

# LONDON BOROUGH OF BROMLEY

## MINUTES

of the proceedings of the Meeting of the  
Council of the Borough  
held at 7.00 pm on 25 November 2015

Present:

**The Worshipful the Mayor  
Councillor Kim Botting**

**The Deputy Mayor  
Councillor Alan Collins**

### Councillors

Vanessa Allen	Peter Fookes	Sarah Phillips
Graham Arthur	Peter Fortune	Tom Philpott
Douglas Auld	Hannah Gray	Chris Pierce
Teresa Ball	Ellie Harmer	Neil Reddin FCCA
Kathy Bance MBE	Will Harmer	Catherine Rideout
Julian Benington	Samaris Huntington-	Charles Rideout QPM CVO
Nicholas Bennett J.P.	Thresher	Michael Rutherford
Ruth Bennett	William Huntington-	Richard Scoates
Eric Bosshard	Thresher	Colin Smith
Katy Boughey	Charles Joel	Diane Smith
Kevin Brooks	David Livett	Melanie Stevens
Lydia Buttinger	Kate Lymer	Tim Stevens J.P.
Stephen Carr	Russell Mellor	Michael Tickner
Mary Cooke	Alexa Michael	Pauline Tunnicliffe
Peter Dean	Peter Morgan	Michael Turner
Ian Dunn	Terence Nathan	Stephen Wells
Nicky Dykes	Keith Onslow	Angela Wilkins
Judi Ellis	Tony Owen	Richard Williams
Robert Evans	Angela Page	
Simon Fawthrop	Ian F. Payne	

The meeting was opened with prayers

In the Chair  
The Mayor  
Councillor Kim Botting

### 126 Apologies for absence

Apologies for absence were received from Councillors David Cartwright and David Jefferys.

## **127        Declarations of Interest**

A schedule of declarations of interest relating to agenda item 6 had been circulated –

### **Cllr Teresa Ball**

Free food in the VIP tent at the 2014 Air Fair (but bought own Air Fair Tickets)

### **Cllr Julian Benington**

Council Deputy Representative on Biggin Hill Airport Consultative Committee

Trustee of Biggin Hill Memorial Museum Trust

Attended the Biggin Hill Festival Of Flight in June 2015 and made a donation to the RAF Benevolent Fund to the cost of my complimentary ticket.

Lives within, at the edge of, the noise envelope of Biggin Hill Airport

### **Cllr Nicholas Bennett JP**

Governor of Bromley College – which has an interest in developing an avionics college on the airport.

### **Cllr Eric Bosshard**

Council Deputy Representative on Biggin Hill Airport Consultative Committee

### **Cllr Mary Cooke:**

Council Deputy Representative on Biggin Hill Airport Consultative Committee

### **Cllr Judi Ellis:**

Complementary ticket to the 2014 Air Fair (but paid for it herself)

### **Cllr Robert Evans**

Lives under the flightpath

### **Cllr Peter Fortune:**

Complementary ticket to the 2014 Air Fair

### **Cllr Hannah Gray:**

Running a business to business exhibition at Biggin Hill Airport on 16th September 2015 along with two fellow directors of Bank (Bromley and Kent) on Business

4 complementary tickets to Biggin Hill Air Show 2015

### **Cllr Charles Joel**

Lives under the flightpath

### **Cllr Kate Lymer:**

Four complementary tickets to the 2014 Air Fair

Four complementary tickets to the 2015 Festival of Flight

### **Cllr Peter Morgan**

Council Representative on Biggin Hill Airport Consultative Committee

**Cllr Melanie Stevens:**

Council Representative on Biggin Hill Airport Consultative Committee

*Shared with Cllr Tim Stevens JP –*

Complimentary ticket to the 2014 Air Fair

Radio Two Music Night Show - 4 complimentary tickets (hosted by Rizonjet)  
on 18<sup>th</sup> September 2015

2015 Air Show - 4 complimentary tickets for which we paid for 2

75th BoB Anniversary Show - 2 complimentary tickets, paid for 1

Expo Exhibition - attendance

**Cllr Tim Stevens:**

*Shared with Cllr Melanie Stevens–*

Complimentary ticket to the 2014 Air Fair

Radio Two Music Night Show - 4 complimentary tickets (hosted by Rizonjet)  
on 18<sup>th</sup> September 2015

2015 Air Show - 4 complimentary tickets for which we paid for 2

75th BoB Anniversary Show - 2 complimentary tickets, paid for 1

Expo Exhibition - attendance

**Cllr Pauline Tunnicliffe:**

2 Complimentary tickets to the 2014 Air Fair

**Cllr Richard Scoates:**

Council Representative on Biggin Hill Airport Consultative Committee

**128 Questions from members of the public where notice has been given.**

Twenty seven questions had been received from members of the public (although one had been withdrawn). It was agreed that the time for questions would be extended to one hour. The questions and replies given are set out in **Appendix A** to these minutes.

**129 Oral questions from Members of the Council where notice has been given.**

Two questions had been received for oral reply from a Member. The questions and replies are set out in **Appendix B** to these minutes.

**130 Written questions from Members of the Council where notice has been given**

Six questions had been received for written oral reply from Members. The questions and replies are set out in **Appendix C** to these minutes.

**131 Biggin Hill Airport Limited's (BHAL) Proposal to Vary the Operating Hours**  
Report DRR15/097

The special Council meeting had been called to consider a proposal from Biggin Hill Airport Limited (BHAL) to vary the operating hours of the Airport pursuant to the terms of their lease. BHAL's original proposals had been considered by the Council on 25<sup>th</sup> March 2015, following which the Executive had resolved as following -

"In consideration of proposals from Biggin Hill Airport Limited to vary the operating hours at Biggin Hill Airport it is RESOLVED to:

(1) agree the following recommendation from Council –

*"That subject to agreement from the airport to all concessions, conditions, and obligations which can reasonably be required in consideration for agreeing a variation to the operating criteria in the third schedule to the lease, and subject to the Executive being satisfied with the concessions, conditions and obligations negotiated, the Executive should then agree in principle to the extension of hours and consult again with council before the final decision is made"; and*

(2) the recommendation above is to be taken forward subject to negotiations with Biggin Hill Airport Limited on concessions, conditions and obligations, including a variation to operating hours for Saturdays, Sundays and Bank Holidays based on 8am to 10pm rather than the operating hours proposed by BHAL, namely 6.30am to 11pm on Saturdays and 8am to 11pm on Sundays."

Extensive negotiations had been conducted by officers and the Council's technical advisors with BHAL since then, and the modified proposals had been re-presented by BHAL.

The Mayor explained to the meeting that for legal reasons the final decision on this matter would need to be taken by the Executive, which would meet, after a short adjournment, on the rising of the Council meeting.

The Mayor asked the Leader of the Council, Councillor Stephen Carr, to speak before the debate was opened up. He stated that executive members would not be speaking or voting on this issue, and that Conservative members had a free vote. He also thanked the public, Members, officers and the Council's consultants for their contributions.

The following motion was proposed by Councillor Nicholas Bennett and seconded by Councillor Julian Benington –

"That this Council, noting its resolution at the meeting on March 25<sup>th</sup> 2015 to the Executive, and the subsequent negotiations; recommends to the Executive that BHAL's proposals for an amendment of the operating schedule of the lease, subject to the concessions, conditions and obligations as

detailed in the Council's technical advisor's report and any other matters which the Executive believes are necessary, be approved.”

Members discussed the proposals and the motion. The following points were made in support of the BHAL proposals -

- The Airport was making a reasonable request and the Council had to consider the request and make a reasonable response.
- The airport was committed to best practice in agreeing to implement a Noise Action Plan, which would protect residents.
- There were currently no restrictions on the numbers of movements in the shoulder hours, and the proposals would give greater control.
- The proposals would reduce noise and introduce a system of sanctions and penalties.
- Flights over Chislehurst, Petts Wood and Farnborough would be reduced by around a third.
- The removal of the Heathrow Beacon by 2019 would remove many of the large jets stacked for Heathrow from the area.
- The Council had a duty to all of its residents and approving the proposals would be in the overall interests of the whole borough, bringing economic development and training opportunities.
- The proposed hours were a very modest extension which could bring up to 2,300 jobs, many of them highly skilled, and a specialist college.
- Of the 18 recommendations, 8 had been met and 4 needed submission of further details, but if they were not all complied with the Airport would have to revert to the current hours.

The following points were made against the BHAL proposals –

- The airport was bought by the Council in 1984 to protect the residents of the borough, and this should still be the Council's priority as a reasonable landlord.
- The results from the consultations carried out by the Airport and the Council were highly questionable and should be disregarded. Residents under the flightpath were overwhelmingly against the proposals.
- The Airport had not accepted any reduction in hours since the meetings in March.
- Changing the height of aircraft arriving and departing might help residents in Sidcup, but would have little impact closer to the airport in Farnborough and Crofton.
- Residents were having to suffer from bigger, noisier aircraft and this was an opportunity to reduce disturbance at anti-social hours.
- Although it was claimed that aircraft were now quieter than in the past, all aircraft were still noisy, especially at night and in the early hours of the morning.
- The issue of noise nuisance from helicopters needed to be addressed in the Noise Action Plan.

- The negative impact of the proposals on thousands of residents did not outweigh the limited economic benefits to the borough – these jobs and the new college were not guaranteed.
- It was unlikely that many of the jobs supposed to be created would actually go to local people, and unemployment was very low in the borough.
- The complicated noise envelope arrangements and noise averages masked the impact of more aircraft movements early in the morning.
- Only a few of the 18 recommendations had actually been fully met in the eight months since the meeting in March – residents could not rely on the Airport’s “best endeavours” to fulfil the remaining conditions.
- The Airport had received planning permission for a hotel several years ago, but it had not been built. Promises about jobs and a college could not be relied on.

**The motion was put to the vote and CARRIED.**

Voting on the motion was as follows –

For the motion: Vanessa Allen, Teresa Ball, Katherine Bance, Julian Benington, Nicholas Bennett JP, Ruth Bennett, Kevin Brooks, Mary Cooke, Peter Dean, Ian Dunn, Nicky Dykes, Judi Ellis, Peter Fookes, Hannah Gray, Ellie Harmer, Will Harmer, William Huntington-Thresher, David Livett, Terence Nathan, Tom Philpott, Neil Reddin, Catherine Rideout, Charles Rideout CVO QPM, Michael Rutherford, Melanie Stevens, Michael Turner, Stephen Wells, Angela Wilkins and Richard Williams (29)

Against the Motion:

Councillors Douglas Auld, Eric Bosshard, Katy Boughey, Lydia Buttinger, Simon Fawthrop, Samaris Huntington-Thresher, Charles Joel, Russell Mellor, Alexa Michael, Keith Onslow, Tony Owen, Angela Page, Ian Payne, Sarah Phillips, Chris Pierce, Richard Scoates, Diane Smith, Tim Stevens JP and Michael Tickner (19)

Abstaining from voting:

Councillors Graham Arthur, Kim Botting, Stephen Carr, Alan Collins, Robert Evans, Peter Fortune, Kate Lymer, Peter Morgan, Colin Smith and Pauline Tunnicliffe (10)

The Meeting ended at 9.54 pm

Mayor

### COUNCIL MEETING

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 Wednesday 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

mindful 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 flight tracks 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.

**COUNCIL MEETING**

**25<sup>th</sup> NOVEMBER 2015**

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

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

How much has been saved in money and percentage terms in the revenue budget between 2010-11 and 2015-16 and what further savings will be required in money and percentage terms by 2020?

**Reply:**

The budget gap arises from a combination of the impact of inflation, additional cost and demographic pressures including new burdens as well as the impact of significant losses in government grant. Some of the savings identified were required to offset such cost increases within the overall net budget.

Savings of £74m have been included in the revenue budgets from 2010/11 to 2015/16 which equates to 38% of the baseline net budget. The extent of further savings will be dependent on the outcome of the finance settlement which will not be known until mid-December but, based on latest projections; further savings of £56m will be required by 2019/20 representing 28% of the net budget.

**2. From Councillor Nicholas Bennett to the Portfolio Holder for Resources**

What is the contribution to the Revenue Budget of;

(i) Investment income (and the average rate of return and percentage of total council income) from property assets purchased for this purpose;

**Reply:**

The 2015/16 budget for income from properties purchased to date from the Investment Fund is £3.02m and is expected to increase to over £4m by 2016/17 to reflect the full utilisation of the Investment Fund. The current yield provides an average return of 6.0%.

In addition, the 2015/16 budget includes income of £4.37m relating to other investment properties (including the Glades, Walnuts, Biggin Hill Airport and other sundry properties).

The total 2015/16 budget represents 1.35% of the Council's total income.

(ii) Income from money on deposit with financial institutions (and the average rate of return and the percentage of total council income).

**Reply:**

The 2015/16 budget includes income from investments of £2.7m representing 0.5% of the Council's total income. Latest projections are that £3.3m will be received equating to 0.61% of total income.

The average rate of return achieved on new “core” investments is 1.3% compared to 1% assumed in the budget. The average return on all “core” investments (existing and new) is 1.4% in the year to September 2015.

Further details are provided in the Treasury Management report to Executive and Resources PDS Committee on 26<sup>th</sup> November 2015.

Therefore, income from property investment this year will be £7.39m, and income from money on deposit is £3.3m, giving a total for investments held of £10.69m rising to £11.5m next year. This is equivalent to a Council Tax increase of 8.9%.

(iii) Income from all Council services in:

- 2000-1
- 2005-6
- 2010-11
- 2015-16 (estimate)

and the percentage of total income that this represents in each year?

**Reply:**

Budgeted income from Council services (ie. excluding council tax, business rates, government grants, housing benefit subsidy and interest earnings) was, for the financial years shown below -

Financial Year	Budgeted Income from Council Services	£m
2000/01		40.5
2005/06		51.0
2010/11		58.5
2015/16		61.9

**Supplementary question:**

We have a public meeting in a few hours’ time on the budget and it is very important that these figures are in the public arena. Does he agree with me that the different return we are getting from the purchase of properties of over 6% compared with 1% on loans to financial institutions shows the wise-ness of a policy of investing in property? Has he seen the rather strange figures alleging that we have £400m in reserves? Would he like to comment on the veracity of that please?

**Reply:**

The statement that we have that level of reserves is totally wrong. Our earmarked reserves are £111m, and we have a general reserve of £20m. What has happened in terms of the figure that was quoted is that it is our treasury management moneys. There is a lot of money that we carry as working capital, grant received up-front from central government, and so on. Those moneys are effectively leant to us and we can invest them and get a return on them. In terms of the current rate of return of 6% on the properties purchased, it is certainly comparable with anything you can get on treasury management at 1% or maybe 1.3% which is the standard. By adopting a widespread of portfolio investment which includes diversified growth funds we can spread the risk and at the same time get a far better rate of return.

**COUNCIL MEETING**25<sup>th</sup> NOVEMBER 2015**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