

COUNCIL MEETING

25TH MARCH 2015

QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY

1. 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.

2. 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.

3. From Peter Birdsall

(i) 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.

(ii) 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 10th 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.

(iii) 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.

4. From Mike Overall

(i) 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.

(ii) 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.

5. From Michael Latham

(i) 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.

(ii) 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.

(iii) 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.

6. From Tony Trinick (Question put by Mark Trinick)

(i) 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.

(ii) 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.

7. 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.

8. From Giuliana Voisey

(i) 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.

(ii) 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.

(iii) 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.

9. From Hugh Bunce

(i) 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.

(ii) 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.

(iii) 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.

10. From Barrie Mayer (Question put by Mrs Annick Tuesley)

(i) 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.

(ii) 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.

11. From Jason Polis

(i) 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.

(ii) 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.

(iii) 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.

12. 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.

13. 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.

14. 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.

15. 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.
