

QUESTIONS FROM MEMBERS OF THE PUBLIC FOR ORAL REPLY

(A) 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 25th 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" and felt 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).

2. The application by BHAL against the background of the URS Final Report¹ is significant. What steps were initiated and taken to inform Councillors and residents, 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.

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

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 25th 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.

3. The Officers Report (Ref: DRR15/035) was circulated to Councillors at midnight on 17th 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 17th 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 consultation. It seemed that debate on BHAL's application had been stifled with the Council not involving local consultation.

Reply

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

(B) 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 concerning the proposed change of BHAL operating hours and apparent reference being made to planning being a "game changer".

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.

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)"

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.

(C) From Peter Slevin, Keston Residents' Road Safety Group

1. 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.

(D) 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 even against the maximum possible amounts of income suggested, this would still be 40% to 50% less than (the price of) a hectare of land today. In light of this she questioned taking forward BHAL's proposal.

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.

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 the unit of surcharge would only increase a certain amount, referring to per flight per hour. She asked how this would satisfy a private client on a flight 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.

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 fare paying passengers are not being carried.

Reply

The Portfolio Holder for Renewal and Recreation was uncertain whether such a request had been made of BHAL.

QUESTIONS FROM MEMBERS OF THE PUBLIC FOR WRITTEN REPLY

From John Getgood, Chair, Penge Forum, to the Portfolio Holder for Resources

1. What is the current status of the former Sure Start building on the former Royston Primary School site? What are the council's intentions for this building?

Reply

The Council is currently in the process of relocating the children's social care contact centre currently operated from James Dixon Children and Family Centre to Royston Children and Family Centre. This will allow James Dixon School to increase the delivery of Early Years Foundation Stage activities from James Dixon Children and Family Centre. In particular this will allow the school to admit a reception age additional bulge class in September 2015 and expand nursery provision.

From John Getgood, Chair, Penge Forum, to the Portfolio Holder for Renewal and Recreation

2. Now that Betting shops are in their own planning class, what advice would the Portfolio Holder give to residents hoping to stop the spread of these pernicious outlets in their High Streets?

Reply

Betting Offices are now separate from other uses such as banks and building societies. This means that a change of use to a Betting Office from other uses will normally require a separate planning permission. The applications for planning permission, if received, will be publicised by the Council for comments. Residents should consider what impacts they foresee the proposal having and include those in their comments, for example their concerns about the loss of current uses, or possible disturbance to local residents.
