to the Portfolio Holder for Renewal and Recreation**

With 90% of adult residents in twelve Bromley wards opposed to extended airport operating hours, will your Council please acknowledge that preserved sleep for Bromley residents is a basic human right, and needs to be protected by retaining the operating hours in the current operating lease?

**Reply:**

The current operating hours include 6.30 to 7am as the shoulder hours where aircraft can take off if they are based at Biggin Hill. There is not much limit on what they might be and how many can take off in that time. As I would have stated in my answer to Question 3 from Mr Iain Bull, the assessment of the proposals included an analysis of the potential effects on sleep disturbance of flights during the night time period. The NAP proposal has more stringent controls for the 06.30-07.00 night-time period, precisely to protect sleep in line with the Government Guidelines in this area.

**Supplementary question:**

I feel thoroughly disenfranchised by this whole process which has included a consultation linking in one question three apparent positives with one overwhelming negative. Now one of those positives has been withdrawn. Will you now do a new comprehensive and controlled Council consultation amongst the 130,000 people living along the flightpath across Chislehurst, Petts Wood, Crofton, Farnborough and Biggin Hill to find out what people really want.

Please do a new consultation of residents within the flightpath.

**Reply:**

Consultation is only as good as the questions asked, and I think we have had far too many consultations producing answers that cannot be relied upon. There is nothing to gain from repeating the exercise.

**(25) From Hugh Bunce to the Portfolio Holder for Renewal and Recreation**

How can your Council believe that any of the proposals in your report can mitigate, or trade-off, for the loss of residents' sleep, and why have you chosen to negotiate with the airport and not with residents who are the biggest group of stakeholders involved with this issue?

**Reply:**

I refer to my previous answer. As to negotiation, the Council is legally obliged to respond to a request made by its tenant under the terms of the lease. I wish to emphasise that the Council has sought to ensure that we are as open and transparent as possible with residents, and take on board the many comments that they make both on this occasion and on others.

**Supplementary question:**

You have produced a 490 page report which in no way answers the threat to sleep for 130,000 of your residents, you have had two Council debates, spent hours discussing supposed mitigating schemes which still avoid the issue of hours. Why are you constantly ignoring the issue of noise and the effect of antisocial movements during people's sleep?

**Reply:**

We are not ignoring those things. As I have said before this evening, we are extremely keen to ensure that the situation is better not worse if these proposals go through. The shoulder hours already permit an unlimited number of take-offs between 6.30 and 7am. The new proposals will severely restrict that, as well as the noise of any individual aircraft taking off. I think we are addressing that, we are trying to make life better and we are trying to make sure that you do not get woken up between 6.30 and 7am.

**(26) From Jo Johnson MP to the Portfolio Holder for Renewal and Recreation**

Mr Johnson stated that he was also speaking on behalf of Bob Neill MP.

What assurances will the Council provide that the interests of residents living beneath the flightpath, whose quality of life will be most affected as a result of Biggin Hill Airport Limited's proposals to extend their operating hours, will be properly prioritised within the decision making process?

**Reply:**

Protecting the quality of life for residents under the flightpath, as I have said before this evening, remains a real focus regardless of any decision here tonight. It is for this reason though that the noise contours around the Airport in the proposals are so important, as noise elsewhere under the flight path will necessarily be less than this. For the first time the noise contours will be enforceable and are more restrictive than anything contained in the existing lease. With regard to the early morning contour, this effectively means that some aircraft currently allowed to fly in this period would be precluded. In addition, residents will be able to monitor movements themselves on-line stopping confusion with Heathrow-bound flights thereby bringing about greater transparency and accountability.

The Council does not have a free hand in deciding the application as the lease contains a provision which does not allow the Council unreasonably to refuse an application to vary the operating criteria. As the present report and the earlier one to the March 25<sup>th</sup> meeting set out, whilst there is more flexibility for the council to take into account matters which impact on third parties, any decision must be evidence-based and regard needs be given to the expert opinion the Council has sought. The work undertaken to date seeks to do all that is reasonable to mitigate the impact of the changes (if agreed) with the opportunity for real and enforceable noise monitoring systems and controls to be put in place for the first time.

**Supplementary question:**

I echo the concerns of some others that there appears to be some evidence of manipulation of the consultation results . Pending clarity on this matter- can the Council assure me that it will not be influenced by the consultation in making any decision this evening?

**Reply:**

The consultation that the Council instituted looks a bit strange in some of the ways that the responses came in. However, counting only the replies that came in not online, there is still a majority in favour. Consultations are only as good as the questions asked, and it is very likely that Members will probably not pay too much regard to all the consultations and make up their own minds on the basis of the evidence provided.

**(27) From Richard Gibbons to the Portfolio Holder for Renewal and Recreation**

If Councillors for Chelsfield & Pratts Bottom and neighbouring Wards are persuaded to favour extending operating hours at Biggin Hill Airport as proposed, what tangible benefits that are relevant to Orpington will candidates be able to offer the electorate in 2016, 2018 and 2020?

**Reply:**

I have been through some of what I consider to be the advantages, but I will repeat them for this question.

As I made clear in my answer to Jo Johnson MP, protecting the quality of life for residents under the flightpath remains a real focus regardless of any decision here tonight. It is for this reason, though, that the noise contours around the Airport in the proposals are so important as noise elsewhere, under the flight path, will necessarily be less than this. For the first time, the noise contours will be enforceable and are more restricted too, with the early morning contour effectively meaning that even some aircraft currently allowed to fly in this period would be precluded. Residents will be able to monitor movements themselves online stopping confusion with Heathrow bound flights thereby bringing about greater transparency and accountability.

**Supplementary question:**

Would the Portfolio Holder agree that as it currently takes as long to travel to Biggin Hill Airport from Orpington as to central London, a commitment to sustainable travel and rapid local transport to compliment potential airport expansion would benefit the health and wellbeing of the wider community, ease congestion and improve the environment.

**Reply:**

It is one of my dearest wishes to improve transport facilities throughout the borough, however, the money is very hardly likely to be available. Therefore I think this is a very nice hypothetical question and I cannot give you a positive answer.

**QUESTIONS FOR WRITTEN REPLY FROM MEMBERS OF THE COUNCIL****1. From Cllr Tony Owen to the Portfolio Holder for Resources**

If Biggin Hill Airport is granted the additional operating hours requested, what additional income is the London Borough of Bromley GUARANTEED, in each of the first 5 years, that can be attributed DIRECTLY to the changed hours?

**Reply:**

It is premature to speculate. The lease sets out the income the Council can receive.

**2. From Cllr Tony Owen to the Portfolio Holder for Renewal & Recreation**

Of the many benefits claimed by Biggin Hill Airport to result if extended operating hours are granted, please list those that are GUARANTEED. In each case what evidence is there that extended hours are ABSOLUTELY NECESSARY for the benefits to occur?

**Reply:**

Subject to Members' decision this evening, what is guaranteed is the NAP and everything that flows from it. It is clear that if the Council decides not to agree to the extended hours, the NAP will not come into force.

**3. From Cllr Tony Owen to the Portfolio Holder for Resources**

If Biggin Hill airport were sold for housing what capital receipt might the council expect? What would be the likely ongoing annual council tax receipt?

**Reply:**

The Airport is subject to a 125 year lease (commencing 7<sup>th</sup> May 1994) to BHAL. The only permitted use under the lease is "... an airport providing facilities for business aviation flight training and private flying and other airport and aviation-related uses ... etc".

**4. From Cllr Nicholas Bennett to the Portfolio Holder for Renewal and Recreation**

How many people were employed at Biggin Hill Airport and associated sites in;

2000  
2005  
2010

and at the latest available date?

**Reply:**

Approximate employment figures as follows:

2000	980
2005	1,115
2010	1,000
2015	980

**5. From Cllr Nicholas Bennett to the Portfolio Holder for Renewal and Recreation**

What estimates for future employment at Biggin Hill airport and associated sites have been made by BHAL and the Council if the lease is amended as requested by BHAL?

**Reply:**

Employment forecasts are as per the report by leading planning consultant Nathaniel Lichfield and Partners and as reviewed by the Council's consultant URS/DTZ. NLP forecast 2,300 new jobs likely to be created over 15 years with £230 million a year of GVA into the local economy by 2030. URS/DTZ conclude that this lies within a reasonable band of assumptions.

**6. From Cllr Nicholas Bennett to the Portfolio Holder for Resources**

What was the income from National Non Domestic Rate for Biggin Hill Airport and associated sites in:

2000-1  
2005-6  
2010-11

and for the current financial year?

**Reply:**

Please find detailed below NNDR liability for properties in the post code vicinity of Biggin Hill airport



<b>Financial Year</b>	<b>Charges</b>
2000/2001	£410,900.98
2005/2006	£800,907.42
2010/2011	£965,058.38
2015/2016	£1,536,822.20

## COUNCIL MEETING ON 22<sup>nd</sup> FEBRUARY 2016

### (A) QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY

#### (2) From Robert Pattullo to the Renewal and Recreation Portfolio Holder

The proposed installation of a GPS at the southern end of the 03 runway and NAP at a cost of £3M to BHAL is for the sole benefit of the Airport. Why are you saying it is for residents benefit when it increases the sale value for BHAL?

**Reply:**

The proposal to install GPS at the southern end of the runway will mean an immediate fall in the numbers of aircraft arriving over Farnborough and the Hospital of at least 30%. Biggin Hill Airport have indicated that the figure may be closer to 40% as the new procedure will encourage more pilots to use the new Runway 03 approach than is currently the case. Also, to note that is likely to result in a reduction in noise from individual aircraft using this approach. BHAL point out that the new procedure has been designed, flight tested and submitted to the regulatory authorities by means of a formal 7 step Airspace Change Proposal (ACP). The program is currently at stage 4 of the 6 stages required prior to its full implementation. The project is indicated as being on track for autumn 2016 implementation, subject to CAA approval.

#### (3) From Robert Pattullo to the Renewal and Recreation Portfolio Holder

Why has the opinion of the Council's Senior Solicitor (expressed in 2000 and 2011 in regard to Clause 2.11 of the Lease) been ignored by Councillors in the 25th November decision?

**Reply:**

Without further information from the questioner to identify the specific advice he is referring to it is not possible to comment on the specific point. However, if you can provide that information we can engage in further correspondence with you on that point. However, Members make their decisions based on the information provided in the reports before them, and in this case (25<sup>th</sup> November decision) the report contained all relevant advice.

#### (4) From Robert Pattullo to the Renewal and Recreation Portfolio Holder

Has the Council yet prepared a business case for the infrastructure costs required to support all the improvements necessary to access the Airport, the Hotel and the College such as CPO's, roads, services etc.?

**Reply:**

Any future development proposals from the Airport or anyone else which require Council approval will have to demonstrate their necessary infrastructure requirements. Proposals will be considered on their merits in the normal way including where appropriate the funding of necessary infrastructure improvements. Developers are expected to contribute towards infrastructure as part of the planning approval process, through Section 106 payments and through the Community Infrastructure Levy.

**Supplementary Question:**

Mr Pattullo asked where, if developers provided some of the funds for infrastructure, the remainder of the funding would come from?

**Reply:**

The Portfolio Holder responded that as far as he was concerned all the funding would be from developers.

**(5) From David Clapham to the Renewal and Recreation Portfolio Holder**

The BHAL Lease currently allows home based aircraft to use the 'shoulder hours'. A whistleblower provided recordings of 9 planes which had taken off or landed outside the 'normal' hours. I provided the detail to the Councils Solicitor on 6th November and have sought specific details about these instances on four occasions and have been told there is nothing 'untoward'. I asked at the Executive Council meeting on the 13th January 2016 if LBB had a list of home based aircraft and was told it doesn't.

I request the individual specific details of these apparent contraventions of the BHAL Lease in writing please.

In addition, Mr Clapham referred to a list of out of hours flights he had received, with the designation "home base" alongside a number of these planes. He had investigated these "home base" claims and found two of them appeared to be false. He asked whether the Portfolio Holder agreed these claims were indeed false.

**Reply:**

Cllr Morgan responded that he had seen the correspondence and he was as concerned as Mr Clapham. He stated that the Council was investigating this as a matter of urgency and would do whatever it took to rectify the matter.

**Supplementary Question:**

If these are proven to be falsehoods, does the Portfolio Holder agree that this will be a contravention of the lease between the Council and the Airport?

**Reply:**

Yes, I do.

**(6) From David Clapham to the Renewal and Recreation Portfolio Holder**

It is claimed that the noise will not be higher than 50% of the UDP map. Do Councillors realise that this actually means a 50% increase compared to the current levels by 2020?

**Reply:**

The Noise Action Plan (NAP) identifies that absolute noise, as defined by the 57dB contours, is forecast to increase in 2020 compared to the current low levels, with the mapping showing that the increase in noise will be largely over uninhabited fields. The contour does not extend as far as Farnborough and Petts Wood. Whilst the 50% reduction in noise compared to the UDP lines is welcome, the reality of the UDP contour was that this was to guide development rather than as a noise limit with which Airport had to comply, with none of this in the operating criteria. For the first time, we will have an absolute limit set out which will be set out in the operating criteria, with the lease as it

stands allowing 125,000 movements at substantially higher noise levels than anything we can imagine. That will now be significantly reduced.

**(7) From David Clapham to the Renewal and Recreation Portfolio Holder**

At the Executive meeting on the 10th February, the Leader said that he had met Sir Lister a few times to obtain a commitment by the GLA to invest funds in the SOLDC. What business case did the Leader present to Sir Lister to justify the expense of taxpayers' money predominantly into a small private enterprise?

**Reply:**

It is my belief that the Leader did not present a business case himself but simply put the case (lobbied on behalf of Local Residents) for the very real potential that investment could provide for the Borough. It is then for the GLA and their officers to pursue new investment opportunities based on a proper business case at that time.

## COUNCIL MEETING ON 11<sup>TH</sup> APRIL 2016

### QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY

#### 4. From David Clapham to the Portfolio Holder for Renewal and Recreation

What specifically have the Council discovered following the information previously provided concerning the two flights operating outside hours and claimed to be 'Home Based'?

**Reply:**

The Council is satisfied that both cited did involve regular users who are account holders.

**Supplementary question:**

What is the difference between account holders and those that are based at the airport? Is it possible to have an account and not be based at the airport? What does an account holder mean?

**Reply:**

We have considered the whole topic of 'based aircraft' in light of your recent questions and analysis and concluded the examples cited are indeed 'based aircraft'. As you would expect, we have discussed this matter with Biggin Hill Airport, examined the lease and looked at the industry use of the word 'based' and reviewed historic practices prior to the grant of the lease.

Although the lease refers to aircraft which are normally based at the airport, it does not define what is meant by the term "based". Neither is there a standard industry definition of what a 'based aircraft' is. In 1991, the Council's Policy and Resources Committee defined 'based' as "jets which regularly use the airport and are account holders" and it is this broad definition that the Airport use in their operations. The use of fleet aircraft and fractional ownership has practically meant that where an individual or organisation have access to more than one aircraft but are account holders and regular users, that different actual aircraft are sometimes used by account holders and regular users. This operational practice has been in existence for some time. The volume of aircraft using the 'based' aircraft privilege is relatively low as would reasonably be expected, with these aircraft operated by account holders.

It is noteworthy that the Airport, as part of their application to change the operating hours, have effectively applied to the Council to remove the 'based' restriction from the early morning period. For the first time (if the final approval is given), there will be actual volume limits in the early morning period as well as tighter noise restrictions in this period compared with the rest of the day. It follows that the Airport, in applying for this additional flexibility, both recognise and operate within the 'based' aircraft criteria.

Please do be assured that the Council will not hesitate to take action if terms of the lease are breached and if you do have further evidence or examples which concern you, please do forward them so they can be examined.

## **5. From David Clapham to the Portfolio Holder for Renewal and Recreation**

What action does LBB intend to take on these two clear lease contraventions and what process will be instigated to ensure spot-checks on information provided are carried out in future.

### **Reply:**

To date, we have not discovered any lease contravention but as we have said many times, we will take action if evidence is brought to our attention specifically regarding the lease. If anyone does believe that the airport is operating outside its license terms this should be reported also to the Civil Aviation Authority as they would need to investigate and take action they saw fit.

### **Supplementary:**

I have informed the Council of a contravention. As there was a contravention of the lease and equally seriously CAA regulations by a landing at 21:38 on Thursday 22<sup>nd</sup> October 2015, as the landowner is the Council also vicariously liable in not taking action on non-compliance

### **Reply:**

We have spent quite a long time investigating this aircraft which seemed at one time to be a ghost. It is not a ghost. We have actually found out that the entry at Biggin Hill was incorrect. It was not entered as arriving on 22<sup>nd</sup> April but as 21<sup>st</sup> April. It arrived on 22<sup>nd</sup>, but they recorded it, whether by mis-print or typing, as arriving on 21<sup>st</sup>. It is the same problem, the same time, 21:38, so Mr Clapham's question is very reasonably addressed to that particular aircraft. What I can tell him is that that aircraft was a Phenom 100, a small six seater business jet. The airport have confirmed that they are a frequent user of the airport and have an account with them. I am therefore satisfied that this is a based aircraft in a similar way to how I described earlier.

## **6. From David Clapham to the Portfolio Holder for Renewal and Recreation**

In view of these and other potential contraventions, are the Council satisfied that the many promises made during the application process for additional operating hours will be honoured.

### **Reply:**

I refer to my previous answers as no contraventions have yet been found. If you do have evidence please bring this forward.

Whilst I respect promises, I will not rely on promises but on the legal agreement that we will be entering into and the strength that this will give to us and to everybody, and we will enter into this new agreement with the utmost care.

## **7. From Giuliana Voisey to the Portfolio Holder for Renewal and Recreation**

*(Please refer and circulate my first attachment, taken from BH Section 2, recently published by LBB – [appendix 1](#))*

The very important over-riding clause (f) of Schedule 3 is now in brackets. It could prevent the Piaggio Avanti at Biggin Hill, as is already the case at other private airports. Since you

promised that, excepting the hours, the terms of Schedule 3 will remain, why is that clause in brackets?

**Reply:**

The Council has already used this clause to look very carefully at the Piaggio, with the findings of the subsequent noise study already published in the appendix of the November report. The brackets shown on your scanned document are not in the original lease and appear to have been added in manuscript by a third party, just as someone has underlined parts of the previous paragraph. These marks have absolutely no basis or meaning in law. The deed of variation to be entered into with BHAL will be a separate deed and will not affect paragraph (f) which will remain completely in force.

**Supplementary:**

In the same document there are also square brackets and I would like to understand the difference between normal brackets and square brackets and why they are there in the first place.

**Reply:**

They have equal meaning to the round brackets in the following paragraph – no meaning whatsoever.

**8. From Giuliana Voisey to the Portfolio Holder for Renewal and Recreation**

*(Please refer and circulate Figure 7 in my second attachment, taken from the Cyrrus submission with regards to the new R03 route – appendix 2)*

The forecast procedure for take-offs from R03 no longer requires turning east one mile from take-off. Jets will now follow the Runway 21 route to the hospital, Farnborough, Crofton and Orpington. Where is Cllr Carr's promised benefit for us since, when we do not have landings, now have even noisier take-offs?

**Reply:**

I suspect you may have misunderstood the plan. The map you are referring to only shows 03 arrivals and not departures. The departure routes remain completely unchanged and as they have been for the last 30 years.

**Supplementary question:**

Why do we have a map if it does not say what is meant to happen?

**Reply:**

The green line is delineating the missed approach path when an aircraft fails to land for whatever reason and then takes off again. That shows the route that in those very rare circumstances the aircraft might follow. It is for the precision approach and then only a notional procedural path to be followed in the absence of alternative ATC instructions and radar vectors and will only be rarely used if ever. The Airport cannot change departure tracks (or other tracks) without a full airspace change proposal.

(At this point the 15 minute time limit was reached, but the Mayor agreed that the remaining questions should be answered.)

**9. From Giuliana Voisey to the Portfolio Holder for Renewal and Recreation**

£65,000 have been allocated in the new budget for extra consultancy work on the implementation of the NAP. Considering that residents have already explained that we do not consider the noise monitoring and track keeping system helpful, why do you continue to spend residents' money on this futile exercise?

**Reply:**

The Council would quite rightly be criticised if we naively accepted any Noise Action Plan that the Airport presented and therefore, we have engaged expert advice to make sure the noise monitoring, for instance, is as robust and accurate as it can be. For the first time, all of us, including residents, will be able to track individual Biggin Hill planes online, seeing exactly what path has been taken, with noise levels etc and action can then be taken if appropriate. I don't regard spending money on noise related advice as futile but you have a different view.

**Supplementary question:**

Can you imagine a 737 or a Gulfstream or a helicopter 700 feet above your home? Can you imagine 8 of them in half an hour between 6.30 and 7am, and 8 between 10 and 11 at night? The NAP noise envelope allows for this. Isn't it futile to monitor this kind of noise? Do you not see that you are donating to the airport a tool to silence us?

**Reply:**

All the costs will be recovered from Biggin Hill Airport including the £65k to which you refer. The comment about 8 aircraft in the shoulder hours - of course, it is possible now, if those aircraft happened to be based at Biggin Hill - in fact we could have more than 8, the lease has no restriction. In fact, with the overall envelopes, although you might have 8 on one particular day you would then have to have none on other days to make up for it. So the overall effect, we believe, is going to be beneficial.

**QUESTIONS FOR WRITTEN REPLY FROM MEMBERS OF THE COUNCIL**

**12. From Cllr Tony Owen to the Portfolio Holder for Renewal and Recreation**

How are agreements progressing with Biggin Hill Airport relating to the change in operating hours and when is the final version likely to be considered by the Executive?

**Reply:**

The Council has met with the Airport to outline the various conditions that were required following the Council meeting last November. We are awaiting a final response from the Airport on the conditions and how the potential implementation would happen.



is these considered excessively noisy by

measured noise data or exists, complaints received and actual operating experience) will not be allowed to use the Airport. Lists of such aircraft will be published by the Tenant and the list updated from time to time.

(11) Other Subsonic Aircraft

Noise levels measured at 3 points.

(a) "sideline" - on take-off, maximum noise level 650 metres to the side (450 metres in the case of "new" turbo-jets or turbo-fans);

(b) "take-off" - on take-off, 6.5 km from start to take-off;

(a) they have CAA noise certification;

(b) authoritative measured data exists which show that the aircraft satisfies the most stringent of the noise levels set out above, is that for modern turbo-jets and turbo-fans which is:

Sideline	94 EPNdB
Take-off	89 EPNdB
Approach	98 EPNdB

These limits will be revised in line with any Government revision. Lists of aircraft satisfying these criteria will be published by the Tenant and updated from time to time.

(12) NOT permit any movements in or out of the Airport by any aircraft which the Landlord has prescribed as being excessively noisy (having regard to measured noise data tests undertaken by the Council's Chief Environmental Health Officer, operating experience, representations received from persons living in the area or surrounding the Airport, the users of the Airport and the views of the Biggin Hill Airport Consultative Committee). The restrictive provisions of this paragraph (f) shall not apply to any

63

97

tion with the International Air Fair

display approved by the Landlord.

(13) Support and co-operate fully with the Biggin Hill Airport Consultative



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Figure 7: Proposed RNAV GNS5 IAP - Runway 03

This, in turn, allows the aircraft to maintain 3000ft amsl for this 'Direct Arrival' portion of the procedure which keeps the aircraft within CAS (base 2500ft amsl) so that LBHA arrivals are not vectored to avoid itinerant transit traffic – the intentions of which are unknown - operating in the uncontrolled (Class G) airspace below 2500ft amsl. Consequently, the track can be very predictable and therefore repeatable. Furthermore, at 3,000ft amsl a typical business jet in clean configuration would be audibly imperceptible from the ground.

- 4.2.3. In order to avoid other routes in the LTMA used by LHR, LCY, London Southend, London Stansted and London Luton, the preferred track from ALKIN would be via the LBHA overhead. However, this would mean direct overflight of significant residential areas such as Orpington and Farnborough. Whereas the type of aircraft flying this IAP are inherently quiet, the opportunity has been taken to route east and south of the Orpington conservation over relatively open countryside by introducing a turning waypoint designated ARR01 (the designation of this and other similarly-designated positions may change later) positioned overhead the M25 Junction 4; the minor increase in track distance occasioned by introducing this 'dog-leg' is considered acceptable when compared with the reduction in overflight and reduction in potential disturbance to densely populated suburban areas. From ALKIN to overhead LBHA (waypoint ARR 02) the aircraft maintains 3000ft amsl.
- 4.2.4. Subsequently, the aircraft continues on the same westerly track to a waypoint currently designated ARR03 where the aircraft turns south-westerly. The purpose of this leg is to provide some displacement to the west of LBHA so that the aircraft has enough space to turn onto final approach and descend without the procedure becoming 'rushed', possibly resulting in an unstable approach. Until the turn at ARR03, the aircraft will have been

## COUNCIL MEETING ON 4 JULY 2016

### (A) QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY

#### 4. From David Clapham to the Renewal and Recreation Portfolio Holder

My question at the Executive of 15<sup>th</sup> June was not answered. I contend that the airport has been operating out of hours. You changed the definition from 'based aircraft' to 'account holders'. Can you now please define 'account holders' and state who defined it?

##### **Reply:**

The question was answered. The Council has no evidence that the Airport are operating 'out of hours' and has looked at your reports and others too in detail as you know and has reached the same conclusion. The 'out of hours' allegation is consistently about a small number of movements in the so-called shoulder period which will not be relevant going forwards. The new operating hours replace the shoulder periods, with enhanced morning and evening controls. Referring to definitions, no one has changed anything, with the current practices of the Airport reflecting historic practices.

##### **Supplementary Question:**

On 13<sup>th</sup> January 2016 I asked if the Council had a list of home-based aircraft and was told that it did not. The definition has now been changed, so why was I not told this then? Does the Council have a list of account holders and can this list be provided in writing?

##### **Reply:**

We probably do not have a list of account holders, but we can try to obtain this and when I have got it I can see that it is forwarded to Mr Clapham.

#### 5. From Nick Bell to the Portfolio Holder for Renewal and Recreation (written reply sent)

With regard to the monitoring of activities at Biggin Hill, now that we have the Lease, the NAP and the MIL running alongside and often disagreeing or conflicting with each other, which one will prevail?

##### **Reply:**

To be clear, both the NAP and the MIL will actually be part of the lease. The proposed Deed of Variation was published as part of last month's Executive papers. I do not believe that the NAP and MIL do conflict but rather, they complement each other. The MIL therefore actually sets out details of how the NAP will be complied with.

#### 6. From Giuliana Voisey to the Renewal and Recreation Portfolio Holder

With regard to the cap on movements, Mark Bowen finally admitted that "the test will come if at a future date the Council needs to "enforce" the provision", which really is the whole point. Do council members at last appreciate what residents have been saying and will you start listening?

**Reply:**

The test will always come when the Council needs to enforce the provision and the Council was successful in the Court of Appeal the last time that the lease was tested in Court. The MIL is clear about the restrictions on flight numbers, which is significantly lower than the level agreed in the lease. The Council does appreciate what residents have been saying and that is why there has been so much scrutiny of this particular decision. I would add that residents wanted to see a binding legal agreement and that is precisely what we have here, with more control than we have had previously, which is also something residents have called for.

**Supplementary Question:**

What has happened to your promise on the night of the call-in that all sixty Councillors would ensure that the conditions would be complied with? Why did those Councillors not intervene to stop the Leader from pushing through ratification of conditions, the cap being one, which have proved unenforceable?

**Reply:**

As far as I am concerned all proper procedures have been followed, the matter has been fully debated and we now have an agreement which I think will benefit all residents.

**7. From Robert Pattullo to the Renewal and Recreation Portfolio Holder**

You have admitted there is a misrepresentation concerning operating hours at BHAL in Item 3 of the MIL. Will it now be corrected forthwith but, if not, when?

**Reply:**

The operating hours are quite clear and this is the important point. I accept that item 3 could be better phrased but the wording does acknowledge that the Airport will need to apply to the Council if they want to utilise the period 2200 to 2300 on Sundays.

**Supplementary Question:**

Would you please explain the difference between the legal terms “reasonable endeavours” and “best endeavours” and why best endeavours was not incorporated in the BHAL MIL as it appears the most effective to ensure compliance?

**Reply:**

Not being a lawyer, this is somewhat difficult, but I have asked our Legal Department about this on several occasions. Best endeavours is just so rigorous that no-one would ever get this enforced in court – if it meant flying to the planet Mars to get the last bit of something to make the thing happen you would have to do it. Reasonable endeavours does have very strong legal force and it is something that the court will enforce, and I think is satisfactory in terms of getting these conditions complied with in future.

**8. From Mike Jones to the Leader of the Council (question taken by the Deputy Leader, Cllr Colin Smith)**

In view of the fact that the majority of Bromley residents voted in the referendum to remain in the EU, would the Council reconsider their vote in favour of leaving the European Union that it took - prematurely - at February's meeting, so that the Council's views properly reflect the views of the electorate they represent?

**Reply:**

I am afraid you may have been poorly advised. The Council voted on a motion which read:

“This Council agrees that the negative impacts that the European Union has upon the efficiency and costs of Bromley Council activities mean Bromley Council would be better off if Britain was out of the European Union.”

A statement of belief, not to suggest that we vote in favour of leaving the European Union – that is clearly a personal decision.

On a personal note, whilst I suspect you will find a vast dichotomy of views across this chamber which broadly reflect the mixed opinion of Bromley’s population, I for one am delighted with the outcome of the referendum and will be writing to local MPs as well as the incoming Prime Minister in a personal capacity, urging them to sign the necessary ‘Article 50’ document to get the process started at the earliest possible opportunity.

**Supplementary Question:**

Since the referendum many EU citizens living and working in Bromley have told us that they are worried about their rights here in the UK. Will the Council fight to ensure that these European citizens already settled here can continue to live work and study here, especially considering the big contribution they make to life locally and in the UK generally.

**Reply:**

I am not really sure that making those promises are within Bromley Council’s remit, but I am aware that this is a conversation being held at national level, and I am sure that the national parties between them will make any advice that is necessary available through all the organs of the national press and media.

**9. From Sahar Awad to the Environment Portfolio Holder (written reply sent)**

What steps, if any, are being taken to tackle this problem?

**Reply:**

As you are already aware, a meeting has been convened by the Council’s Head of Waste Operations to discuss possible measures which might hopefully improve the situation locally.

**10. From David Clapham to the Renewal and Recreation Portfolio Holder**

My question about the level of fines for non-complying aircraft has not been answered. A large business jet would pay more than £2000 in landing fees, yet the maximum fine foreseen (point 19) in the MIL is around £500. How is the condition that fines should be 5 times landing fees satisfied for large aircraft?

**Reply:**

The vast majority of aircraft using the airport pay nothing like this, as you know. The level of fines of up to 5 times is an important principle which is included in the MIL and it is certainly based on this multiple.

But, but we do accept that fines should not be completely disproportionate as my previous answer to you on this subject outlined. We also accept that it should not go against the

advice provided in the ICAO document 9082, Policies on Charges for Airports and Air Navigation Services.

**Supplementary Question:**

Are you satisfied that this level of fine will dissuade people from flying out of hours?

**Reply:**

I would have thought that the deterrent in all these cases is not so much the fine but the real and distinct threat of an outright ban from the Airport. The Airport have proposed a range of measures to encourage compliance and these have been strengthened. We will be monitoring this in person as we will have a representative present at these meetings to make sure that tough sanctions are applied and more importantly that pilots that transgress do not use Biggin Hill.

**11. From Giuliana Voisey to the Renewal and Recreation Portfolio Holder**

Do the noise envelopes, based as they are on an imperfect average measure, only measure noise caused by aircraft at Biggin Hill or also Heathrow?

**Reply:**

The noise envelopes apply only to operations at Biggin Hill as they are intended as the measure of control on operations at that airfield. They do not include operations to or from Heathrow, or any other UK or international airport for that matter, as clearly Biggin Hill have no control over those operations.

Any concerns regarding the 'imperfect average' nature of the LAeq contours should be directed to the Government. It is their policy that 57dB LAeq,16h is the average level of daytime noise that marks the approximate onset of significant community annoyance. It is also their wish that noise envelopes be pursued as a means of controlling noise from operations at UK airports. Direct reference to these matters can be found in the Aviation Policy Framework, sections 3.17 and 3.29. I might also add that as no noise envelope existed before from a lease perspective, anything we have which reduces the noise that the Airport can make is to be welcomed. Furthermore, it would be unreasonable for the Council to seek to draw in controls relating to other airports which are outside control of Biggin Hill Airport or ourselves.

**Supplementary Question:**

Should the Heathrow VOR beacon be moved, although at 7,000 feet that traffic does not really bother us. Would Biggin Hill movements double or treble at 700 feet because more room is created within your selected noise envelopes which are based on the wrong measure and according to Government they are normally accompanied by other measures but you have it on its own.

**Reply:**

I do not know the answer to that question but we will investigate and will write to Mrs Voisey.

## COUNCIL MEETING ON 12 DECEMBER 2016

### (A) QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY

#### 1. From David Clapham to the Renewal and Recreation Portfolio Holder

Would the Council give an update on the current progress with the installation of the Noise Monitoring and Track Keeping System which is being installed by BHAL as a condition of being granted the extra hours of operation?

**Reply:**

It is for the Airport to properly commission their system and then to properly demonstrate their system to the Council's satisfaction. If the Council is not satisfied, the change in operating hours will not be granted. We expect the Airport to make contact when they are ready for this formal process to start. The Airport has started the installation of their noise monitoring software and has already sent calibration details of three monitors.

**Supplementary question:**

Mr Clapham asked to what extent had Bromley staff been involved in the testing and commissioning of the system.

**Reply:**

We will use experts to do this rather than our own staff as we do not have the necessary expertise within the Council to do this properly.

#### 5. From David Clapham to the Renewal and Recreation Portfolio Holder

Following the departure of the Director for Transformation and Regeneration, who has been appointed/assigned to the senior role of ensuring that BHAL comply with the terms and undertakings of the current lease and with the conditions which must be fulfilled before the extra hours of operation will be granted?

**Reply:**

The Director of Corporate Services is continuing to advise on legal and related matters with the Council's Communications Executive also continuing to be the nominated co-ordinating lead for Biggin Hill Airport, with the support of appropriate colleagues depending on the exact nature of what is required.

**Supplementary Question:**

Which officer will be responsible for finally confirming to the Council that all the conditions have been fulfilled, with special regard to clarifying how those conditions which include the wording "reasonable endeavors" can be considered to have been met?

**Reply:**

The Director of Corporate Services with advice from whatever experts we deem to be necessary.

#### 6. From David Clapham to the Renewal and Recreation Portfolio Holder

Will the Council assure residents that no flight movements within the extended hours will be allowed before the Council has agreed that all pre-conditions for the extended

operation have been met, and that any such movements will be treated as a breach of the existing Lease?

**Reply:**

As I have stated previously, until all the various conditions are satisfied, the operating hours continue to remain as they are under the existing lease.

**Supplementary Question:**

At which Council meeting is it anticipated that the report into the compliance with the conditions will be considered?

**Reply:**

It will be the Council meeting immediately following our satisfaction that they have indeed been satisfied. If they are not, we will revert to the existing lease.

**(C) QUESTIONS FROM COUNCILLORS FOR WRITTEN REPLY**

**13. From Cllr Tony Owen to the Leader of the Council**

A constituent of mine asked -

“I've seen some recent Biggin Hill Airport publicity that indicates that the Noise Monitoring and Track Keeping System will be signed off this autumn and introduced during the spring or summer of next year.”

Do you have any information where the equipment will be (or has been) located and to what extent LBB have been involved in its commissioning?

There were also quite specific promises that the data from the monitors would be accessible by residents and about what sort of data would be available. Will LBB be involved in testing this user interface and how will residents be made aware that they can use it? What will happen if it doesn't fulfil all the promises that were made? Will the interface be up and running before LBB gives the go-ahead for the extended hours?'

Who is currently the lead council officer for Biggin Hill matters?

**Reply:**

We are aware that the Airport have started the installation of their noise monitoring software and have already been sent calibration details of three monitors. We are presently seeking further information on the proposed locations for the fixed monitors and the mobile unit. In terms of signing off a suitable system, we would expect this to occur once the two fixed monitor locations are 'hard-wired' in place, and working correctly and giving the data required to ensure that all operations can be properly monitored and suitable checks made against the noise limits. It is for the Airport to properly commission their system and then to properly demonstrate their system to the Council's satisfaction. The agreement with the Council is quite clear and noise monitoring software does need to be installed to the Council's satisfaction before any change of operating hours can take place. If the Council is not satisfied, the change in operating hours will not be granted. We expect the Airport to make contact when they are ready for this formal process to start. The Council's Communications Executive is continuing to be the nominated co-ordinating lead for Biggin Hill Airport, with the support of appropriate colleagues depending on the exact nature of what is required.



## **COUNCIL MEETING ON 26 FEBRUARY 2018**

### **(C) QUESTIONS FROM COUNCILLORS FOR ORAL REPLY**

#### **10. From Cllr Ruth Bennett to the Leader of the Council**

What financial and other assistance has the Council provided to London South East College for the establishment of an Aerospace and Aviation Technology College at Biggin Hill?

**Reply:**

At this point in time no financial assistance has been provided to London South East College (LSEC) for the establishment of an Aerospace and Aviation Technology College at Biggin Hill.

The borough has been party to discussions with the College about the Technical College at Biggin Hill over the past twelve months. More recently these have focussed on the possibility of providing a commercial loan facility which the College is currently considering.

Given that no formal decision has been made and that we are also dealing with the business and financial affairs of another organisation then you will appreciate that I cannot say too much in Part 1 at this stage.

I am pleased to confirm that the Council will require appropriate security and insurance arrangements, as well that any recommendations eventually arrived at, will be subject to wider Member scrutiny in the usual manner.

## **COUNCIL MEETING ON 16 JULY 2018**

### **(A) QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY**

#### **2. From Peter Zieminski to the Renewal, Recreation and Housing Portfolio Holder**

Alternative Route to Runway 03: The increase in operating hours at the airport has caused a dramatic increase in large, low-flying aircraft. Yet the condition requesting a new route to alleviate residents North and West of the Airport has not been complied with. What are the Council's plans to provide the promised relief to residents?

**Reply:**

The Council has always accepted it is not in the Airport's power to unilaterally introduce an alternative route to runway 03. We are optimistic that this change will happen and know that the Airport have worked very hard to overcome technical difficulties and continue to liaise with the CAA even in recent weeks and months.

**Supplementary Question:**

How can it be acceptable to Council Members that the Airport has been enjoying the longer hours for over a year but the residents are still awaiting the promised mitigation? Who has really got a grip of this?

**Reply:**

The only people who have a grip of it, sadly, are the CAA. It is not within our power, as I said before - I wish it were. We continue ourselves to press the CAA, as do the Airport, we know that is the case and I feel sure that we will have decision within the next few weeks. It is the Civil Service that we are dealing with. An interesting fact that you might like to know is that the increase in movements in the extra hours that the Council has granted have been, in the period 1<sup>st</sup> April to 30<sup>th</sup> June this year, a total of 68 movements in approximately 100 days - fewer than one extra movement in the morning every day, sometimes more, sometimes less.

**3. From David Clapham to the Renewal, Recreation and Housing Portfolio Holder**

*The Consultative Minutes (18th January 2018) record... "In answer to a question from the Chairman, Richard Parry advised that the Sub-Committee only upheld complaints which related to breaches of noise restrictions. Tracking deviations were picked up automatically by the NMTKS."*

The NAP stated the NMTKS would provide members of the public with more than now reported in the Consultative Committee Minutes. Residents in Keston (Designated Noise Sensitive Area) are getting fed up with large jets visually approaching runway 03 flying low over their homes. The Committee is apparently in violation of Government Guidelines, The Aviation Policy Framework and in breach of the agreement with Bromley Council. Do you agree?

**Reply:**

The Noise Monitoring Track Keeping System (NMTKS) does provide members of the public with more than now reported in the Consultative Committee Minutes in the sense that it is a virtually live system, which also allows retrospective examination of individual aircraft flights. I am sure you are aware but I was actually present at this meeting and noted some of the welcome developments to better manage noise associated with the airport. I am supportive of the Airport focussing residents' attention on noise nuisance rather than aircraft being off-track as surely this is the primary concern of residents. That is not to say that track-keeping is not important and I welcome the fact that these are picked up automatically and that pilot behaviour is being focussed on, which the minutes make clear. I am not immediately clear which part of the 86 page aviation Policy Framework is being breached, but if you would like to advise me perhaps by email after the meeting I am happy to look at that in more detail.

**Supplementary question:**

The Biggin Hill Managing Director has acknowledged the incorrect data emanating from the NMTKS. Monitoring Biggin Hill's performance for impact on residents is vital. Is the Council aware that the data is wrong, and when will it be accurate? The Government requires open and effective communication with local communities - this is not happening.

**Reply:**

I was not aware that there was any inaccuracy and I will urgently investigate that and report back to you.

**Additional Supplementary question:**

Councillor Simon Fawthrop asked whether the Portfolio Holder was aware that the Noise Monitoring system was a deterrant for residents reporting because there was the best part of an hour's delay between being able to spot something and then report it. In this day and

age of instantaneous communication will he agree with me that such a delay is not proper and should be revised?

**Reply:**

I fail to understand why that is a deterrent from reporting, though I do understand that it is less than wholly satisfactory. There has to be some delay for terrorism and safety concerns, but not perhaps an hour and I will look into that and report back.

**5. From James Pattullo to the Renewal, Recreation and Housing Portfolio Holder**

Many residents have been adversely impacted by the increase in larger noisy jet aircraft resulting from the increased operational hours. The annual income from BHAL to LBB is over £150,000 short of the forecast when the extra hours were sanctioned. Why are the figures not published openly for all to see?

**Reply:**

The Council does not routinely publish individual income figures for specific properties that we own, and that includes Biggin Hill Airport. As you know though, because it has already been shared with you, the rental income the Council receives from the Airport is not a secret. For the record, in 2016/17, the Council received a total of £239,627, an increase of 9% from the previous year and 15% from the year before (2014/15), which represents a welcome increase.

**Supplementary question:**

Considering that income to the Council is not based on objective turnover at the airport, but on a certificate produced by the airport itself after making certain deductions, when was the last time that the Council had these certificates audited, which is allowed by the lease?

**Reply:**

Had I had notice of that question I would have discovered the answer. Now I have the question I will discover the answer and I will let you know.

**Updated reply, sent by email:**

I can now advise you that in accordance with the terms of the lease between the Council and Biggin Hill Airport Limited, the Turnover Rent calculations are certified by an independent auditor. These calculations are reviewed by the Council's Principal Accountant each year, and were also subject to a review by the Council's Internal Audit team during 2016/17 which resulted in a "substantial assurance" (the 2nd highest of the 4 categories of assurance opinion) opinion being given. In addition, when the Airport relatively recently requested the change in operating hours, the Council engaged a consultant, Chris Smith Aviation, with his advice also giving assurance that the deductions being made are being made properly.

**(C) QUESTIONS FROM COUNCILLORS FOR ORAL REPLY**

**1. From Cllr Julian Benington to the Renewal, Recreation and Housing Portfolio Holder**

West Camp, Biggin Hill is the former offices, barracks, messes, hangars and storage areas for the RAF who left the airfield and West Camp in 1992, 26 years ago. It was bought by Pentridge Properties, which company is effectively owned by Bernie Ecclestone, who used the hangars and some of the buildings for storage. Many of these buildings are Listed, but little or no maintenance has or is carried out on them, the whole site is a deteriorating eyesore and total waste.

In May 2017 a letter was sent to Pentridge Properties from this borough expressing an interest in purchasing the site. The reply received was that it had already been sold, but this sale fell through almost immediately. What steps have been or are being taken now to purchase this site?

**Reply:**

The Council wrote to Pentridge, who are the current owner of the property concerned, on 7 June stating that the Council is still interested in acquiring the above site so as to provide a sustainable reuse of the listed barrack buildings as an enterprise centre. To date we have not had a response.

**Supplementary question:**

In view of the deteriorating condition of the buildings, and the waste of the site, which is within the Mayor's Strategic Outer London Development Site, if the sale is refused or cannot be agreed will a compulsory purchase order be made to secure the site for commercial development, possibly including the new Aviation Training College planned by South East London Colleges?

**Reply:**

As regards the Aviation Training College that is no longer going on that site - it is going on another site provided by the Airport, so that is taken care of. However, I do not disagree with your sentiments with regard to these buildings. I myself have been pressing for some time to get a reply from Pentridge or to go down the compulsory purchase route. However, this is not always that simple and I will require legal advice as to whether we will succeed in doing that.

**2. From Cllr David Jefferys to the Renewal, Recreation and Housing Portfolio Holder**

Would the Portfolio Holder clarify who is responsible for controlling and monitoring the air space under 2,500 feet over Bromley for both fixed wing aircraft and helicopters?

**Reply:**

Unfortunately, it is not the Council's responsibility. Ultimately, this is a matter for Government and the Civil Aviation Authority (CAA). Controlled airspace can go from ground level to 66,000 feet in some cases, and 'air routes' can have bases down to 3,500 ft. Outside controlled airspace, aircraft can go anywhere so long as they abide by the Rules of the Air. Specifically, relating to Biggin Hill, we have double checked the position with the CAA who confirm that Biggin Hill is within airspace G. The CAA website says "In the UK class G airspace is uncontrolled. This means there are no restrictions on which aircraft can enter it, what equipment the aircraft must carry, or the routes taken by the aircraft."

The CAA have said to us, "As long as pilots follow the published rules, they can largely operate autonomously."

The CAA have essentially confirmed to us that the Council does not have a role in routes below 2,500 feet, with the Airport in charge, in that sense, albeit within the existing regulatory framework, including the controls outlined in the Lease, which includes the Noise Action Plan.

Also, it is important to note that the Council does not have additional powers as a planning authority as some mistakenly believe.

**Supplementary Question:**

In the light of this answer, and the two earlier answers, can he bring forward a meeting with the CAA as soon as possible, or at least request such a meeting, so that these matters can be discussed.

**Reply:**

I will.

**12. From Cllr Tony Owen to the Portfolio Holder for Renewal, Recreation & Housing**

The LBB Report DRR16/057 15th June 2016 promised to appoint a member of LBB staff to assist with monitoring the agreement with BHAL, paid for by BHAL. When is this appointment going to be announced, as residents need a Council officer with whom to raise their very many serious concerns?

**Reply:**

It is true that the report you refer to "proposed that a member of staff will be employed on a temporary contract" and for context it outlined that this was "to assist with monitoring, with costs for this and other related costs, such as expert advice, being met from ring-fencing the monies BHAL pay to the Council for their application costs." Whereas the application costs are subject to ongoing discussions, be assured that monitoring is nevertheless taking place. Residents do need to report their noise complaint to the airport as previously advised but they can contact the Council and the details remain on the Council's website [www.bromley.gov.uk/bigginhillairport](http://www.bromley.gov.uk/bigginhillairport). Whilst it was not necessary to appoint someone initially, this is now under review.

**Supplementary Question:**

Will the Portfolio Holder emulate Rushmoor District Council who receive and post on their website half-yearly written monitoring reports from their local airport? In their case it is Farnborough.

**Reply:**

I can see no fundamental reason why we should not do that - as long as it is practical we will do it.

**23. From Cllr Nicholas Bennett to the Leader of the Council**

How much has been spent from the Growth Fund to support Skills and Enterprise Development in the Biggin Hill Strategic Outer London Development Area?

**Reply:**

I am advised zero.

## **QUESTIONS TO THE EXECUTIVE**

### **EXECUTIVE MEETING ON 20<sup>TH</sup> MAY 2015**

#### **QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY**

##### **From David Clapham**

(1) The primary reason for the purchase of Biggin Hill by LBB and the property's designation as an investment is fundamental. The scale and impact of the application the Executive considered on 25<sup>th</sup> March 2015 is substantial. In these circumstances why did the Executive not channel this application through the Planning process?

##### **Reply**

Biggin Hill Airport's proposal was to their landlord, Bromley Council, as a tenant requesting a variation in the terms of their lease. It was not a planning application and planning permission is not required.

##### **Supplementary Question**

Mr Clapham enquired of the "Masterplan for Biggin Hill" suggesting that as all of the borough's residents had been consulted on BHAL's application to vary the airport's operating hours it was therefore a substantial issue to be taken through the planning process.

##### **Reply**

It was explained that BHAL's proposal did not require an application for planning permission and was essentially a matter between the Landlord (L B Bromley) and the tenant (Biggin Hill Airport Ltd).

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(2) The application by BHAL against the background of the URS Final Report<sup>1</sup> is significant. What steps were initiated and taken to inform Councillors and residents,

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<sup>1</sup> URS Planning for Growth in Bromley – Biggin Hill Study – Final Report – February 2015, Prepared for LB Bromley

through the Residents' Planning Seminar, LBB Residents' Federation and at local RA meetings of the existence of the URS work and Final Report?

**Reply**

The purpose of the URS Biggin Hill Study which was completed in February this year was to provide a critical assessment of the growth capacity of Biggin Hill. The work is to help inform the development of planning policies and identify enabling infrastructure requirements. As such the URS Report should be seen as an important contribution to our emerging Local Plan. The draft Local Plan will be subject to further consultation with residents and resident groups. The URS Report is publicly available.

**Supplementary Question**

Mr Clapham felt that the reply did not answer the question and he asked whether Councillors were aware of the URS report before the date of the Special Council and Executive meetings on 25<sup>th</sup> March 2015.

**Reply**

The Leader confirmed that Members were aware of the report but referred Mr Clapham to the reply from the Portfolio Holder for Renewal and Recreation highlighting the report's purpose.

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(3) The Officers Report (Ref: DRR15/035) was circulated to Councillors at midnight on 17<sup>th</sup> March 2015 providing 5 working days consideration. Given this report runs to 200 pages and did not mention the URS Report, do you consider proper and due process in accordance with the Community Involvement principles was followed?

**Reply**

I am satisfied that proper and due process was followed by the Council in issuing this report for Members' consideration including the notice period that was given prior to the Committee Meeting. As stated in answer to Question 1, this is not a planning decision but a matter for the Council to consider as landlord. Community involvement was facilitated through the consultation exercise, as detailed in the Executive Report of 17<sup>th</sup> March. There will be a future public consultation period during the Local Plan preparation process.

**Supplementary Question**

Referring to the Localism Act, Mr Clapham sought assurance on local consultation and that debate on BHAL's application had not been stifled.

**Reply**

In reply it was explained that extensive consultation had been undertaken on BHAL's proposal.

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**From Mike Overall, Keston Residents' Road Safety Group**

(1) The scale of the additional hours application by BHAL against the background of the URS Final Report must be regarded as significant. LBB Policy BH1, requires an Environment Impact Assessment in such circumstances. Why was an EIA not produced?

**Reply**

I refer to my previous answer to Mr. Clapham, which makes it clear that this is not a planning application we are dealing with. An EIA is applicable in certain cases within the context of a planning application, but the Airport's proposal is not a planning application and therefore an EIA is not required.

**Supplementary Question**

Mr Overall referred to a recent statement by the Managing Director of BHAL indicating that the proposed change of BHAL operating hours and the planning policy was a "game changer" and Mr Overall could not understand why an Environmental Impact assessment (EIA) had not been carried out.

**Reply**

The Portfolio Holder for Renewal and Recreation highlighted that the operating hours had not yet been changed. The Council's Local Plan was also being prepared. If in the future BHAL were to submit a planning application, an Environmental Impact Assessment would be undertaken.

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(2) In Section 6 of the URS Report Junction 1.2 is already operating over capacity with the narrow B265 through Keston Village taking more traffic than the A233 Westerham Road. How do you plan to encourage use of the A233 when the junction 1.1 is also close to capacity?

**Reply**

As stated in my previous answer to Mr. Clapham, the URS report will contribute to the Local Plan preparation and matters of this type will be considered in that process.

**Supplementary Question**

Mr Overall asked what steps were being taken by L B Bromley to "deal with Transport for London (TFL)" in relation to growing problems at the Keston Mark junction (Junction 1.1)

**Reply**

As the Deputy Leader and Portfolio Holder for the Environment had sent apologies for not being able to attend the meeting, the Portfolio Holder for Renewal and Recreation offered to pass on details of the question to the Deputy Leader.

The Portfolio Holder also highlighted that should a decision be taken to change the operating hours of the airport, flight movements would be capped at 50,000 annual movements. However, the issues related to junction 1.1 in the URS report did not appear to be related to the airport.

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**From Peter Slevin, Keston Residents' Road Safety Group**

Pages 102 to 124 of the URS Report cover the 'Transport Impacts of the Masterplan'. What is the Masterplan and what are the fundamental aspects?

**Reply**

As stated in the URS report at paragraph 6.1, the "Master Plan" was prepared for the Strategic Outer London Development Centre (SOLDC) by Nathaniel Lichfield & Partners. The "Master Plan" identified the growth prospects for Biggin Hill Airport. Section 6 of the URS report was considering the traffic impacts that could arise from such proposals. I am



not sure what you meant by “fundamental aspects” but I would refer you to paragraph 6.2 of the URS report which identified six junctions which could require improvements if the proposed growth were to be delivered. If development proposals are submitted for Council consideration, transport impacts of the type referred to in the URS report would of course need to be addressed through the normal planning process.

### **Supplementary Question**

Mr Slevin asked whether the “Master Plan” is a public document and who would be responsible for promoting it.

### **Reply**

The Portfolio Holder for Renewal and Recreation thought the document might be in the public domain and the Leader added that it might be associated with the GLA. The position would be clarified and confirmation (or otherwise) provided to Mr Slevin.

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### **From Giuliana Voisey**

(1) Taking the information available to us, it appears that LBB would be raising a maximum incremental income from BHAL of £1.4m by 2030, much less before then. How do you think that this figure justifies granting a 27% increase in operating hours and undertaking an unspecified amount of infrastructure and service costs?

### **Reply**

It is too soon to speculate on how much income the Council will receive as a consequence of agreeing to change the operating hours. As indicated in the report, the supplementary community payments proposed by BHAL are not considered to be commensurate with the increased level of business activity that the additional hours will facilitate or the noise generated at antisocial hours. This is the subject of further discussions with the Airport, the results of which will be reported back to Members in due course.

### **Supplementary Question**

Giuliana Voisey submitted that the maximum possible amounts of income suggested by BHAL and Cole Jarman would still be some 40% to 50% less than the average income per square hectare of land in Bromley today, and this was before any infrastructure and service costs. In light of this she questioned why BHAL’s proposal was being considered.

### **Reply**

The Portfolio Holder for Renewal and Recreation indicated that financial motive was not behind the consideration of BHAL’s proposal adding that if the Council were considered unreasonable in withholding consent, it could be taken to arbitration.

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(2) Does the Executive not see the contradiction in terms that the principle of a ‘community fund’ or an ‘out of hours’ fund represents? It would mean that LBB is encouraging more and more disruption to people’s sleep in order to increase its income. How can this be an acceptable concept?

### **Reply**

The Council must be seen to be acting reasonably in its capacity as a landlord under the lease when considering proposals from the Airport to amend the lease. We also have to consider the interests of our residents across the borough as a whole and not just those most affected by any potential changes. Within these confines the Council is doing all it can to ensure that residents' quality of life is not disrupted any more than is necessary. The Council is not seeking to encourage more disruption to people's sleep in order to increase its income. Rather we are seeking to mitigate as far as possible any further disruption to people's quality of life and to include enforceable noise controls within in any potential variation which will, if adopted, give greater control than exists at present. The Council's noise expert recognised the rationale of additional fees and/or compensation for movements that were outside the core working hours as defined by the Government. This was potentially considered to be part of the mitigation that should be sought from the Airport for any variation to hours. As stated in my previous answers, this is the subject of further negotiations with the Airport, and this will be a matter for further consideration by Members in due course.

### **Supplementary Question**

Giuliana Voisey referred to the recommendation from consultants Cole Jarman that a proposed unit of surcharge be applied to flight departures and arrivals (higher fees to be paid at times when individuals are most sensitive to aircraft noise). She suggested that an average surcharge of two units at a maximum of £250 per unit would only provide an increase of £500 per flight, out of hours. She asked how this would be a disincentive for an elite clientele that could afford private flying from New York.

### **Reply**

The Portfolio Holder for Renewal and Recreation indicated that negotiations with BHAL are continuing and that this type of payment and the result of those negotiations will be reported back to Members.

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(3) How is the Council monitoring that the passengers on the now frequent Global Express, from Teterboro to use an example, are business and not fare-paying passengers?

### **Reply**

I can confirm that there are no scheduled flights from Teterboro Airport. All flights are consistent with the lease. They are business-related and no individual tickets are sold. Flights are either whole aircraft charters or solely-owned aircraft. The Council does not currently have the capacity to undertake independent monitoring of all aircraft movements. BHAL is fully aware of the restrictions in the lease and we take specific matters up with them if we are made aware of any potential breaches. I should add that BHAL is acutely aware of the implications of a breach of lease conditions which potentially risk forfeiture of their enjoyment of the lease. It is therefore not in their commercial interest to allow any breaches. This is a matter that the Council and Airport take very seriously.

### **Supplementary Question**

Giuliana Voisey enquired whether the Council had asked BHAL to monitor larger aircraft to check that they were being used by a business for its business purposes and that they were not being used by individual fare paying passengers.

### **Reply**

The Portfolio Holder for Renewal and Recreation was uncertain whether such a request had been made of BHAL but suggested that monitoring could be undertaken if necessary.

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## **EXECUTIVE MEETING ON 10<sup>TH</sup> JUNE 2015**

### **QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY**

**From Mrs Andrea Stevens, PWDRA Committee member**

(1) Have you run any projections on how many students the aviation college would attract and, considering that the Airport has stated that Bromley Council will be financing the college, how many places would be reserved for students whose families live in Bromley?

#### **Reply**

As no proposal has been submitted, it is not possible to speculate on funding requirements or student profiles.

#### **Supplementary Question**

What amount of funding would the Department for Education be allocating to the new college?

#### **Reply**

The Portfolio Holder responded that this would be a matter for the Department for Education to consider.

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(2) What type of courses will be offered at the new college and what NVQ level would these be?

#### **Reply**

No proposal has been submitted to the Council.

#### **Supplementary question**

Would courses at the college be private and paid for by the students or are they going to be financed by state grants? If private, who would receive the income? Ms Stevens also asked if the Portfolio Holder had any idea of the time-frame.

#### **Reply**

The Portfolio Holder responded that no proposal has been submitted to the Council and that he had no idea what the time-frame would be.

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**From Penny Denby**

(1) As the NAP is based on noise measurements over a 16-hour period, why do you believe that the NAP is more beneficial to residents during the requested unsocial hours than the provisions in the Lease, which ask for 'individual flight' measures?

**Reply**

The Council is very keen to see better, more reliable flight path and noise monitoring arrangements which are transparent to everyone, including residents, to ensure that local residents are less bothered by flight movements. The provisions in the Lease remain unaltered and will stay in force: the provisions in the NAP seek to impose more stringent noise limits than those contained in the Lease. The Airport's proposals would serve to strengthen not dilute current management arrangements to achieve this aim. In considering the Airport's proposals, the Council must seek to achieve a reasonable balance between the needs of residents and the Airport, and this will be the subject of a further report to Members in due course.

**Supplementary Question**

Ms Denby suggested that the terms being proposed were less beneficial than in the lease and this was unacceptable.

**Reply**

The Portfolio Holder disagreed.

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(2) The Airport have stated that their clients do not necessarily want to fly late at night or early in the morning but they want to know that they can, then why are flights in the first half hour between 6.30 and 7.00 increasing from 31 in 2014 to 730 by 2030?

**Reply**

The Airport's proposal is based on the need for greater flexibility in hours to attract new investment and jobs (730 flights being an annual figure.) The proposed flights in the extended hours are intended to achieve this. The proposal amounts to an annual average of not more than 2 flights in each early morning 30 minute period.

**Supplementary Question**

As a supplementary question Ms Denby stated that business clients would need some certainty about knowing that they could fly when they wanted.

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**From Dr Nicola Stevens**

(1) Given that BHAL have stated that the planes arriving and departing are now larger, compared to 10-15 years ago, what revised emergency procedures are in place to cope with any incident at Biggin Hill airport and the nearby locality?

**Reply**

All aircraft are categorised as requiring specific levels of Rescue and Firefighting Capability (RFF) at any aerodromes they use. Categories range from Category 1 (a light aircraft) to Category 10. The maximum RFF required at Biggin Hill is RFF Category 4 but can, with 1 hours advance notice, provide RFF Category 6. The equipment, staffing and training required to meet this level of RFF cover is laid out in regulatory documentation and BHAL is audited regularly by the CAA to ensure that they meet the required standards. Their Task and Resource Analysis is reviewed annually and includes liaison with the emergency services. Responses to all potential scenarios, both on and off airfield, are considered and agreed where necessary with relevant emergency services. Periodic exercises are held to test that response. The last major "all services" exercise was held in late 2013 which involved some 200 personnel and which was widely reported in the local press. There have been numerous smaller exercises since. The major exercise is normally bi-annual.

BHAL's emergency response requirements follow the same protocols and regulation as is employed at all major UK and EU airports, subject to European Aviation Safety Agency regulations.

Any changes in aerodrome operation or aircraft type or size drive review of the RFF response and resource. For instance, any new operating hours will necessarily require a review and doubtless an increase in resources.

**Supplementary Question**

Dr Stevens asked whether the Princess royal University Hospital (PRUH) had been involved in any discussions about the airport.

**Reply**

The Portfolio Holder was not aware, but offered to find out.

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(2) What will the £3.5 million allocated to the airport be used for?

**Reply**

The Portfolio Holder stated that he was not sure what the £3.5m figure referred to. It was suggested that this could be money set aside in the Growth Fund for development in the Biggin Hill Area – i.e. not for the airport.

**Supplementary Question**

Dr Stevens asked what the impact of this investment would be.

**Reply**

The Portfolio Holder clarified that rateable income would increase, but it was not possible to quantify this at present.

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**QUESTIONS FROM MEMBERS OF THE PUBLIC FOR WRITTEN REPLY**

**From Richard Barnes**

(1) Could the Director for Finance please list how much Bromley Council has paid in connection with the Airport since the signing of the lease, including but not limited to the provision of reports by consultants?

**Reply**

Since the lease was signed on 6th May 1994, the Council has spent a total of £1,768k in connection with Biggin Hill Airport. This comprises £185k revenue expenditure, and £1,583k capital expenditure, a breakdown of which is provided in the table below.

	1994/95-1998/99	1999/00-2003/04	2004/05-2008/09	2009/10-2013/14	2014/15-	Total
<b>Revenue Expenditure</b>						
Pumping Station Repairs	10,462	0	0	0	0	<b>10,462</b>
Minor Grounds Improvements	0	0	0	7,980	0	<b>7,980</b>
Insurances	636	0	0	0	0	<b>636</b>
Legal Expenses	363	12,820	0	0	0	<b>13,183</b>
Noise Monitoring	34,590	24,220	17,632	15,088	1,635	<b>93,165</b>
Noise Survey	8,214	0	0	0	0	<b>8,214</b>
Consultancy Fees	16,486	169	0	0	9,000	<b>25,655</b>
Survey/Consultation Costs	0	0	0	0	25,500	<b>25,500</b>
<b>Capital Expenditure</b>						
Runway Resurfacing	1,500,850	0	0	0	0	<b>1,500,850</b>
Lighting Improvements	82,619	0	0	0	0	<b>82,619</b>
<b>Total</b>	<b>1,654,221</b>	<b>37,209</b>	<b>17,632</b>	<b>23,068</b>	<b>36,135</b>	<b>1,768,264</b>

(2) As the Airport is pledging to ban the noisiest aeroplanes during the requested unsocial hours, will the Council ask that helicopters are also banned during those hours (with the exception of medical emergencies)?

**Reply**

The lease does not require that helicopter movements are treated differently to any other aircraft movements. In considering the Council’s response to the proposed increase in operating hours, we will need to ensure that we are acting reasonably in the interests of both residents and the Airport. It is recognised that the subject of helicopters is sensitive and was specifically referred at the meeting of the Executive in March 2015. Noise mitigation to be applied to all types of aircraft movements are matters currently under consideration in further discussions with the Airport, the outcome of which will be reported to a further meeting of Members.

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## **EXECUTIVE MEETING ON 15<sup>TH</sup> JULY 2015**

### **QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY**

#### **From David Clapham**

(1) I realise that jobs matter, for any council, even if in Bromley unemployment is at the absolute minimum it can be. However, who within the Council has ascertained that the assumptions are reasonable?

#### **Reply**

The projected growth in employment numbers is based on evidence from other operational sites and these have been critically assessed by the Consultant team and officers from the Council's Renewal team. It is considered that the range of projected employment numbers are reasonable and are within the employment range for these industrial employment types.

#### **Supplementary Question**

Mr Clapham suggested that the additional 2,300 jobs by 2031 was reliant upon 69,000 sq metres employment floor space (equivalent of ten football pitches). Mr Clapham highlighted that the URS (page 52) suggested that the Nathaniel Litchfield and Partners work should be revisited. Mr Clapham asked if the Portfolio Holder agreed - there did not appear to be a direct link and reliance upon the additional hours.

#### **Reply**

In his reply, the Portfolio Holder highlighted that development with aircraft related industries was envisaged. Without the necessary flexibility in airport operating hours, the Portfolio Holder had been informed by BHAL that a number of companies connected with aircraft related industries would see Biggin Hill as an unattractive location for investment.

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(2) The access improvements for West Camp are a vital part of enabling West Camp developments; do the Executive consider the LBB plans for West Camp are also specifically dependent upon additional operational hours for the airport?

**Reply**

The future redevelopment options for the West Camp Estate are indeed linked to the need for considerable investment in enabling infrastructure. The current Growth Plan advocated by BHAL envisages that much of the long term growth across the wider West Camp Estate will be dependent upon attracting in additional Original Equipment Manufacturers (OEMS) and Aircraft Operating Companies (AOCs) who are stressing to BHAL the importance of more flexibility in operational hours.

**Supplementary Question**

Mr Clapham referred to the URS suggesting that the LPA *'undertakes a detailed infrastructure assessment feeding into the infrastructure delivery plan'*. He asked if the Executive agreed and who would fund any alterations.

**Reply**

The Portfolio Holder highlighted that pre-application discussions would take place; in regard to funding, the Council would need to be satisfied that necessary infrastructure costs are met via S106 contributions.

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**From Mrs Penelope Denby**

(1) Why is the Director for Regeneration and Transformation, who is responsible for developments in Bromley, also allowed to negotiate on behalf of affected residents? Is that not an unsustainable conflict of interests?

**Reply**

No, I do not believe the Director for Regeneration and Transformation has a conflict of interests. He is the Council's lead officer with responsibility for the Airport and our other commercial interests. The lease first and foremost is a commercial agreement and he is negotiating on behalf of the Council with the other party to the lease. It is entirely appropriate that he undertakes this work and makes recommendations to the Executive. Members and not officers will make the decision.

**Supplementary Question**

Mrs Denby sought further clarification on how the Director could remain impartial.

**Reply**

The Leader, however, felt that the Portfolio Holder had satisfactorily responded on this point.

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(2) Biggin Hill Airport already has longer hours than City, Farnborough and Northolt airports. Biggin Hill say that they want to compete with Luton for business aviation. Why does Bromley Council want to transform our residential borough into another Luton?

**Reply**

No, we do not want Bromley to become another Luton (one is quite enough). We are, however, required to conduct our negotiations with the Airport in a reasonable manner, carefully weighing up the pros and cons of any proposals they may wish to make. This is what we are doing and in the interests of both our residents and the Airport.



**Supplementary Question**

Mrs Denby sought to understand why Biggin Hill airport compared itself with other 24-hour operators, such as Luton, if Biggin Hill was not regarded as another Luton.

**Reply**

In responding, the Portfolio Holder included reference to business aviation at Luton being squeezed out, and he considered that Biggin Hill was not like Luton, not having any scheduled flights unlike Luton which has many.

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**From Tony Trinick**

(1) Cllr Carr promised me personally that residents would be given the results of negotiations with the airport weeks ahead of any decision-making Council meetings. What date will that be please?

**Reply**

It is always difficult to be precise on dates when discussing matters of this type. However, I hope the Council will have concluded discussions with the Airport in/by September and we will allow the appropriate time before the decision making meeting.

**Supplementary Question**

Mr Trinick asked to be kept informed of a date when known, and suggested that residents affected by the flight path would be able to provide a better arrangement with the airport for residents (in the lead flight path) – Mr Trinick felt that what was being offered was not a better deal.

**Reply**

The Portfolio Holder suggested that it was necessary to await the outcome of negotiations.

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(2) Do you agree that the GPS system to Runway 03, if approved, is not a benefit for the residents, but to the airport, so it can attract larger aircraft from the States and further afield, which find the current visual approach difficult?

**Reply**

The new GPS system to Runway 03 will provide the all-weather guidance for aircraft currently using the airport and will not only be a significant enhancement for safety, but will also be of considerable environmental advantage by keeping aircraft higher for longer and following a consistent track unlike at present. The removal of 35% of flights from the runway 21 system can only be seen as a benefit to those residents living under that flight path.

**Supplementary Question**

Mr Trinick questioned how this could be of benefit to residents – larger aircraft would be attracted and Mr Trinick gave examples of areas where he considered the aircraft would fly over.

**Reply**

The Portfolio Holder indicated that this was part of negotiations with the airport, keeping the interests of residents in mind in so doing.

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(3) What changes to the flight path route into Runway 021 are being negotiated with the airport, as moving this away from residential areas is one essential element for residents if extra operating hours are to be considered?

**Reply**

There are no changes proposed to the flightpath route into Runway 21 other than those already announced (raising the vectoring height over Petts Wood and Chislehurst). This is a long established route and widely seen as the safest one from the upper airspace into Biggin Hill.

The Airport is continuing to progress plans for a new approach procedure into Runway 03. They are following a formal process called an Airspace Change Proposal which is the formal process by which the airport submits its plans to the Department of Airspace Policy, the CAA, and National Air Traffic Services as well as consulting other stakeholders. This formal process is already underway. As part of this, residents groups and Councillors have attended focus groups as have pilots, air traffic and airspace providers. Once the output of these focus groups has been considered, the designs will be finalised for consultation. This is expected in the autumn.

As a result of the changes being proposed, inbound traffic into Runway 03 will certainly be higher than before.

The new 03 approach is also expected to reduce the number of flights using Runway 21 by around 35%.

Significant investment will be required to deliver the necessary changes to the runway environment and approach lighting to enable the new procedures to be implemented once they have been formally approved. The Airport has given an undertaking to make this investment as part of their negotiations over the change to the Airport's operating hours.

**Supplementary Question**

Concerning the flightpath route into Runway 21, Mr Trinick indicated that it would be necessary to see how higher the elevated flight path route would be (above the existing flight path).

In his question, Mr Trinick enquired whether the Council accepted a pledge made by Biggin Hill airport – in this context Mr Trinick made reference to Formula 1 – and there being no need to increase operating hours.

**Reply**

In response, the Portfolio Holder indicated that he did not see the connection.

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**From Giuliana Voisey**

(1) The Portfolio Holder for Renewal and Recreation has said that “income to the Council” is not the driving force in the negotiations with the Airport. Then could you please explain why are you pursuing the concept of the community fund, which has the effect of encouraging flights at unsocial hours?

**Reply**

A community fund will follow on from any change in operating hours and not the other way around.

If any such flights are permitted it makes sense to seek to attract a payment from the Airport for such movements as part of the mitigation measures.

**Supplementary Question**

Giuliana Voisey questioned how it was possible to consider that Councillors were representatives of affected families by negotiating on noise envelopes and a community envelope.

**Reply**

The Portfolio Holder indicated that Members were taking forward negotiations for all of the borough, keeping all matters in balance.

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(2) Could you please explain what the grant of £398,000 from LBB to BHAL recorded in BHAL's accounts for 2007 refers to?

**Reply**

The way BHAL's accounts are constructed is a matter for them. I can confirm that the only money LBB has spent was on resurfacing of the runway at a cost of £1.5m in 1994 prior to the lease being signed.

**Supplementary Question**

Giuliana Voisey asked how it was possible for Councillors to refer to *reasonable* when imposing anguish to residents without any tangible benefit.

**Reply**

The Portfolio Holder suggested that if the Council were to receive some income from the Community Fund, so much the better.

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(3) Could you please explain why you think that the 'noise envelopes' being negotiated protect the residents more than the clauses in the Lease because they do not appear to do so?

**Reply**

If the areas around the Airport that are adversely affected by aircraft noise are reduced, that would be a good thing. The noise envelopes do not substitute the noise restrictions set out in the Lease, they augment them.

**Supplementary Question**

In her supplementary question, Giuliana Voisey sought to understand why it was necessary to have a capped number of flights at unsociable hours. Although the flights might be more productive for the economy, she indicated that residents would be stressed (possible sleep disturbance etc) and not strong.

**Reply**

The Portfolio Holder felt that such concerns were matters of judgement which would be taken into account.

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**From Anthony Barnes**

(1) The map on P 13 of the NAP shows routing for rwy 03 similar or the same as that which has been in place for many years. Is it intended that the routing, if the GNSS approach is adopted, will be much higher than hitherto, if so, how high?

**Reply**

The Airport is continuing to progress plans for a new approach procedure into Runway 03. They are following a formal process called an Airspace Change Proposal which is the formal process by which the airport submits its plans to the Department of Airspace Policy, the CAA, and National Air Traffic Services as well as consulting other stakeholders. This formal process is already underway. As part of this, residents groups and Councillors have attended focus groups as have pilots, air traffic and airspace providers. Once the output of these focus groups has been considered, the designs will be finalised for consultation. This is expected in the autumn.

As a result of the changes being proposed, inbound traffic into Runway 03 will certainly be higher than before.

Significant investment will be required to deliver the necessary changes to the runway environment and approach lighting to enable the new procedures to be implemented once they have been formally approved. The Airport has given an undertaking to make this investment as part of our negotiations over the change to the Airport’s operating hours.

Until these changes have been approved and implemented, aircraft will continue to use the current route into Runway 03. It would therefore be misleading to use the map with the new route in the Noise Action Plan until these changes have been finalised.

**Supplementary Question**

Mr Barnes sought to clarify whether negotiations on a new approach to Runway 03 were based on a completely different routing. There would be a higher level for inbound flights and if the approach to the runway was to be completely different, Mr Barnes sought further information in regard to the approach.

**Reply**

The Portfolio Holder understood there would be a steeper approach to the runway and would arrange for Mr Barnes to have the necessary technical information in writing.

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(2) If the proposed GNSS approach to land on rwy 03 is adopted, will larger jet and turbo prop aircraft be routed at high level (say 2,400' amsl) to somewhere like or near Kenley to commence the approach to land?

**Reply**

The new 03 route will certainly be to the west of the airfield and be higher than at present. Once established the route will be followed by all aircraft making an instrument guided approach, whatever type of aircraft that may be.

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(3) Advice to me from the CAA is that procedures for approach and landing are a matter for the aerodrome and its operators, NOT the CAA. In light of this advice will LBB insist that jet and turbo prop aircraft approaches to land on rwy 21 are straight in on the extended centre line and not via low level circuits above local rooftops?

**Reply**

The airport manages flights within its own air traffic zone surrounding the airport. The Biggin Hill aerodrome traffic zone is a circle centred on the mid-point of the main runway with a radius of 2.5 nautical miles. It extends from ground level up to the base of the London Terminal Area at 2,500 feet above mean sea level. Outside this area is managed by National Air Traffic Services.

The Runway 21 ILS approach is used for 99% of all jet and turbo prop aircraft using runway 21 which normally make a straight in approach using the ILS for guidance. However traffic arriving low level from the west (normally positioning from Farnborough Airport, Hants) will usually arrive by means of a right hand visual circuit to runway 21 and this takes them over the area of Hayes. This is a procedure that has been in constant use since the aerodrome was built. This saves fuel and hence emissions. They consequently do not cross the area of the borough further to the north east so this gives an advantage elsewhere in the borough.

The numbers of aircraft are very small (less than one per day). However, the proposed new track keeping system can be set to monitor aircraft heights such that aircraft do not drop below a standard 3 degree approach slope at any point during the approach phase.

**Supplementary Question**

Mr Barnes indicated that his focus was about circuit rather than approach.

**Reply**

The Portfolio Holder would consult further with Council officers and given the level of technical detail (including mapped information) related to the matter, the Portfolio Holder offered Mr Barnes the opportunity of a meeting to discuss his concerns further. Accordingly, an approach would be made to Mr Barnes to arrange such a meeting.

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## **EXECUTIVE MEETING ON 9<sup>TH</sup> SEPTEMBER 2015**

### **QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY**

#### **From Mrs Annick Tuesley**

(1) Why do we feel that the Council is not being open with residents most affected by the increase in hours? Would it not have been better to work with those residents rather than agree an approval in principle when even Councillors were not given sufficient time and information before the meeting of 25th March?

#### **Reply**

The Council has sought to be as open and transparent as possible with local residents and this is reflected in the Council-run consultation exercise, the largest ever conducted by the Council. I also do not accept that Councillors were not given sufficient time and information prior to the meeting on 25<sup>th</sup> March.

The subject of airport operating hours along with the proposals put forward by the Airport which were debated at the meeting of 25<sup>th</sup> March 2015 had been in the public domain for well over 6 months and had been the subject of two extensive public consultations, one conducted by the airport operator and one conducted by LBB. It is not credible to suggest that the matters debated at that meeting were not understood by members. The number of individual opinions expressed by members from both sides of the argument, expressed at that meeting, suggest that the proposition was well understood and that the decision to enter into further discussions with the Airport was reached in accordance with due process and normal practice.

#### **Supplementary Question**

Referring to the existence of a VRS report and a potential M25 related expansion, Ms Tuesley asked why these matters were not covered even though jobs were.

#### **Reply**

The Portfolio Holder was unable to comment.

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(2) Why do the Council feel that these increased hours, that will devastate the lives of those under the flightpath, are so instrumental in the expansion of BHAL? What proof do you have of it?

**Reply**

The Council's own plans and strategies recognise the Airport as one of the Borough's key employment growth areas. This is also reflected in the Mayor of London's designation of the Airport as a Strategic Outer London Development Centre (SOLDC). The Airport is not unreasonably putting to the Council their opinion that the hours, which were set twenty years ago, are impacting the realisation of the Airport's true potential as a business and general aviation airport and need to be reviewed. The Council is keen to remove any potential obstacles to growth where it is reasonable to do so. Indeed, the Council is working assiduously to ensure that both the Airport and residents' interests are properly considered.

Experience has shown that an increase in airport operating hours is an important issue to potential inward investors including aircraft maintenance companies and aircraft operators. Presently, aircraft operators have a choice of 6 London Airports – Luton, Stansted, Farnborough (Hants), Northolt, Southend and Biggin Hill. Luton, Stansted and Southend are open 24/7 whilst Northolt and Farnborough (Hants) both enjoy optimal road links to the West End.

It is against this background that Biggin Hill must compete. The airport's business case is based upon obtaining a better financial yield from each aircraft movement as opposed to simply increasing in the number of movements at the airport. The Airport's proposals are firmly based on remaining in the Business and General Aviation sector and, as we understand it, do not rely upon attracting larger or noisier aircraft, but rather upon attracting newer generation, quieter, cleaner aircraft. This seems to be a desirable direction of travel for the Borough.

If aircraft operators are to use Biggin Hill as a base for their aircraft, we understand that they will require more flexible operating hours. Aircraft based at Biggin Hill will require parking and hangarage, aircraft maintenance and refurbishment services, cleaning and catering services, flight planning services and a variety of ground handling services. This creates a range of valuable jobs along with increased revenues.

Statistics show that business jet aircraft based at Biggin Hill, on average, make less than 25 departures per annum and spend much of their time conducting business overseas before returning to base. This is in contrast to visiting aircraft which might stay for a day or two whilst purchasing significantly fewer services during such a visit. The airport business plan therefore appears to be consistent with encouraging economic growth and this is consistent with the aims of the SOLDC designation afforded to the airport and surrounding industrial area which is intended to stimulate just such growth.

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(3) Why have the Council spent so much time and effort meeting and liaising with the airport but we affected residents have had to battle to even have meetings with Cllr Carr

and other members of the Council? Why is the Council overall showing such evident bias for BHAL?

**Reply**

The Council has engaged technical consultants in order to ensure that the controls and mitigations to be put in place are clearly identified and fit for purpose. The subject of environmental control and mitigation is very much a matter for experts, which is why the Council elected to appoint expert advisors Cole Jarman. The Council conducted a very substantial consultation over the airport proposals and a substantial majority of residents supported the proposals. On this basis, the Council agreed in March, to have further discussions with the Airport on such controls and concessions as it might reasonably be able to require and as you would expect, this is precisely what the Council has been doing since March 2105. It is very appropriate that the Council has put time and effort into this process in order to ensure that the subject has been fully considered and the best solutions identified.

**Supplementary Question**

Ms Tuesley suggested that the same amount of time and effort put into discussions with the Airport should be applied to engaging with residents affected by the BHAL proposal.

**Reply**

In response the Leader was resentful of any suggestion that Members were not meeting residents.

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**From David Clapham**

1. We know that the Council has spent a total of £1,768,264 (£185k revenue and £1,583k capital) in connection with Biggin Hill Airport since the 6th May 1994. Could the Director of Finance please list, by year would be helpful, the rental income the Council has received during the same period.

**Reply**

Since the lease was signed on 6th May 1994, the Council has received a total of £2,434k rental income in connection with Biggin Hill Airport, a breakdown of which is provided in the schedule before you (Annex to this document).

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(2) We see that you will be launching a new consultation. Will all the letters sent by residents since the 25<sup>th</sup> March to Councillors and Council Officers be counted? Residents will probably not write again as they will believe that they have already sent in their objections.

**Reply**

We have not yet decided on the final form of any further consultation with residents, but it is likely to be web-based, encouraging residents to inform the Council of any views they may have on the report to be considered by the Executive. Resident Associations will also be written to inviting their comments. We do not envisage the consultation to include Yes/No votes as previously.

The Leader added that all communications would be fed into the further consultation.



**Supplementary Question**

Mr Clapham suggested that weighting be applied to the assessment of consultation responses in recognition that some respondents would be located outside of the area immediately affected by any change in BHAL operating hours.

**Reply**

The Leader acknowledged that it would be different for those residing at the end of the flight path compared to those residing in other parts of the borough. There was also benefit to be considered for all in the borough alongside recognition that residents under the flight path are concerned.

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**From Bruce Anderson**

(1) It has become clear that a substantial proportion of the revenues in BHAL’s plans, and the consequent income for the LBB, comes from hangarage and ground services. Does the Council now agree that there is little justification for the extended hours considering (a) the impact on the local community and (b) the required infrastructure expenditure, for little financial return?

**Reply**

As was stated in the report to the March Executive meeting, it is claimed that without the changes to the hours, inward investment is much less likely. This is one of the issues that the Executive must assess.

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(2) Even under the current lease it is permissible for planes such as the Boeing Business Jet/Boeing 737 to visit. However, we are sure that, as this is a residential borough, both the Council and the airport will have concluded that planes of this size/noise should not take off and land in the requested extended, unsocial hours. Can we assume that, in your negotiations this undertaking was sought and that this assurance has been freely given?

**Reply**

Under the current lease, the airport can theoretically handle up to 125,000 annual movements by Boeing 737 sized aircraft because the only formal noise controls in the lease relate to the specific noise signature of aircraft concerned. If the noise signature falls below the set limit, and the Boeing 737 does, then the aircraft is permitted to use the airport as often as may be required. The proposed Noise Action Plan currently under consideration would deliver, for the first time, real controls on the noise that the airport can make in the community, offering protections for the future that do not currently exist. This limit is to be policed by a state-of-the-art Noise Monitoring and Track keeping System. Aircraft unable to comply with the set limits will not be allowed to use the airport at all. Different models of the Boeing 737 create different noise signatures – later models being significantly quieter than earlier models - so it is difficult to say whether or not certain models of any aircraft type will or will not comply with the proposed noise limits, which mirror current government guidelines and best practice. Any aircraft using the airport at any time of day will need to comply with the limits set out in the proposed Noise Action Plan.

I am pleased to confirm that the airport has entered into the process of agreeing the Noise Action Plan willingly and cooperatively and has engaged fully in arriving at suitable

solutions designed to minimise noise nuisance as far as may be practically possible. It has been a long and highly detailed process.

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(3) According to a report from an independent Airport Noise Consultant which has been made available to the Council, the new proposals by the Airport do not appear to be as stringent as those already in the lease, which also do give the Council the right to monitor noise. On this basis, is it the case that the Council may view the offer by the airport of the proposed new system, less effective than the current lease for affected residents, as a poor negotiating point on behalf of BHAL?

**Reply**

Since the revised Noise Action Plan has not yet been published it is difficult to understand how the plan might have been assessed by an “independent expert”. In any case, such advice is at odds with that received from Cole Jarman, who are retained to advise the Council on the subject of airport related noise and who have been close to the matter throughout the process of designing and specifying the required noise controls and mitigations.

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**From Giuliana Voisey**

(1) Councillors are probably aware that the reason why the Airport intends to install GPS is to attract larger aircraft from further afield who would find it difficult to land on runway 03 with only visual approach. Do you accept that GPS is an aid for airport development, not a benefit for the residents?

**Reply**

There is no evidence to support the suggestion that a GPS approach is designed to attract larger aircraft. Indeed recent press in the Times highlighted the important part that new GPS tracks play in reducing aircraft noise and emissions. I do not accept that GPS is provided for any other reason than best practice, enhanced safety of aircraft and improved noise routing.

**Supplementary Question**

Highlighting that larger aircraft would not use the airport without GPS and a previously installed Instrument Landing System (ILS), Ms Voisey suggested that the situation would be compounded should the airport operating hours be varied as requested by BHAL.

**Reply**

In his reply, the Portfolio Holder referred to a GPS approach being able to track aircraft and identify aircraft that are off track in their approach and to keep a record of such occasions.

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(2) Mr Curtis keeps stating that the NMTK (Noise Monitoring and Track Keeping) system costs £250,000 and can only come as ‘part of a package’, i.e. with longer hours. In view of the fact that precision tracks are objectionable and under investigation by Aviation Minister Goodwill, and noise monitoring will only demonstrate that 737s are within the limits, is the Council still thinking that NMTK is a suitable quid-pro-quo for longer hours?

**Reply**

The Noise Monitoring and Track Keeping System is a specific recommendation of the Council's airport noise consultant. The system will deliver real benefits to local residents by identifying any aircraft that do not abide by prescribed procedures, allowing action to be taken against the operators of those aircraft which may include sanctions or even total exclusion from the airport. In the same way that speed cameras are used to improve the behaviour of drivers, so the NMTKS will improve adherence to set procedures and limits.

There is no statutory legal requirement for an airport the size of Biggin Hill to adopt a Noise Action Plan or indeed a Noise Monitoring and Track Keeping System. Under government guidelines, Biggin Hill would need to carry out approximately five times the number of jet traffic movements it handles today before a Noise Action Plan would be a mandatory requirement.

Despite this, the Council have required the adoption of a Noise Action Plan as a condition of considering the application to vary the airport hours and have appointed expert consultants, Cole Jarman, to ensure that the Noise Action Plan is adequate in scope and content.

**Supplementary Question**

Ms Voisey suggested that a resident awoken by a Boeing 737 at 11pm would not find it helpful on complaining to be advised that the aircraft noise, following monitoring, was within limits.

**Reply**

The Portfolio Holder suggested that a balance was needed and it was necessary to keep track of aircraft.

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(3) Is it correct that the Council intends to spend tax-payers' money on infrastructure so that BHAL can attract companies, largely from abroad, of the type of Rizon Jets?

**Reply**

The Council currently has no such plans. Infrastructure costs related to any new development/planning applications will be considered by the Council in the normal way.

**Supplementary Question**

In her supplementary question, Ms Voisey claimed that Rizon jets and its sister hangarage company had paid no tax in the UK. Ms Voisey also referred to where she understood that a purchaser of some of Rizon's activities was incorporated. Ms Voisey suggested that taxpayer's money was being used for the benefit of such companies.

**Reply**

The Portfolio Holder advised that tax matters were not within his remit.

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**QUESTIONS FROM MEMBERS OF THE PUBLIC FOR WRITTEN REPLY**

**From Mr Matthew Coates to the Portfolio Holder for Renewal and Recreation**

1. We have reports of different numbers of companies operating at the airport. The Airport website lists 52. Mr Curtis says 65, NLP 60 and Jones Lang Salle 30. Could you please provide the correct list of all the companies located at Biggin Hill airport and the adjacent industrial area, with their names?

**Reply**

If you have a specific interest in the number of companies based at the airport then you will find that the airport website contains a list of resident companies. You should note that the wider Biggin Hill Strategic Outer London Development Centre (SOLDC) area also contains companies on the adjoining industrial estate, such as Formula One Management. Of course, you might expect the number of companies based at the airport to change from time to time as a result of the normal ebb and flow of business just as is the case elsewhere in the UK economy.

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2. Following on from the question above, could you please list the number of the employees each of the above companies has on its payroll (full time and part time)? This is an essential piece of information on which to base forecasts for future jobs.

**Reply**

The Council does not hold up-to-date information on the employment status of employees at the Airport.

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**Annex**

Breakdown of £2,434k rental income received by L B Bromley in connection with Biggin Hill Airport.

<b>Year</b>	<b>Income Received £</b>
1994/95	45,034
1995/96	50,000
1996/97	51,881
1997/98	58,214
1998/99	80,125
1999/00	74,638
2000/01	75,093
2001/02	82,863
2002/03	87,478
2003/04	91,094
2004/05	88,039
2005/06	98,380
2006/07	113,475
2007/08	132,791
2008/09	177,831
2009/10	181,258
2010/11	162,791

2011/12	176,831
2012/13	193,038
2013/14	204,980
2014/15	208,528
<b>Total</b>	<b>2,434,362</b>

## EXECUTIVE ON 14<sup>TH</sup> OCTOBER 2015

### QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY

#### From Mr Bruce Anderson to the Portfolio Holder for Renewal and Recreation

1. Has the Exec's assessment of the claim that additional hours would attract inward investment included:

a) Scrutiny of provisional commitments of additional business, given by companies, as a consequence of the expectation of extended hours

#### **Reply**

Both the Council and the GLA have recently been involved in assisting BHAL in pitching for inward investment by a multi-national, blue chip, aircraft maintenance provider to whom airport hours were the number one concern. The Airport's current operating hours ultimately led to a decision on the part of that company to invest elsewhere. The Council is aware of other potential opportunities and must take into account research shared with the Council which shows that airport operating hours are a key driver to attracting inward investment from the business aviation sector in the future. (This research has been shared with the Council on the basis that it is Private and Confidential and Commercially Sensitive).

b) Study of those companies that comprise BHAL's potential market, becoming accessible with the new hours, assessing the level of business that might be attracted?

#### **Reply**

The Council received a substantial piece of work commissioned by BHAL from independent market research consultants, Wing X of Switzerland (this research has been shared with the Council on the basis it is Private and Confidential and Commercially Sensitive). It clearly shows airport hours are important if BHAL is to succeed in attracting inward investment in the future. Furthermore, it is very unlikely that any airport owner would wish to be open longer than business demand required because the costs of opening longer must be offset by a business case. If the business case for longer opening hours proves to be invalid, it would follow that BHAL would choose to discontinue that policy and return to shorter hours for purely financial reasons.

### **Supplementary Question**

Mr Anderson suggested that it would be true to say that there are many outsiders (with interest in investment) and he enquired whether the Portfolio Holder was content that those companies and the wider market was not available to Biggin Hill without extra operating hours at the airport.

### **Reply**

The Portfolio Holder indicated that from discussions with companies it would appear they would not come without the extra operating hours and that it was difficult to plan without such hours.

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2. Is the Executive able to share with us the Agenda it is pursuing with BHAL on extended hours given that it is unlikely to be a financial one as, by 2030, the rental income to LBB would seem to be equivalent to less than £5 pa, per Bromley household on Council Tax?

### **Reply**

The direct revenues to the Council by way of rent and rates are only part of the Council's considerations and should not be viewed in isolation.

The potential benefits to the local economy and residents of the Borough do not stop at rental and rates income. Airport and Council consultants agree that Gross Value Added to the local economy – that is to say additional spend in the local economy as a result of additional economic activity at the airport - is predicted to amount to some £230 million per annum by 2030. It is estimated that up to 2,300 new jobs and apprenticeships will be created, offering valuable career opportunities to Bromley residents.

Notwithstanding any rent/rates and employment benefits, it should be borne in mind that the Council does not have a “free hand” in determining the application, as the relationship between the Council and BHAL is regulated by the lease. The lease enables the Airport to seek variations or amendments to the Operating Criteria which includes hours of operation, and the Council cannot unreasonably withhold agreement.

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3. What happens to BHAL's business if you do not grant the hours (assuming arbitration/courts also turned them down)?

### **Reply**

If the extended operating hours are not approved, it seems likely that BHAL would gradually lose market share in business and general aviation to other airports such as Farnborough, Southend and perhaps even Oxford and Cambridge who would instead benefit from inward investment and cluster effect, leaving Biggin Hill with a shrinking market share and potentially seeking other options in order to survive. Against a backdrop of increasingly congested runway capacity in London, that may ultimately lead to a challenge to re-introduce the types of flight that we have previously deemed unsuitable for the airport and which we continue to believe are unsuitable. Against this backdrop BHAL are seeking our support to enable them to gain a market share to cement their position as a business aviation airport. It appears from market research reports submitted by the airport to the Council and indeed from the Council's own experience and interaction with

potential overseas investors in facilities at Biggin Hill, that airport hours are important to the sustainability of Biggin Hill in the business aviation sector.

**Supplementary Question**

Mr Anderson referred to the record of entrepreneurial activity by owners of operations at Biggin Hill and he asked whether they had a “Plan B” with additional workplace development. Mr Anderson asked whether there was an understanding of what a “Plan B” might be and whether that had been measured against the feeling of some 100,000 flight path residents, most of whom were against an extension of airport operating hours.

**Reply**

The Portfolio Holder replied that he was not sure of the detail of any “Plan B” but it was necessary for businesses to thrive and survive. The Portfolio Holder had not had an assessment of a “Plan B” as details were not known. The Portfolio Holder felt that any type of “Plan B” envisaged would be much worse than now and worse for residents.

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**From David Clapham to the Portfolio Holder for Renewal and Recreation**

4. As it seems likely that the application by BHAL for additional hours will be decided before the Draft Local Plan is finalised, can the Executive please confirm that the decision will be made with full obligation to the existing UDP objectives and in particular number 1 and note 12.1.

**Reply**

The Council is making a decision as landlord not as Planning authority. However, it should be noted that the proposal includes a reduction (50%) to the noise levels currently permitted by the existing Local Plan.

**Supplementary Question**

Mr Clapham asked when the Council intended to make the forthcoming report (to Council and the Executive) public?

**Reply**

The Leader indicated that the report (which would be subject to amendment) would be available within the next day or two – possibly on Friday 16<sup>th</sup> October 2015.

**EXECUTIVE ON 13<sup>TH</sup> JANUARY 2016**

**QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY**

**From Mr David Clapham to the Portfolio Holder for Renewal and Recreation**

1. Does the Council have a current list of aircraft based at Biggin Hill? If so can a copy be provided to me in writing.

**Reply**

No, we don't have a list.

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2. In preparation for the call-in for consideration by the Executive and Resources PD&S Committee it was said by a Councillor that there had been no minutes taken for the negotiation meetings between LBB and BHAL. Can the Executive confirm whether or not this is correct? If it is not can the minutes be made public?

**Reply**

I can confirm that no minutes were taken of these meetings.

**Supplementary Question**

Mr Clapham enquired how it was possible to have negotiations without them being recorded.

**Reply**

The Portfolio Holder suggested that minutes would not be taken of a negotiating meeting. Officers would continue to take action (irrespective of whether minutes are produced). If notes were taken they would in no sense be formal minutes.

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3. I understand from Cllr Morgan's comments at the Executive and Resources PD&S Committee that one reason the 50,000 cap has been considered no longer necessary was due to leases granted by LBB many years ago to businesses on the airport, which allowed 125,000 movements. Is this correct?

**Reply**



The reason is indeed because of wording in leases originally granted by the Council.

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**From Mr Tony Trinick FREng to the Portfolio Holder for Renewal and Recreation**

1. Do the Council now intend, as a Judicial Review has been issued, to see good sense and review the BHA extended hours decision before incurring unnecessary legal and other costs, particularly in a period of austerity with Local Authority budget cutbacks?

**Reply**

We have yet to be served with either the required protocol letter or any proceedings. We will respond appropriately when we are.

**Supplementary Question**

Mr Trinick indicated that if a Judicial Review had not been served, measures would be taken to serve again. As such Mr Trinick repeated his question.

**Reply**

The Portfolio Holder indicated that the Executive's decision in regard to operating hours for Biggin Hill airport would not be reviewed (call- in of the decision for Executive review having not been supported by the Executive and Resources PDS Committee at their meeting on 5<sup>th</sup> January 2016) and the Council would seek to recover costs in dealing with proceedings.

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2. Why should we trust the Council to protect Bromley residents' interests and money when it does not understand the importance nor care about scrutinising a decision between the Council and the airport?

**Reply**

The Council understands the importance of scrutiny and this is evidenced by two special Council and Executive meetings dedicated to considering the merits of the application. The Council has a long and proud record of protecting Bromley residents' interests, and that is precisely what has happened in the case of this application.

**Supplementary Question**

Mr Trinick enquired whether the Leader would ensure that the Scrutiny Committee properly scrutinises rather than the process be "stage-managed".

**Reply**

The Leader confirmed that he and other Executive Members are not involved in the Council's scrutiny process.

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3. Why does the London Borough of Bromley have a constitution that allows Councillors to both make a final decision and then some of those same Councillors scrutinise that same decision?

**Reply**

It doesn't.

**EXECUTIVE ON 10<sup>TH</sup> FEBRUARY 2016**

**QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY**

**From Mr Andrew Newlands to the Portfolio Holder for Renewal and Recreation**

1. The Airport pledged that no development would be outside the existing airport boundary. Could you therefore provide a map of such existing airport boundary?

**Reply**

The airport lease is registered at the Land Registry and a copy of the registered title, which includes an official plan showing the area leased, is publicly available from the Land Registry on payment of a small fee.

**Supplementary Question**

Mr Newlands asked the Portfolio Holder whether he had a copy of the plan and enquired further whether any development would be within the airport boundary.

**Reply**

The Portfolio Holder indicated that he did not personally have a copy of the plan and indicated that any development plan would have to come to L B Bromley as Planning Authority. However, the Portfolio Holder felt that it was highly unlikely that approval would be given to develop on green belt land.

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2. We are informed by LBB that the NAP will run in tandem with the Lease to protect residents amenity - has the lease been updated by Bromley Council's legal team, in line with recommendations re current noise standards, as recommended by ICAO? If not, what is/are the reason(s)?

**Reply**

We are in the process of agreeing the timescales for implementation of the numerous conditions and the necessary deed of variation to implement the changes to the lease will be agreed and entered into once that process has been completed.

**Supplementary Question**

Highlighting that noise standards must be updated, Mr Newlands sought an indication from the Portfolio Holder on the level of adherence to clauses.

**Reply**

The Portfolio Holder indicated that the lease is already consistent with the latest Government revisions about aircraft noise limits, which broadly in turn adopt the ICAO (International Civil Aviation Organisation) methodology. The most recent Government revision was in 2002, when a ban on aircraft not complying with Chapter 3 limits, or better, was instituted and this is already in operation at the Airport. By implementing the NAP, which an Airport of Biggin Hill’s size is not required to do, alongside the lease, the result is greater noise protection than is currently the case. The limits in the NAP are more stringent than the Airport had originally proposed and for the first time, in the early morning period, in the same morning period that aircraft can already operate, there will be absolute and average noise level limits along with a limit on movements too, none of which exist currently or is covered by ICAO or Government guidance.

The Portfolio Holder further confirmed that Chapter 4 does not apply to an airport of the size of Biggin Hill.

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**From Mr Nicholas Mulholland to the Portfolio Holder for Renewal and Recreation**

1. Of the 309,392 LBB residents, can you please advise how many have indicated their support for an increase in airport operating hours?

**Reply**

The responses to the Council’s consultation can be found in the Council report which was considered last March. In total, out of the 41,711 responses received, 31,500 or 76% indicated that they support BHAL’s proposals, with 10,211 or 24% indicating that they were against the proposals. Therefore almost 300,000 of our residents either supported or didn’t object to the proposal. If you take out discredited responses there was still a number in favour of the proposals.

**Supplementary Question**

In his supplementary question, Mr Mulholland indicated that 88% of residents who responded to an independent survey (by Flightpath Watch) were against an extension of hours.

**Reply**

The Portfolio Holder confirmed that from the survey conducted by L B Bromley, a majority were in favour of the proposals. Concerning the independent survey, the Portfolio Holder suggested that the type of response depended to a large extent on how the question is asked.

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2. In light of the recent scrutiny committee’s decision to not scrutinise and evidence that BHAL do not propose to deliver on pledges, how can the public trust Councillors’ processes?

**Reply**

There has rightly been much scrutiny and discussion about this whole proposal including three separate Council meetings, over 100 Council questions at numerous Council meetings, not to mention extensive consultation and individual discussions with individual

residents. Rather than pledges and an agreed plan, the Council has wanted a legally binding Noise Action Plan which was also one of the comments received in the Council's consultation. This is what the various recommendations give and this is what the legal agreement will be based on. The proposals actually give more information and transparency to local people so they can monitor Airport activities in terms of aircraft movements in virtual real time, giving us all a greater ability to scrutinise.

### **Supplementary Question**

In highlighting that the second part of his question referred to process, Mr Mulholland suggested that in excess of £100k had been donated to the Conservative Party by Biggin Hill Airport and Mr Mulholland asked the Leader about any contact he might have had with Sir Edward Lister.

### **Reply**

Concerning any contact with Sir Edward Lister, the Leader recalled that there had been a couple of conversations involving the Biggin Hill Strategic Outer London Development Centre and generating employment opportunities at the airport. However, the Leader could not recall any discussion with Sir Edward Lister specifically about the airport itself. The Leader felt that the GLA would probably support the extension of operating hours for the airport.

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3. Without effective scrutiny of Council processes, what measures exist to allow a resident to protect their amenity and environment within this borough? I wish to prevent increased aeroplanes over my home.

### **Reply**

The current lease allows up to 125,000 aircraft movements per year, with higher noise levels. The Noise Action Plan gives greater noise protection than the lease and with a review being triggered if 50,000 movements are exceeded, numbers of movements are to be tackled too. If you want to prevent increased aeroplanes over your home you should surely be supportive of these measures.

### **Supplementary Question**

In a brief dialogue which followed, the Portfolio Holder confirmed that, once the new NAP had come into effect then, if the number of flights were to exceed 50,000 in a year, it would be possible for the Council to rescind the amended hours approval.

**EXECUTIVE ON 23<sup>RD</sup> MARCH 2016**

**QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY**

**From Mr Tony Trinick FREng, Chair of Flightpath Watch, to the Portfolio Holder for Renewal and Recreation**

1. We understand a Judicial Review process by a member of the public has been acknowledged by the Council. What is the Council's process by which this process is conveyed to the Ward Councillors?

**Reply**

Individual ward councillors are not routinely informed if the Council is party to a judicial review application but as the question infers, the information has been in the public domain in any case.

**Supplementary Question**

In view of the Portfolio Holder's reply, Mr Trinick asked whether it would be reasonable to suggest that Ward Councillors are informed.

On hearing confirmation from the Portfolio Holder that Ward Councillors already know, Mr Trinick also asked whether Ward Councillors would continue to know.

**Reply**

The Portfolio Holder confirmed that Ward Councillors would continue to know.

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2. While this Judicial Review process is ongoing, will the Council suspend actions decided on the 25 November 2015 to change the current Lease with the Airport?

**Reply**

We have been advised by the Court office that the case has been closed by the Court.

**Supplementary Question**

Mr Trinnick sought confirmation that any work by the Council on (the case) had been suspended.

**Reply**

The Portfolio Holder confirmed that the Council continues to finalise the agreement with BHAL and was aware that the case had been closed by the Court and (consequently) the Judicial Review no longer applies.

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3. Has Biggin Hill Airport been given the Council's agreement and/or approval to use the increased operating hours decided at the meeting on the 25 November 2015?

**Reply**

No, it is a matter of public record that any change of operating hours will not be introduced until the lease has been amended as outlined and agreed in November 2015.

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**From Mrs A Stevens, Flightpath Watch Secretary, to the Portfolio Holder for Renewal and Recreation**

Can residents have some reassurances that flights carrying fare-paying passengers are not currently operating in/out of Biggin Hill Airport?

**Reply**

Flight paying passengers are not permitted under the lease, and the changes requested by BHAL will not affect this.

**Supplementary Question**

Mrs Stevens asked whether the Portfolio Holder was aware that BHAL were advertising discount fares and fee paying seats via twitter.

**Reply**

The Portfolio Holder indicated that the Council would like any information.

## **EXECUTIVE ON 15<sup>TH</sup> JUNE 2016**

### **QUESTIONS FROM MEMBERS OF THE PUBLIC FOR WRITTEN REPLY**

#### **From Mr Tony Trinick FEng, Chair of Flightpath Watch, to the Portfolio Holder for Renewal and Recreation**

Why hasn't the final agreement between Biggin Hill Airport and the Council insisted that the 10 pledges are built in, as given to residents by the Airport in 2014?

#### **Reply**

In consideration of BHAL's extended hours proposal, the Council was not asked/required to consider "10 pledges" but the detailed proposals contained in BHAL's Noise Action Plan. In considering these proposals, the Council must act in a reasonable manner in the interests of both the Airport and the Borough's residents. We are satisfied that we have complied with these requirements which will take the form of a legally binding agreement enforceable under the lease. No such legal status could be given to any "pledges" you refer to unless they were incorporated into the proposals included in the Noise Action Plan.

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#### **From Mr David Clapham to the Portfolio Holder for Renewal and Recreation**

1. Extra condition (1) requires a level of fine to be five times the standard landing fee applicable. This is watered-down in the MIL and therefore the condition is not met. Are the Executive aware and happy that the new fine of £500 will be a satisfactory deterrent to all business users?

#### **Reply**

Without pre-empting the discussion that the Executive will have, a fine level of five times is included in the description and for some aircraft, this could be £500 as the fine level is based crudely on the size of the aircraft. I do think that any fine should be proportionate but stringent and we will discuss this in due course.

The level of fines proposed to be imposed is consistent with the Executive's condition subject to a test of reasonableness that no fine levied:

- Shall be disproportionate to what is levied at other London Airports,

- and go against advice provided in ICAO document 9082, Policies on Charges for Airports and Air Navigation Services.

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2. The structure of the SANARB comprises BHAL staff or supporters. This is weak and lacks challenge. Are the Executive satisfied that this committee has the appropriate membership and specific duties to achieve the important task they have to carry out on behalf of residents?

**Reply**

The Council has already requested that a representative of the Council is present to satisfy ourselves that this process is vigorous and the Airport have agreed to this. Clearly SANARB members need to be suitably qualified and experienced to determine whether there has been wrong doing and I would have thought that experienced pilots and the like committed to doing this task would be suitable. But, again, this is something we need to discuss in due course. The airport has also agreed that a member of a relevant Residents' Association can also come to the meetings of the SANARB.

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3. As the existing Lease term 'home based' has been effectively replaced by 'Account holders' are there any conditions or restrictions on which aircraft can use the airport in future or from what countries they may emanate?

**Reply**

The based aircraft concept will largely be irrelevant in the revised operating criteria, with the restriction being used as noise, with specific noise limits in the early morning period being in existence for the first time for instance, which will actually stop some based aircraft from potentially using the early morning period. In addition to the noise restrictions set out in the lease and the NAP, aircraft will need to meet the standards set out by regulatory bodies such as the CAA.

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**From Mrs Giuliana Voisey to the Portfolio Holder for Renewal and Recreation**

1. The MIL includes a serious inaccuracy at item 3: "... LBHA resolved ... not to utilise the period 2200 to 2300 hrs authorised on Saturdays ...." This was never authorised (see recommendation 2, Executive 25.11.16). Will the Executive minute this attempt at prevarication by BHAL?

**Reply**

The Council has only ever approved operating hours of 08.00 to 22.00 hours at the weekends, which as the Airport correctly state, is 2.5 hours shorter than requested for Saturdays. We will raise this point with the Airport but the MIL, which is the Airport's document, makes it clear that BHAL would need to seek approval in the future to use the Saturday period from 2200 to 2300hrs. I am grateful to Mrs Voisey for bringing this slightly incorrect wording to the Executive's attention.

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2. It appears that the MIL includes a serious untruth at items 11 and 13. The CAA confirmed on 6.6.16 (i.e. after the date of the MIL) that the new route to R03 had not yet been submitted for approval (Cyrrus mentioned 'difficulties') . How can the MIL possibly be accepted as a valid document? What else does it contain that is less than accurate?

**Reply**

It is true to say that the Airport have begun the lengthy process of applying to change the runway approach 03 which will, if accepted, take away one third of traffic away from overflying Farnborough. It is true to say that the CAA are fully aware of these proposals and have discussed them with the Airport and others. The Airport have not formally submitted the runway approach change proposal to the CAA. The formal submission stage comes at the end of stage 4 of a stage 7 process and BHAL are at the cusp of formally submitting but have not. So, although this is a formal proposal in the sense that it is documented and the CAA know about it etc, it has not been formally submitted by CAA standards.

Stage 4 ends with a "formal submission" and whilst this formality is not complete, the Airport have been open about the progress being made and have included the various reports on their website for all to see, including you. It is evidence of the Airport's intent to implement this new approach that we have received a planning application in May for the installation and operation of runway approach lights for Runway 03.

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3. If Councillors of the Executive approve a document that contains untruths or misrepresentations of the truth, having been alerted to the fact, would such Councillors not be ancillaries to deceiving the residents?

**Reply**

This is a hypothetical question but we do need to make sure that we all understand what is being proposed and the progress being made. The NAP and the detailed MIL, which sets out how the NAP will be implemented, make it clear to the reader what is being proposed, with the numerous council questions over the months adding even more detail for interested readers and residents.

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**From Mr Phil Webb, Treasurer to Flightpath Watch, to the Portfolio Holder for Renewal and Recreation**

1. Why does the lease and variation only consider obsolete ICAO chapter 3 and not at least chapter 4 noise standards? Will the lease be updated to reflect the latest noise standards?

**Reply**

Many many aircraft fly across the country every day using Chapter 3 aircraft which our noise advisor has informed us is not obsolete, with the Government not banning these aircraft at all. The Chapter 4 noise levels are included in the new proposed arrangements in the early morning period, meaning that for the first time, there is actually a noise restriction for the early morning period specifically. Going forwards the NAP will be

reviewed every 5 years and therefore there will be opportunities to reflect the latest noise standards.

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2. Noise protection for residents, in terms of noise proofing of homes, appears to be available to very few householders. Can the exact number of properties who might qualify for help with double glazing be confirmed?

**Reply**

No, not today, but the Airport are committed to contacting the relevant property owners should this prove necessary and this process will be repeated annually, with noise data used to determine the extent of the need.

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**From Mrs Andrea Stevens, Flightpath Watch Secretary, to the Portfolio Holder for Renewal and Recreation**

1. Does the Council agree that as there is a JR being considered in London courts, that any debate or decision-making in relation to BHAL application to vary the operating hours, would be disrespectful to the authority of these courts?

**Reply**

No, the Council will respond to any court request and will address any comments it may have about a JR as part of that process.

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2. Regarding the promised 30% ATM reduction along R21 - this is dependent upon a new GPS approach to R03. Failure to obtain CAA permission means R21 will have the same or greater number of ATMs. Could the Council confirm that the CAA have received a formal application from BHAL? Has the Council seen any documents relating to this application to the CAA?

**Reply**

Regardless of the outcome of the change of approach for runway 03, the Airport must keep within the reduced noise contours outlined in the Noise Action Plan and these are legally binding as they will be part of the lease. The Council has seen some of the documents relating to this proposal as have members of the public as the documents have been published on the Airport's website. I refer the questioner to the answer given to Mrs Voisey, above.

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3. Would the Council agree that a review of BHA NAP dated August 2016, should be undertaken now, as clearly the 50,000 ATMs limit has been reached? (please see BHACC Meeting minutes dated 21 January 2016 for further details)

**Reply**

The Airport are operating quite legitimately under the existing lease where they are perfectly entitled to use up to 125,000 movements annually. When or if these proposals

are in place, I anticipate that volume will actually reduce from today's levels. If we agree this, the 50,000 volume will be capped as described in the MIL and the Airport will not be able to use the 125,000 volume currently allowed in the lease.

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**From Ella Coates to the Portfolio Holder for Renewal and Recreation**

1. How can Members of the Executive ratify conditions that 'play on words' (see the scandalous example of the proposed 'noise reduction') rather than ascertain that the pledges made are truly reflected in the 'recommendations'?

**Reply**

The Executive will need to rely on a legal agreement rather than any 'play on words'. It is a legal agreement in the form of the lease variation that will give the Council power to act, ultimately including forfeiture of the lease in extreme situations.

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2. Residents are beyond objecting to an increase in hours. We are now objecting to a Council that (possibly itself misled) has deceived us. The MIL in front of you will crystallise this position. Will this Executive really accept that this is a document that can be ratified as it stands?

**Reply**

The MIL which outlines how the Noise Action Plan will be implemented is quite detailed and will deliver improvements. We have to remember that right now the Airport has permission for 125,000 jet movements every year, with all the noise that goes with this. The current proposals do improve the position of the Council and indeed residents.

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3. The press reported that the PM had flights provided by companies at BH for some £100,000. It follows that LBB may also have received incentives or it could not have been so superficial in the documentation of the 'recommendations'. For the sake of transparency, could you please let us know what they are and how the residents will benefit?

**Reply**

The Council has not received any incentives from the airport although the Council is of course in receipt of rent, which includes a share of profit depending on the exact performance of the Airport's business.

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**From Sophie Knight to the Portfolio Holder for Renewal and Recreation**

1. Is the Executive clear that any noise monitors will be correctly placed (not as in the case of Crofton where the monitoring system was at the back of Darrick Wood School half a mile away from the flight path)?

## Reply

There will actually be 3 noise monitors, with the siting clearly important, with 2 of the monitors envisaged becoming permanently sited when the best location has been found by the noise experts installing the system. The third monitor is a mobile monitor, capable of being moved as needed.

Clearly, the Council will need to satisfy itself that the noise monitoring is accurate. We understand that probably the best firm in the world for this specialist work will be installing the noise monitors and conducting the noise monitoring. That said, the Council will continue to keep the services of our noise expert to give us the best advice possible so that the Airport do this properly and that both residents and the Council can be assured of this.

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## From Abigail Rutherford to the Portfolio Holder for Renewal and Recreation

1. With reference to BHAL's Mil point 8: Does the Council agree that BHAL's attempt to mislead the Council in relation to the capping of aircraft (as explained below\*) leads to a failure by BHAL in fulfilling one or more of the 18 conditions set by the Council?

\* This mechanism in BHAL's Management Information Letter (MIL) to establish a cap is ineffective. BHAL knew it when they suggested this type of cap in the letter from on Hogan Lovell dated 9<sup>th</sup> December 2014 ('the Application'): "12.1 With reference to paragraphs 4.4 and 4.5 of our letter of 5 November, our client does not anticipate the number of aircraft movements exceeding 50,000 per annum within 10 years, since light aircraft movements are likely to continue to decline at the same time as business aviation flights are forecast to increase as more businesses are set up at the Airport offering aircraft servicing, parking and management. In the unlikely event that it becomes likely that that number will be exceeded, our client agrees that it will trigger an early review of the NAP (and thereafter at intervals to be agreed) so as to ensure that the balance of social, economic and environmental issues are kept in check."

As we know, contrary to the statement by Hogan Lovell, the total of movements was already 50,562 in 2015 (Minutes to the BHACC meeting of 21.1.2016), i.e. the 'unlikely event' has already occurred. The forecast for 2020 of 49,500 is also too close for comfort and appears contrived considering current number of movements.

In the MIL, BHAL pushes the Council even further. Although the MIL repeats that the NAP will be reviewed if the limit of 50,000 movements is exceeded, BHAL now addresses us to 'para 20 of this letter'. Para 20 (Further Information, final paragraph), states: "Prior to any NAP review, LBHA will prepare actual measured noise contours to be compared with predicted noise contours. Where the additional noise contour falls within the agreed forecast noise contour, no further action will be required." The Executive must not fall for this trick.

As ST Acoustics (an Aviation as well as Noise expert and frequent adviser to DEFRA) explained: "Whilst the noise impact of airports is commonly described in terms of the LAeq16h indicator, this methodology does have a shortcoming. Broadly, a difference in noise level of 3 dB for two different individual aircraft flyovers is only just discernible by the person experiencing it, all other features of the sound being the same. But the number of movements of the aircraft that was 3 dB quieter could be doubled compared to the louder aircraft and the same LAeq16h value obtained. Thus, if all the aircraft using LBHA were to become 3 dB less noisy, the movements could be doubled and the same contour area achieved. It would seem that there was no difference in impact, but it is highly likely that those living nearby would not perceive the noise reduction from each individual movement but would notice the doubling of movements and be adversely affected by

it.” This mechanism provides BHAL with a useful elastic band, which does not conform to the pledge of a cap of 50,000 movements. By reducing the noise imperceptibly to people on the ground (by way of example, Chapter 14 is 17 dBs quieter than Chapter 3), the number of flights can be increased by a number of multiples. The Executive has to request a different mechanism in order for the pledged cap on movements to be observed. The mechanism as proposed is not fit for purpose. The existing cap in the Lease of 125,000 movements per annum needs to be protected until a more effective mechanism to control movements is devised.

### **Reply**

Rather than mislead the Council, the Airport’s response is actually quite detailed and therefore clear. What it does mean, it seems to me, is that if 50,000 movements are breached, the Council can suspend the new operating hours whilst a noise action plan review takes place. In any event, what is being proposed has to be an improvement on 125,000 movements already allowed.

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### **From Sue King to the Portfolio Holder for Renewal and Recreation**

1. With reference to BHAL's Management Information Letter, point 19, does Bromley Council agree that the only winner in this will be BHAL when the following is taken into account? (See notes\* below)

\*Notes: That LBB has not achieved very much by sacrificing its residents. There is only one winner in this equation, and that is BHAL. Please note that in 2015 dividends of £589,360 (2014: dividends of £389,360) were paid to BHAL’s sole shareholder. By contrast, LBB received income of £198,867 in 2015 (2014: 207,124).

Grants and subsidies from the public purse are acknowledged (Note 1.11 to BHAL’s 2015 accounts) but only partially specified.

### **Reply**

Apart from the rent and profit share that the Council could receive which benefits Council taxpayers, noise contour restrictions are being introduced for the first time - with these benefits to residents affected by the noise being paid for by the Airport’s commitment to increase expenditure to introduce noise monitoring software for instance.

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### **From Mr Charles Mill to the Portfolio Holder for Renewal and Recreation**

1. We should be at the end of the approval process, so why have none of the ten pledges been honoured and included in the Deed of Variation? Do you honestly think that attaching a document produced by BHAL (the MIL) is an acceptable substitute for a properly drafted legal document?

### **Reply**

The properly drafted legal document is included in the committee papers and all of the detail in both the MIL and the, Noise Action Plan (NAP), will also be legally enforceable as they will be included as appendices in the lease. There is strength in these documents that will give more power to the Council and transparency to residents than currently exists and this is to be welcomed.

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2. The Council made two clear pledges: reduction in noise and cap of 50,000 flights. The 'recommendations' were the tools to achieve this. So why is noise going to double and the cap of 125,000 in jeopardy of being exceeded? Can you, Members of the Executive, honestly ratify the MIL as it stands?

**Reply**

These proposals will control the noise and there is effectively a cap of 50,000 being proposed. We do need to remember the context here, with current arrangements allowing 125,000 flights, and with no limit on the number of take-offs between 0630 and 0700.

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3. Residents have proved that BHAL is not enforcing its own Standard Departure Procedure from R03 (among other matters). As the MIL is a masterpiece of double meanings and caveats, are you, Members of the Executive, satisfied that you have the required mechanisms to manage this unruly tenant?

**Reply**

Tonight, we are here to assess whether the 24 conditions previously imposed have been met. I have already spoken about the legal agreement but if this proposal goes ahead, as well as residents monitoring, the Council is very clear that we will be monitoring this very carefully indeed, both from afar and up close. We have a range of options open to us, including, ultimately, the forfeiture of the lease.

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**From Mr Nick Bell to the Portfolio Holder for Renewal and Recreation**

1. Item 1. of the Management Information Letter (MIL) refers only to 2014 noise levels and only mentions NAP1, with NAP2 not being considered at all. Surely the approval should be based on current noise levels and consideration should be given to NAP 2 which considers noise contours between 6.30 and 7am which is the period that the extended hours are all about. Is the Council intending to challenge BHAL's omissions in these respects.

**Reply**

For information, 2014 noise data was used as this was the data available in 2015 when the NAP was drafted. The noise envelopes referred to in this point are all contained in the NAP and are referred to elsewhere in the MIL It must be recognised that the MIL is a legal document working alongside the NAP. It does not replace it and does not need to replicate everything in it.

**QUESTIONS TO EXECUTIVE & RESOURCES PDS COMMITTEE**

**EXECUTIVE & RESOURCES PDS COMMITTEE ON 8<sup>TH</sup> JUNE 2016**

**QUESTION FOR WRITTEN REPLY**

**From Cllr Tony Owen to the Chairman of the Executive and Resources PDS Committee -**

Will you please supply in tabular form all meetings that took place between BHAL and officers and/or members in relation to change of hours with the following information.

Date of meeting - Persons present - details of where minutes are held

**Reply:**

Please find attached the information requested on meetings that took place between BHAL and officers/or Members in relation to the change in hours proposal. No minutes of these meetings were made and the outcome of our discussions are contained in the Executive report and appendices.

**Biggin Hill Airport Extension of Hours Application**

**Meetings between BHAL and officers and/or Members since Special Executive and Council Meeting 25<sup>th</sup> March 2015**

<b>Date</b>	<b>Meeting</b>	<b>Attendees</b>
<b>2015</b>		
25 <sup>th</sup> March	Special Executive & Council meeting	Members/Officers/Members of the public
20 <sup>th</sup> April	LBB/BHAL meeting to discuss proposals and Council conditions	BHAL – Will Curtis, Andrew Walters, David Charles, David Gavin; LBB Home Team*
27 <sup>th</sup> May	Biggin Hill Demonstration of Noise Monitoring Equipment – at Biggin Hill	Council Members, Will Curtis and members of his team
11 <sup>th</sup> June	LBB/BHAL meeting to discuss proposals and Council conditions	BHAL – Will Curtis, Andrew Walters, David Charles, David Gavin; LBB Home Team*
30 <sup>th</sup> June	Biggin Hill Airport Focus Group Briefing	Council Members, Will Curtis and members of his team, Andrew Rogers, Dr. Hedley Pugh.
21 <sup>st</sup> August	LBB/BHAL meeting to discuss proposals and Council conditions	BHAL – Will Curtis; LBB Home Team*; Dr Chris Smith (LBB Consultant)
25 <sup>th</sup> November	Special Executive and Council	Members/Officers/Members of the Public
<b>2016</b>		
12 <sup>th</sup> February	LBB/BHAL meeting to discuss proposals and Council conditions	BHAL – Will Curtis, Andrew Walters; LBB Home Team*



1 <sup>st</sup> March	LBB/BHAL meeting to discuss proposals and Council conditions	BHAL – Will Curtis, Andrew Walters; LBB Home Team*
10 <sup>th</sup> May	LBB/BHAL meeting to discuss proposals and Council conditions	Cabinet Members, BHAL – Will Curtis. Andrew Walters; LBB Home Team*

\* Biggin Hill “Home Team” refers to LBB officers: Marc Hume, Mark Bowen, Dr. Hedley Pugh, Andrew Rogers, Susan Fraser – some or all of these officers were present at the meetings referred to above.