

EXECUTIVE

Minutes of the meeting held on 25 November 2015 starting at 10.10 pm

Present:

Councillor Stephen Carr (Chairman)
Councillors Graham Arthur, Robert Evans, Peter Fortune,
Kate Lymer, Peter Morgan and Colin Smith

Also Present:

Councillor Vanessa Allen, Councillor Douglas Auld,
Councillor Julian Benington, Councillor Nicholas Bennett
J.P., Councillor Eric Bosshard, Councillor Katy Boughey,
Councillor Mary Cooke, Councillor Ian Dunn, Councillor
Judi Ellis, Councillor Simon Fawthrop, Councillor Peter
Fookes, Councillor Hannah Gray, Councillor Ellie Harmer,
Councillor Samaris Huntington-Thresher, Councillor
William Huntington-Thresher, Councillor David Livett,
Councillor Alexa Michael, Councillor Tony Owen,
Councillor Ian F. Payne, Councillor Sarah Phillips,
Councillor Neil Reddin FCCA, Councillor Catherine
Rideout, Councillor Charles Rideout CVO, QPM,
Councillor Diane Smith, Councillor Melanie Stevens,
Councillor Tim Stevens J.P., Councillor Michael Tickner,
Councillor Michael Turner, Councillor Stephen Wells and
Councillor Angela Wilkins

293 APOLOGIES FOR ABSENCE

All Members of the Executive were present and there were no apologies for absence.

294 DECLARATIONS OF INTEREST

There were no declarations of interest other than those already tabled for the Council meeting earlier the same night.

295 BIGGIN HILL AIRPORT LIMITED'S (BHAL) PROPOSAL TO VARY THE OPERATING HOURS

Report DRR15/097

At its meeting on 25th March 2015, the Executive had considered a proposal from Biggin Hill Airport Limited (BHAL) to vary the operating hours of the Airport, pursuant to the terms of the lease. Following a meeting of the full Council to consider the proposal, the Executive had resolved as follows -

“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 Council had met earlier that evening to consider and make a recommendation on the latest proposals, and the Leader thanked Members for their contributions to a significant and valuable debate. The following motion (proposed by Councillor Nicholas Bennett and seconded by Councillor Julian Benington) had been passed by full Council –

“That this Council, noting its resolution at the meeting on March 25th 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.”

The Executive considered the report, taking advice from senior officers and the Council’s noise consultant. It was noted that the Council did not have unfettered discretion in its negotiations with the airport, and under the terms of the Airport lease it should not unreasonably withhold its consent to variations in the lease. A key part of BHAL’s application was the introduction of a formal Noise Action Plan (NAP), which had been revised since the March meeting. This would be reviewed after 5 years. Noise monitoring and aircraft tracking systems would be introduced in conjunction with this.

The following issues, which had also been raised at the Council meeting, were considered in particular.

The Noise Consultant's Report

The Director of Regeneration and Transformation confirmed that of the 18 conditions, 8 were now satisfied (1-7 and 18); 3 required approval of statutory bodies, e.g. NATS with BHAL required to use reasonable endeavours to obtain the necessary approvals (12, 13 and 16); 4 required final details to be agreed with the Council before any change could take place (8, 14, 15 and 17); and 3 required final details to be agreed with the Council within 6 months of the commencement of the new hours, with failure to do so resulting in the hours reverting to the current situation (9, 10 and 11).

Some Members expressed concern that the expression "reasonable endeavours" was too vague, but they were advised that this was a recognised phrase which had judicial meaning.

Noise Envelope and Limit on Annual Movements

The Leader was concerned to ensure that if the figure of 50,000 aircraft movements per annum was likely to be exceeded then the Council would reserve the right to suspend the new hours pending further review. Some members of the Executive did not consider that the recommendation on aircraft movements was acceptable, and commented that it was essential that this limit was maintained.

The Council's Noise Consultant explained that the concept of the noise envelope offered a more effective way to control the aspect that concerned residents most – noise – than any limit on the number of movements. He also described proposals for new arrangements for runway 03 which would move around 30-35% of flights from the arrivals flightpath for runway 21.

Helicopters

The current lease offered no specific restrictions on helicopter movements although it was confirmed by the noise consultant that noise requirements applied to all aircraft, including helicopters. To avoid unnecessary noise disturbance from helicopters, the Leader was concerned that the Airport should be required to use the most noise efficient helicopter routing, which may include rising to a specified altitude in appropriate circumstances.

Consultation

The Leader acknowledged that the Council had always agreed that it should consult on the proposals, and the consultation exercises had been an effective way for residents and affected parties to make

comments and air their views. However, the consultation was not a referendum and the results could not give a significant steer to the decisions to be made.

Impact on the Princess Royal University Hospital (PRUH)

Since the meeting in March 2015, Kings College Hospital NHS Foundation Trust had been consulted and a review of noise levels at the PRUH had been carried out by an independent acoustic consultant. A statement from the Trust had been circulated confirming that they accepted that noise levels at the hospital did not exceed the levels deemed reasonable in the Government's Aviation Policy Framework. (Appendix A to these minutes)

The Lease

It was confirmed that save for the hours of operation the terms of the Lease would remain in place and the proposal did not remove any of the protections or restrictions that it contained particularly relating to aircraft noise in the Third Schedule.

Some members of the Executive were concerned that the proposals would lead to more disturbance for residents and that aircraft noise at 6.30am and 11pm would be intrusive, especially in the summer. They considered that the Council's duty was to protect residents from this and that the noise envelope would prove to be an insufficient tool to manage the promised 50,000 cap on movements. Other members of the Executive recognised the potential to attract business, employment and training opportunities to the borough and the potential to use the proposals to reduce noise disturbance to residents and the overall impact of the airport on the Borough.

Whilst accepting that there were genuine concerns, the Leader considered that on balance these could be addressed by the mitigation measures in the proposal which also included the ability to measure noise and monitor and track aircraft movements, sanction action against pilots/aircraft who did not adhere to flightpaths, a reduced environmental impact from less polluting aircraft, the potential economic advantages to the whole borough in terms of investment and jobs if the airport was successful in retaining and attracting business and the possible development of a training college.

To address concerns raised, the Leader suggested that the following additional/amended conditions should be imposed if the Executive was minded to grant the application:

- The level of fines to be based on a multiple of five times (rather than three times as is currently proposed) the standard landing fee applicable to the aircraft type concerned.
- No more than 50,000 movements per annum will be permitted without triggering a review of the Noise Action Plan and in these circumstances

the Council reserve the right to suspend the extended hours if it considered it appropriate to do so.

- Future reviews of the Noise Action Plan will not permit an increase in noise above the new proposed 50% of UDP noise limits.
- The Airport will be required to use the most noise efficient routing for helicopters, which would include rising to 1,000 feet or another specified height in appropriate circumstances before leaving the boundary of the airport.
- In the event of a successful challenge and if the Noise Action Plan falls for any reason, the Airport to revert to the original hours (pre-application).
- The Airport provides appropriate indemnities to the Council against any additional cost/loss incurred as a consequence of this decision.

The Leader also confirmed that the Council would require that there was no ground running before 06.30 on weekdays or before 08.00 at weekends, which would be consistent with the current position in the lease.

RESOLVED that the recommendation from full Council to approve BHAL's proposal be agreed subject to the concessions, conditions and obligations as set out in the report, and as amended above.

The Meeting ended at 11.05 pm

Chairman