



**Review of  
BHAL's Noise Action Plan 2016 -2020**

**BY  
FLIGHTPATH WATCH LTD**

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## EXECUTIVE SUMMARY

On 25<sup>th</sup> November 2015, the London Borough of Bromley (LBB or Bromley Council) approved a 24% increase in operating hours at Biggin Hill Airport, which now enjoys longer operating hours than City Airport, Farnborough Airport and Northolt Airport. The approval was subject to a number of conditions, of which the most relevant were:

- 1) A cap of 50,000 movements per annum
- 2) A new route to Runway 03 (the Southern end of the runway seen as a whole) which would take away some 30% of movements from the areas at the North of the airport, that are currently overflowed by all arrivals
- 3) A noise-monitoring and track-keeping system that would allow residents to notify the Airport if there were incidents of excessive noise or missed tracks so that warnings could be issued to all offenders and sanctions imposed on repeated offenders
- 4) The establishment of no-fly zones to be avoided by light aircraft and helicopters.

Other conditions were of lesser importance from the point of view of the affected residents. A Noise Action Plan (NAP) had been produced in August 2015 and was added to via a Management Information Letter (MIL), dated May 2016, further to explain how Bromley Council's conditions would be implemented.

On 15<sup>th</sup> June 2016, LBB accepted that certain conditions had been complied with (the lesser ones) and others were sufficiently advanced to give confidence that they would be complied with. A Deed of Variation was signed in July 2016 incorporating the MIL and making reference to the NAP. Performance under all conditions is to be reviewed every five years. The underlying 125-year lease signed between LBB and Biggin Hill Airport Limited (BHAL) on 6<sup>th</sup> May 1994 remains unaltered, with the exception of the increase in operating hours.

Five years have now passed, during which time BHAL has had the benefit of the extended hours, which has facilitated the use of the airport by much larger and noisier aeroplanes (particularly on departure). However, aircraft are still predominantly flying below 2,500 feet above sea level, either because they are operating in the "uncontrolled" (Class G) airspace, or because arriving and departing aircraft are at that low height before leaving or approaching the higher levels controlled by London Air Traffic Control (normally 3,000 feet). In fact, the height of aircraft in the borough is more likely to be between 1,000 and 1,600 feet, which in practice means between 400 and 1,000 feet above homes, taking into account the actual ground level.

**On the other hand, residents have not had the benefit of any of the most important mitigating conditions imposed by Bromley Council to try and alleviate their new living environment. This injustice needs to be rectified.**

The five-year NAP review is the opportunity for Bromley Council to ensure that all agreed conditions are complied with. Should this not be possible, considering the passage of time BHAL has been allowed to resolve matters, LBB is entitled (in fact obligated, as a local authority responsible for the well-being of its residents) to suspend the new operating hours.

Moreover, there are certain clauses of the Lease that are not being complied with, particularly with reference to two of the Noise Preferential Routings agreed at the time the Lease was signed (one of them is also a noise-abatement route registered with the CAA). As BHAL appears to be unwilling or unable to enforce compliance by operators at the airport, it is currently in default of the Lease, which entitles LBB to rescind it.

Flightpath Watch Ltd is an association of local residents formed with the purpose of representing residents affected by operations at Biggin Hill Airport vis-a-vis Bromley Council. It is the result of amalgamating and continuing the work of other similar associations that had previously operated with the same purpose. Flightpath Watch and its predecessors have carried out this role for over twenty-five years.

BHAL continues to refer to a discredited 2015 survey when it quotes some 30,000 local supporters of the increase in hours at the airport. Analysis of that survey showed a 70% input of all online entries by two internet providers, later admitted as associated with BHAL. Significantly, most entries were input during working hours, Monday to Friday. On being provided with the analysis of data, the then Leader of the Council publicly recommended disregarding such survey. It is therefore disturbing that BHAL continues to advocate its relevance. Direct and personal input by local residents showed that more than 10,000 responses objected to the increase in hours at the airport. This is a very significant number, which far outweighs those directly benefiting from operations at the airport, either current or predicted.

On the occasion of the NAP Review 2016-2020, Flightpath Watch is requesting that all the major conditions of approval of the new hours of operation and important clauses of the Lease are respected. In particular:

- 1) The 50,000 cap on movements needs to be confirmed as permanent, and not expired as BHAL is assuming
- 2) The extended hours are suspended until the promised new route to Runway 03 is implemented
- 3) Empirical information from residents is considered when breaches are evaluated, given that WebTrak has shown not to be fit for purpose
- 4) No-fly zones (now defined by a map in the MIL, albeit called Noise Sensitive Areas) are avoided by helicopters and light aircraft
- 5) Noise Preferential Routings are respected.

A Summary Table of the main issues, documentary references and expected action by Bromley Council is shown at page 4 for ease of reference.

**These points are not new and they do not require any additional conditions or clauses – they just require LBB to enforce the conditions imposed and existing clauses in the Lease. This is not an unreasonable request.**

## SUMMARY TABLE

Page	Issue	LBB's reference	BHAL's Reference	Expert required	Action required
8	Cap on movements	<ul style="list-style-type: none"> <li>- Minutes of approval as per Executive meeting 25.11.2015, p. 4 and 5</li> <li>- Minutes of Executive meeting 15.6.2016</li> <li>- Correspondence with the former Leader of the Council</li> <li>- Understanding as expressed on Planning note 20.9.2021</li> </ul>	NAP Review, 2.4, p. 4 and 5.4, p.19	LBB's legal counsel to investigate discrepancy between LBB's approval and references in the MIL, 7 and 20	Suspension of the extended hours
10	New approach to R03	Minutes of Executive meeting 25.11.2015, p. 3, "Noise Envelopes and Limit on annual movements", 2 <sup>nd</sup> paragraph.	NAP 2.16, 4.26-4.28, MIL 11 and 13 NAP Review 4.3, 4.14	LBB's legal counsel to investigate the discrepancy between statements in the MIL, 11 and 13 and statement by BHAL's consultant Cyrrus and the CAA.	Suspension of the extended hours
11	New hours of operation	Full Council's minutes 25.11.2015, Cl. 3.2 (2)	MIL 4 and 14	LBB's legal counsel to investigate the discrepancy between the hours approved and statements in the MIL 4 and 14	Correction of MIL
12	Noise	<ul style="list-style-type: none"> <li>- Minutes of Executive meeting 25.11.2015 p 4,</li> <li>- Lease, Third Schedule, e) ii) b.</li> <li>- Approval of misaligned positioning of monitor (Planning 19/04375/FULL1)</li> </ul>	NAP Review 2.8 i) and ii), 4.3	LBB's legal counsel to confirm the validity of Cl. e) ii) b of the Third Schedule of the Lease	<ul style="list-style-type: none"> <li>- Lowering of the 57dB Laeq16h measure to 51dB LAeq16h</li> <li>- Request adjustment of noise calculations in view of misalignment of Northern monitor</li> </ul>

15	Maximum Noise Contour	Minutes of Executive meeting 25.11.2015 p. 5	<ul style="list-style-type: none"> <li>- Appendix 5, Cl. 3, and related map by Bickerdike Allen Partners, cyan colour, readings of July 2021</li> <li>- Cl 5.6 of the NAP Review 2016-2020</li> </ul>	<ul style="list-style-type: none"> <li>- LBB's legal counsel to challenge BAP's opinion that the Maximum Noise Contour is "indicative"</li> <li>- LBB's legal counsel to confirm that the review of the NAP is a matter between BHAL and LBB, not the ACC</li> </ul>	<ul style="list-style-type: none"> <li>- Lowering of the 57dB LAeq16h measure to 51dB LAeq16h</li> <li>- Request adjustment of noise calculations in view of misalignment of Northern monitor</li> <li>- Suspend the extended hours in case of breach – this is a Maximum Noise Contour</li> <li>- Re-establish the reference to "movements" as defined and suppress the use by BHAL of the word "flights"</li> </ul>
16	Non-compliance with the noise-abatement route for departures to the North	<ul style="list-style-type: none"> <li>- Lease, Third Schedule, Cl. j iv)</li> <li>- UK Aeronautical Information Publication (AIP)</li> </ul>	<ul style="list-style-type: none"> <li>- Table 2.4, 15</li> <li>- Appendix 3</li> <li>- MIL, 15</li> <li>- AP 4.37</li> </ul>	<ul style="list-style-type: none"> <li>- LBB's legal counsel to investigate repeated breaches to Lease, Third Schedule, j iv) [LBB already has proof but more can be provided]</li> <li>- CAA to confirm UK AIP if not already available to LBB</li> </ul>	Rescind the Lease in view of repeated and worsening non-compliance
18	NMTK system - WebTrak	- Report DRR15/097, Condition 17	<ul style="list-style-type: none"> <li>- NAP Review 2016-2020 Table 2.4, 1, 7, 15</li> <li>- NAP Review 2016-2020 4.84.11</li> <li>- MIL, 17</li> <li>- NAP 4.21 and 4.37</li> </ul>	LBB	LBB to request the removal of automatic reliance on WebTrak and demand that residents are listened to
20	Corridors		<ul style="list-style-type: none"> <li>- NAP Review 2016-2020 4.20</li> <li>- Standard response to complaints</li> </ul>	LBB's legal counsel to rebut the excuse of corridors and declare non-compliance with Lease, Third Schedule, j iv)	Rescind the Lease as BHAL has been in default for a number of years and shows no intention of keeping operators at the airport compliant with this very important Noise-Preferential Routing

22	Non-compliance with the noise preferential routing for Circuits	- Lease, Third Schedule, j iv) - Reference map	NAP Review 2016-2020, Table 2.4 8b	LBB's legal counsel to rebut the suggestions made by BHAL as non-conforming with the Lease	Rescind the Lease if non-compliance persists
23	Helicopters and light aircraft		MIL, Appendix 3	LBB's legal counsel to confirm that language of Code of Conduct cannot be amended unilaterally as it is a condition of approval of the new operating hours	Suspend the extended hours if BHAL does not keep helicopters and light aircraft in compliance with the Code of Conduct
25	Overall government noise policy	- Noise Policy Statement for England - LBB's annual statements of income		- LBB policy makers - LBB auditors	- Ensure compliance with the policy vision (i.e. enforce conditions) - Publicly quantify and monitor whether economic advantages (considering public expense) are commensurate to social damages

## INTRODUCTION

Flightpath Watch Ltd was formed by a group of residents to represent the many thousands affected by operations at Biggin Hill Airport and provide feedback to Bromley Council so that it can effectively mediate between residents and its tenant BHAL (Biggin Hill Airport Ltd) on matters pertaining to the Lease. Under different names and via amalgamation of separate groups, it has been in existence for over twenty-five years.

The aim of Flightpath Watch is not to obstruct Biggin Hill Airport's legitimate business, but to hold LBB true to the conditions it imposed on BHAL in order to mitigate the impact that the new operating hours would have (and are indeed having) on local residents. None of the most relevant conditions has so far been kept. While BHAL has enjoyed the increase in traffic by large aircraft that it wanted, residents have not been protected by the mitigating conditions promised. The five-year review of the NAP gives LBB the opportunity to correct this unjust situation.

We have given serious consideration to the NAP Review 2016-2020 presented by BHAL and have found it inadequate. There are several very important matters that require investigation by an external legal counsel to LBB and, maybe, an aviation adviser. We understand that the latter is likely to be the CAA.

Whilst we are pleased that a reputable aviation consultant has been chosen on this occasion, there are areas of the Lease, the MIL and the NAP where the CAA may not be in a position to assist. In fact, most issues relate to legal aspects of the Lease and errors in the MIL. Moreover, bearing in mind that a large part of Biggin Hill Airport's operations is in Class G aerospace (below 2,500 feet), which is "uncontrolled" and not the responsibility of the CAA, there are areas on which it may decide not to intervene.

A Summary Table of the main issues has been provided on pages 4 to 6 to facilitate reference to the Lease and the approval of the extended hours. They have been compared with clauses in the NAP Review 2016-2020, with the NAP itself and the MIL. We have also expressed our opinion on which expert would be more suitable to address the issues raised and what action we expect to be taken. It is to be noted that most points are of a legal rather than aviation nature, given the contractual obligations that BHAL has accepted when signing the Lease and the Deed of Variation.

## LEGAL AND AVIATION ISSUES REQUIRING ACTION

### Cap on movements

The minutes of the approval by the Executive on 25 November 2015 (pages 4 and 5) state: *“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”*. Importantly, this overturned the suggestion made by LBB’s consultant Vernon Cole to rely on noise envelopes instead of a cap on movements.

There is no mention in the approval by LBB’s Executive of a five-year limit, after which the cap reverts to 125,000 (the original limit contained in the Lease, when aircraft operating at the airport were of a totally different nature). Yet, Clause 5.4 of the NAP Review 2016-2020 states: *“All of the above can be accommodated well within our agreed 57 dB maximum noise contour footprint and the cap of 125,000 annual flights...”*. The approval by the Executive is reported correctly at item 7 of the MIL, however further commentary by BHAL in the same paragraph and, more specifically, at item 20, introduces a five-year limit and incorrectly re-instates the suggestion by Vernon Cole that the Executive had quashed.

We believe that the commentary by BHAL in the MIL is incorrect as it contradicts the approval granted. We also believe that LBB made a “manifest error” in not noticing the discrepancy between the MIL and the actual approval when it decided, on 15 June 2016, that the MIL would be attached to the Deed of Variation as presented by BHAL.

The approval of the new hours was the subject of a full council meeting on 25 November 2015 and it was ratified by the Executive on the same night, subject to conditions, one of which was a cap of 50,000 movements per annum which, if breached, could give reason for the suspension of the new hours and an early revision of the NAP. The then Leader of the Council, when challenged on the language of the cap by a member of Flightpath Watch, insisted that the cap was set at 50,000 movements (February 2016), with no reference to any five-year limit and, as recently as 28th September 2021, the LBB webpage related to Biggin Hill Airport still refers to 50,000 movements, with no time limit ([https://www.bromley.gov.uk/info/1004/planning\\_policy/1012/biggin\\_hill\\_airport/3](https://www.bromley.gov.uk/info/1004/planning_policy/1012/biggin_hill_airport/3)).

The Executive meeting of 15 June 2016 had the purpose of confirming that the conditions had been satisfied, not to alter the original approval. However, by attaching the MIL to the Deed of Variation, the five-year time limit on movements introduced by BHAL slipped in, in a clear case of “manifest error” by the officer responsible, who failed to highlight the discrepancy with the actual approval. It is our understanding that, in law, “manifest errors” need to be corrected and the NAP Review 2016-2020 provides the right opportunity to do so. The transcription of the cap of 50,000 movements per annum needs to align with the approval granted and the forecast of 54,500 movements in the year 2025 (NAP Review 2016-2020, cl. 5.4) needs to be rejected.

Very importantly, the cap was breached in 2016 and 2017 (cl. 2.4 of the NAP review 2016-2020), warranting the suspension of the extended hours. Members of Flightpath Watch reported such breaches to LBB but a council officer replied that the cap began in 2017, after the new hours became official. However, this is not correct. There is no mention in any of the official documents related to the approval of the extended hours of a special allowance for 2016 and 2017, therefore, now that BHAL has confirmed that the actual number of movements in those two years exceeded the cap (page 4, cl. 2.4 of BHAL’s NAP Review 2016-2020), the Council can formally take action and suspend the extended hours.

The reason why it is very important for residents that this condition is maintained is that the unobtrusive light aircraft mainly using the “Old” Biggin Hill Airport at the time LBB and BHAL signed a 125-year lease have largely disappeared and have been replaced by large, noisy, fast aircraft, still flying however below 2500 feet. **The approval to grant extended operating hours has suddenly created a totally different, unwelcome and oppressive local environment, which is detrimental to residing in this part of the borough. A strict limit on movements is essential to try and keep a balance on the damage (physical, mental and economic) caused to residents, and LBB’s legal counsel needs robustly to defend the cap as a condition of granting extended hours and to bring it back to how it was intended and approved.**

## **New approach to Runway 03**

This was a major mitigant required for the approval of the new hours. Although the decision ultimately rests with the CAA, BHAL misled LBB as to the chances and timing of such approval.

At items 11 and 13 of the MIL (dated May 2016), BHAL wrote: *“The new runway 03 instrument approach procedure (IAP) has passed through the stakeholder consultation stage and is now under formal consideration by the UK CAA. Subject to CAA timelines, it is expected that the new approach will be operational in the autumn of 2016”*.

In reality, BHAL’s consultants Cyrrus had clearly stated, in a report publicly available dated 25 April 2016, that *“... there were reservations about the interaction between the IAP and traffic operating under VFR in the corridor of Class G airspace located between the Biggin ATZ and the Gatwick CTR/CTA and Redhill aerodrome activity [...] Once these activities are completed, LBHA will determine whether a case for the introduction of an IAP to Runway 03 can be submitted to the CAA”* (Cyrrus, Post-consultation results, 25 April 2016, pages 12 and 13).

The CAA confirmed in an email dated 6 June 2016 that *“At this moment in time we have not received any formal proposal from BHAL or its consultants in respect of the R03 instrument approach procedure”*.

This clearly contradicts BHAL’s statements in the MIL.

BHAL has continued to blame the CAA for the delays but, after more than five years from the MIL, the CAA is still waiting to receive an important piece of information. In an email dated 2 September 2021, the CAA stated: *“We have checked the ACP’s record and it would appear that as of the 18th August 2021 the CAA is still waiting to hear from the change sponsor [BHAL] detailing new instrument flight procedure designs and supporting documentation”*. This followed an email eight months earlier, dated 19 January 2021, mentioning the same missing documentation.

This is confirmed by the minutes to the July 2021 meeting of the Airport Consultative Committee: *“7.20 Whilst the CAA had now confirmed that the airspace change proposal would not be rejected for non-standard elements, the onus was on the Airport to prove that the approach would be safe and flyable. The Airport was still at Stage 5 of the procedure and intended to close off all outstanding elements as soon as practicable. The complexities involved in this final stage was making predicting an operative date extremely challenging”*.

**It appears that BHAL expects residents to continue to suffer indefinitely.**

LBB has been more than patient with BHAL, at the expense of the residents, and has given BHAL sufficient time to bring this issue to a conclusion. As the lack of this mitigant badly affects residents in the most affected areas, LBB now has the obligation to use the NAP review 2016-2020 to suspend the hours until such mitigant is provided. We appreciate the caveat presented by the language “reasonable endeavours,” however we believe that such language does not apply in these circumstances, given the misleading premise on which the condition was expressed in the MIL. LBB’s legal counsel needs to intervene robustly.

## **New hours of operation**

The MIL states, at item 4, that: *“In practice LBHA resolved, for practical and operational reasons, not to utilise the period 2200 to 2300 hrs authorised on Saturdays so as to publish the same hours of operation on Saturdays, Sundays and Bank holidays. Dependent upon future market demand, LBHA may seek approval in the future to use the Saturday period from 2200 to 2300hrs.”*

The hour between 22.00 and 23.00 on Saturdays was not approved when the new hours were granted. This error is repeated at item 14 of the MIL, which states: *“LBHA to agree with LBB details of the measures that will be implemented to ensure that the numbers and type of aircraft operating during the early morning period between 06h30 and 07h00 and also during the late evening period between 21h00 and 23h00 on weekdays and 20h00 and 23h00 on weekends and bank holidays (FW’s underlining) give rise to noise levels that do not breach the relevant limits”.*

The NAP Review 2016-2020 offers the opportunity to investigate the reason why BHAL expresses the weekend and bank holiday hours incorrectly and to rectify these deviations from the actual approval.

## Noise

BHAL continues to give much importance to its compliance with the average noise measure agreed with LBB, the LAeq16hr, which is an average measure over a 16-hour period and takes into account periods of silence.

As Flightpath Watch has repeatedly expressed, this is a very misleading measure, unhelpful to residents and, in fact, designed to allow the airport to operate a greater and greater number of large and noisy aircraft in disrespect of the 50,000 cap on movements imposed by LBB as a condition of approval of the new hours. We explain below.

### The LAeq16h measure

Flightpath Watch commissioned a report from Stephen Turner (ex-Defra and involved in the analysis of aviation noise for that Department). His report, dated 13 November 2015, states:

*3.16 Whilst the noise impact of airports is commonly described in terms the LAeq noise indicator, this methodology does have a shortcoming. Broadly, a difference in noise level of 3 dB for two different individual aircraft flyovers is only just discernible by the person experiencing it, all other features of the sound being the same. But the number of movements of the aircraft that was 3 dB quieter could be doubled compared to the louder aircraft and the same LAeq value obtained. Thus, if all the aircraft using LBHA were to become 3 dB less noisy, the movements could be doubled and the same contour area achieved. It would seem that there was no difference in impact, but it is highly likely that those living nearby would not perceive the noise reduction from each individual movement but would notice the doubling of movements and be adversely affected by it.*

*3.17 Consequently, whilst the implementation of a contour area limit is an additional control over that which currently exists in the Operating Criteria, it may not provide the noise management expected unless it is accompanied by a movement limit.*

LBB's consultant Vernon Cole was apparently not familiar with aviation practices when he stated, in the minutes to the November 2015 council meeting that "This cap is not considered essential for controlling noise" (page 7, item 7). It obviously is, and his opinion was superseded by the re-introduction of the cap as a condition of approval of the new hours.

### The 57dB maximum noise contour

LBB accepted that the above LAeq16h measure be set at 57dB to create noise contours. Clause 2.5 of the NAP, dated 28 August 2015, states that "The noise metric and values used for the contouring provided in this NAP are based on current Government policy. The Future of Air Transport White Paper in December 2003 included policy advice on aircraft noise measurements and mapping. It advised that, based on research, the Government has used 57 dB LAeq16h contour as marking the approximate onset of significant community annoyance. The current Aviation Policy Framework (APF) published in March 2013 confirmed policy support for retained use of the 57 dB LAeq16h criterion."

However, BHAL and/or its consultants were surely aware of a new Government survey launched among airports in July 2014, which had the purpose of investigating lowering the onset of “significant community annoyance” to 54 dB. In fact, the onset of “significant community annoyance” was set between 50dB and 54dB. A further study commissioned by the Department for Transport and the Civil Aviation Authority in 2017 (“Assessing aviation noise impacts during airspace changes”, IA No: DfT00392, Department for Transport and Civil Aviation Authority, 2.8.2017), reports:

*“1.9 The SoNA [Survey of Noise Attitudes] paper suggests that significant community annoyance previously observed around 57 dB LAeq is now observed from 54 dB LAeq. This finding is supported by another study by Defra which suggests a LOAEL [Lowest Observed Adverse Effect Level] for aviation likely lies in the range of 50-54 dB LAeq, well below the current 57 dB measure of the onset of significance.”*

The 2017 study by the Department of Transport and the CAA recommends reducing the threshold to 51 dB.

In September 2018, one of our members wrote to the then Orpington MP Jo Johnson to enquire whether the 51 dB threshold was likely to be adopted and, via Jo Johnson, Baroness Sugg, then Transport Minister for Aviation, replied: *“As a result of consultation, and taking into account more recent scientific evidence, including a 2014 Government commissioned Survey of Noise Attitudes (SoNA), we acknowledged that some adverse effects of annoyance can be seen to occur at a level [lower] than as indicated in a previous study that influenced Government policy. We therefore adjusted the LOAL (the Lowest Observed Adverse Effect Level) metric for the purpose of informing decisions on airspace design and use, and set it as 51dB LAeq 16h for daytime, and 45 dB LAeq 8h for the night period. The Government also brought forward new noise metrics that reflect frequency of noise events and revised Government’s guidance states that all these metrics should be considered when there is an airspace change proposal. The policy relates to when airspace change proposals are brought forward, rather than evaluate the impacts of existing airspace and flight paths.*

*In relation to noise controls, the Government believes that, where possible, these controls and the appropriate metric should be agreed locally. Biggin Hill has established noise envelopes within its noise action plan using the 57dB LAeq16h noise contour as a measure. These controls are not directly linked to the Government’s airspace change policy, so changes to that policy do not invalidate these locally-set noise controls.”*

Of course, Baroness Sugg was not expected to know that the Lease between LBB and BHAL (Third Schedule Clause e) ii) (b)) requires that noise limits be revised in line with Government revision.

As already mentioned, in 2015 Flightpath Watch engaged Stephen Turner, aviation and acoustic consultant, ex-Defra, to advise on the NAP in relation to the Lease and, in his report dated 13.11.2015, at point 2.3, he noted: *“It is stated in the operating criteria [of the Lease] that the prescribed limits will be revised in line with any Government revision”*. The fact that noise limits have been changed from noise of individual movements to average noise over 16-hour periods does not alter this requirement. LBB needs to challenge the 57dB LAeq noise contour and bring it in line with current Government guidance on the onset of noise annoyance, which is now set at 51dB LAeq according to the above-mentioned letter from Baroness Sugg.

Moreover, we read from the minutes to the Executive meeting of 25.11.2015, under the title “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*". This therefore includes the obligation to revise noise limits in line with any Government revision.

The review of the NAP is the opportunity to revise such limits and base the contours on the LAeq16h 51 dB measure. In any agreement between parties, it is not tenable that only one party (the Tenant in this case) has the right to request amendments to an agreement, the Landlord can too. In fact, as party to the Lease and a local authority, LBB has the remit and the power to reset this limit and should do so in order to recognise the benefit it will have on residents of the borough, in line with the Government's Noise Policy for England, which requires to *"Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development"* (Stephen Turner, 23 November 2015). More is explained in the section "Overall government noise policy on page 25.

#### Misalignment of noise monitor to the North

This monitor is positioned some 150m to the west of the runway, and is therefore not directly overflown by either arriving or departing aircraft. There is a 90dB noise limit per movement in the early hours, which BHAL states has only been breached on 17 occasions since 2017, however the misalignment of the monitor implies that many more aircraft might have breached this limit.

The misalignment is also likely to affect the contour readings, which need therefore to be constantly adjusted to allow for the lower noise recorded by the monitor by virtue of its considerable misalignment with the runway.

In view of the comments made by Stephen Turner about the "imperfections" of the LAeq measure, and the fact that a 3dB reduction in noise would probably accommodate twice the number of flights, the misalignment of the monitor is another reason why it is imperative that the cap on movements is maintained.

#### Noise Footprints

The statement that the current noise footprints based on 57dB LAeq16h are 50% of the "Currently Adopted Unitary Plan" (which is no longer "current") is misleading. The promise was to reduce "noise" by 50%. In reality, the 57dB LAeq16h noise contour for daytime of 4.3 Km<sup>2</sup>, is double the equivalent noise contour for 2014, which was 2.1 km<sup>2</sup> and was taken as the starting point (see minutes to the November 2015 full council meeting, item 1). The current noise contours do the opposite of what was promised: noise is in fact allowed to more than double from when the promise was made.

It also needs to be noted that, whilst the limit of 4.3km<sup>2</sup> was described as "New Maximum Limit" in the NAP, BHAL's consultants Bickerdike Allen Partners now describe it as "Indicative" (see below).

## Maximum noise contour

The minutes to the Executive meeting of 25 November 2015 established that: *“Future reviews of the Noise Action Plan will not permit an increase in noise above the new proposed 50% of UDP noise limits”*. This is repeated at item 20 of the MIL.

However, the NAP Review 2016-2020 states that such maximum contour is “indicative” (Appendix 5, Clause 3, and related map by Bickerdike Allen Partners, cyan colour, readings dated July 2021). The established Maximum Noise Contour is not “indicative”, and this needs to be properly reflected in the review so that there is no misunderstanding.

Moreover, Clause 5.6 of the NAP Review 2016-2020 states: *“As agreed, the noise contours are monitored quarterly/annually in accordance with the NAP and, in the event that the forecast number of flights is expected to be exceeded, we will produce a revised noise contour forecast in consultation with the Airport Consultative Committee and ensure that it remains within the agreed 57 dB noise contour limit for the Airport, and in the respective morning and evening opening hours.”* Three factors need to be highlighted here:

1. The Airport Consultative Committee is neither qualified nor authorised to judge noise contours. This needs expert calculations that take into consideration the misalignment of the Northern monitor, particularly in view of the comments by Stephen Turner Acoustic concerning a possible doubling of movements per each 3 dB reduction in noise using the LAeq measure.
2. The review is a legal undertaking between BHAL and LBB, not the Airport Consultative Committee.
3. We note that BHAL has started to use the expression number of “flights” rather than “movements”. For clarity, the word “movements” needs to be used at all times as it is defined as “a landing or a take-off”. A “flight”, particularly a long-distance flight, might include stopping for refuelling, for instance, or several attempts at landing in flight training, or an additional stop when “empty legs” are used, thus increasing the number of allowed movements even further.

We believe that all the points made with regard to all aspects of noise, noise contours and noise monitoring require counsel’s intervention.

## **Non-compliance with the Noise-Abatement Route for departures to the North**

Residents know that pilots operating at the airport do not respect certain routes, but BHAL uses two excuses to disregard the residents. The first is that WebTrak shows aircraft in a different location from where they actually are, particularly on a curve (the unhelpful contribution by WebTrak is the subject of the section below, at page 18), and the second is the use of “corridors”, which we will address at page 20.

The noise map by Bickerdike Allen Partners included as Appendix 3 of the NAP Review 2016-2020 proves that the Noise-Abatement Route for departures to the North is not complied with. This route is also one of the Noise Preferential Routings mentioned in the Lease, Schedule Three, Cl. j iv). Non-compliance is an event of default of the Lease and entitles LBB to rescind the Lease.

Such route requires aircraft to turn East one nautical mile from the BIG VOR (the Biggin Hill beacon used to direct air traffic, particularly Heathrow air traffic circling before being directed to the Heathrow runways). The BIG VOR is located at the junction between Runway 21 and Runway 03, i.e. in the middle of the runway seen as a whole. The purpose of this Noise-Abatement Route is to avoid the populated areas of Farnborough, Crofton and Locksbottom, where, among other sensitive zones, a major hospital is located. These areas begin at about 2.5 nautical miles from the BIG VOR but are consistently disturbed by off-track departures.

The acoustic map by Bickerdike Allen Partners indicates that aircraft take a straight route to the North, well past the prescribed turning point. As departures are noisier than landings, it would be reasonable to expect that compliance with the Noise-Abatement Route would show on the acoustic map, which it does not. This would appear to corroborate the frequent complaints by local residents that BHAL allows operators at the airport to breach the Noise-Abatement Route and, consequently, clause j iv) of the Third Schedule of the Lease. This is a legal point that LBB’s counsel should now address as a matter of urgency given that non-compliance has occurred over a few years.

It is interesting to note the pattern of complaints reported in BHAL’s NAP Review 2016-2020 (page 13). Four of the five areas mentioned in the review as originating most of the complaints are at the North of the airport. The exception is the Biggin Hill ward, which is, in any event, avoided by the major flight paths (see maps at pages 13, 24 and 25 for confirmation).

It is very significant that 45% of the complaints originating from these areas are about “off-track” events (page 12), the major one being non-compliance with the noise-abatement route for departures to the North. We strongly dispute the statement by BHAL that *“The majority of these complaints relate to light aviation.”* That is not what we hear from residents and it can hardly be true when light aviation is seldom captured by WebTrak, as LBB is aware, and complaints are nearly impossible to make.

We also need to comment on the implied criticism by BHAL that complaints are made by a small number of disgruntled residents (pages 13 and 24 of the NAP Review 2016-2020). It needs to be noted that certain areas have chosen to be represented by a specific officer, whose function it is to gather, scrutinise and report incidents. The number of complainants is therefore irrelevant. In fact, it can be said that the scrutiny of complaints by certain officers makes them more accurate and more relevant to the Lease and the conditions of approval of the new operating hours.

Out of 1,234 total recorded complaints over five years (please note the large increase in 2020, in spite of lock-down), it is disappointing that BHAL has only issued 145 Initial Warning letters and has only followed through with 4 sanctions. This is proof that residents' complaints are not taken seriously – responses are sent to complainants, but the contents are normally dismissive.

## Noise-monitoring and track-keeping (NMTK) system - WebTrak

One of the conditions of approval of the extended hours was the implementation of an “accurate” Noise-Monitoring and Track-Keeping system. We have already commented on noise (pages 12 to 15). Here we want to address the Track-Keeping part of the system.

Condition 17 of the approval of the extended hours requires BHAL “to develop proposals for incorporating track keeping into the monitoring system. The system shall provide access to a real time display of aircraft movements with information on aircraft location and height being clearly displayed”. Although a system has been put in place, WebTrak, it has unfortunately proved not to be fit for the purpose of complying with Condition 17.

Other airports use WebTrak for information purposes, but BHAL relies on this system for the “automatic” tracking of noise and aircraft location and height, subject to which sanctions can be imposed on offending pilots (NAP 4.21 and NAP Review 2016-2020 Table 2.4 15). An imperfect system such as WebTrak and the flat refusal by BHAL to consider empirical evidence from residents have the effect of causing BHAL to be constantly non-compliant with Condition 17 of LBB’s approval and of clause 4.37 of the NAP. It is another important issue that LBB’s legal counsel will need to address.

Some of the airports that have adopted WebTrak have been less sanguine in their description of its functionality and accuracy. For instance, the Australian authority published several warnings on its website (<https://www.airservicesaustralia.com/community/environment/aircraft-noise/webtrak/>), among which the following stands out:

*“WebTrak ‘smooths’ readings from individual radar points to show a consistent track. For scheduled flights which perform smooth turns, the lateral accuracy is better than 250 metres at 40 kilometres from the radar site. For aircraft that make tight turns (for example, aerobatic aircraft or helicopters), the lateral accuracy is 450 metres at 40 kilometres from the radar site. This means that aircraft may not have flown exactly on the track shown on WebTrak”.*

The letter by Mr Winstanley to the Chairman of Flightpath Watch, copied to the Council, states that WebTrak uses Heathrow’s radar. That is located at some 24 miles (38 kilometres from Biggin Hill) in a straight line, therefore the comparison with the text above is appropriate.

There are other observations about height in relation to weather conditions, but we intend to focus here on lateral distance.

Moreover, in 2016 there was a study about WebTrak commissioned to NLR (a Dutch firm of aviation consultants) by Heathrow Airport Ltd on the request of their Community Noise Forum, who had been complaining about inaccuracies of the system. The study is quite thorough ([https://www.heathrow.com/content/dam/heathrow/web/common/documents/company/local-community/noise/reports-and-statistics/reports/other-reports/NLR\\_CR\\_2016\\_089.pdf](https://www.heathrow.com/content/dam/heathrow/web/common/documents/company/local-community/noise/reports-and-statistics/reports/other-reports/NLR_CR_2016_089.pdf)) and covers many areas, including a comparison with another system used by Heathrow Airport but, again, we focus here on lateral distance. The study relates that:

*“Higher distances between the aircraft positions and the resulting flight track are typically found in the curved parts of a flight rather than on the straight parts. Also the maximum deviations are likely to be found in the curved parts”.*

This concurs with observations by Bromley residents (unreasonably dismissed by BHAL), particularly with regard to non-compliance with the noise-abatement route for take-offs to the North which is, indeed, on a curve.

It also relates to penetrations into Noise Sensitive Areas, which are normally effected on a curve, although the main problem in this case is that light aircraft and helicopters (the main culprits) do not appear on WebTrak. This point will be addressed more fully in the Helicopters and Light Aircraft section at page 23.

The ensuing result is that BHAL is non-compliant with Condition 17 of approval of the extended hours. It also disproves BHAL's statement at item 17 of the MIL that *"The system, which uses extremely accurate radar data from the London Air traffic Management system, will remove all subjectivity from the issues surrounding the airport."*

In April 2020, the Ombudsman finally persuaded LBB to employ the long-awaited Airport Monitoring Officer so that residents could be heard. Given the proven inaccuracies of WebTrak, the time has come for the AMO to be given the task to represent residents' comments when sitting on BHAL's committees, most of which are populated by aviation-related parties, with residents (particularly in the areas at the North of the airport) hardly represented.

In fact, this may be the right opportunity to mention that the Airport Consultative Committee (ACC), on which LBB inadvisably seems to place considerable reliance, has been chaired by a conflicted party for many years and, according to the minutes to the July 2021 meeting, the new Chairman will be equally conflicted, against Government recommendations. The Department of Transport's Guidelines for Airport Consultative Committees state: *"Chairs, 3.2. [...] The chair should not be closely identified with any sectional interest [...]"* (Page 15). The new Chairman was proposed by BHAL and, inexplicably, no representation against his appointment was made by LBB. More comments on the unsatisfactory role of LBB on the ACC will be the subject of another study, but that does not pertain to this NAP Review.

Fundamentally, however, LBB is responsible for enforcing the Lease and the Deed of Variation (with associated conditions). In this case, in view of WebTrak's inadequacy, LBB should request that automatic reliance on this system be adjusted to include consideration of residents' complaints so that Condition 17 of approval of the extended hours and clause 4.37 of the NAP are complied with.

## Corridors

The concept of Corridors is considered in ICAO documentation and is adopted by the CAA at major airports to try and reduce the size of the swathe of departing and arriving aircraft but still afford pilots some margin of error. It is defined as 1.5 km from the centre line. Please note the definition is in km as opposed to nautical miles, as used in the UK.

BHAL often refers to “corridors” to justify pilots missing the noise-abatement route to the North and penetrating the residential areas they are supposed to avoid (a clear contradiction to the purpose of the noise-abatement route). When questioned on the existence of “corridors” at Biggin Hill Airport, on 19.1.2021 the CAA replied (please note that all underlining is by Flightpath Watch):

<<

*For information, below is an extract from the UK Aeronautical Information Publication (AIP) relating to Biggin Hill Airport noise abatement procedures for Runway 03. You will note that it is only Instrument Departures which follow pre-ordained tracks which have no defined width but rely on navigational accuracy.*

### *Runway 03 Departures (Instrument Departures)*

- i. On departure speed should be restricted to V2+25 KIAS and in any case no more than 185 KIAS until at or above 2100 FT AMSL in order to achieve the best practical angle of climb whilst keeping thrust to the minimum required whilst at low level.*
- ii. Following rotation, runway track should be maintained accurately. Upon reaching BIG 1 DME aircraft should commence an immediate right turn to track 120° M to intercept DET R275° to DET in accordance with the SDR.*
- iii. In order to safely maintain the relatively low speeds required by this procedure and dependent upon aircraft type, consideration should be given to delaying flap retraction until at or above 2100 FT AMSL in order to ensure a sufficiently tight radius of turn is achieved.*
- iv. The procedure is designed to prevent unnecessary overflight of the built up areas lying to the north of the airport. Pilots should pay particular attention to avoiding overflight of these areas. Excessive speed on departure or a failure to commence a right turn immediately upon reaching BIG 1 DME will likely result in a track violation.*
- v. Additionally, a limit violation will occur if the noise monitor at Milking Lane Farm is overflown below 1000 FT AMSL (400 FT AAL) or 2100 FT AMSL is not achieved after 5 track miles.*

>>

A Glossary is provided below.

There is no mention of “corridors” in the reply from the CAA. On the contrary, it states that departures rely on “navigational accuracy”, that “speed should be restricted”, that upon reaching 1 nautical mile from the BIG VOR the aircraft should take “an immediate right turn”, that the purpose of the procedure is “to avoid the built-up areas at the North of the airport” and that “excessive speed on departure or a failure to commence a right turn after 1 nautical mile will likely result in a track violation”.

Residents have therefore been proved right under several aspects:

1. Aircraft taking off at speed to reach height fast (recommended by BHAL), in addition to causing more rather than less noise, are also likely to cause track violations under this specific noise-abatement route.
2. Any use of the concept of corridors to justify large aircraft taking off at speed and missing the turning point, thus overflying the built-up areas at the North of the airport which the noise-abatement route is devised to avoid, defeats the object of this particular noise-abatement route.
3. Blaming London ATC when aircraft reach the built-up areas at the North at more than 2,500 feet (which they can do if they depart too fast, in breach of the recommended speed) contradicts the requirements of the noise-abatement route, which tasks pilots with “navigational accuracy”.
4. The use of WebTrak’s inefficiencies to thwart legitimate complaints on track violations defeats the reason why LBB made an NMTK system a condition of approval of the extended hours.
5. BHAL are in default of the Lease, Third Schedule, j) iv) because they allow pilots operating at the airport to breach one of the main “noise preferential routings” and penetrate, noisily and at speed, the areas that are supposed to be protected.

#### Glossary

KIAS:	knots-indicated air speed
V2:	Take-off safety speed for jets, turboprops or transport-category aircraft. Best climb gradient speed
DME:	Distance Measuring Equipment, normally positioned on a VOR
BIG 1 DME:	Biggin VOR + 1 nautical mile from the DME (calculated to include the climbing slant)
DET:	Detling VOR
SDR:	Software-defined radio system

## **Non-compliance with the Noise Preferential Routing for Circuits**

Training circuits are allowed by the Lease, however the Council agreed a very specific route for circuits when the Lease was signed, that should be contained below Keston and avoid residential areas (the map attached as Appendix B refers). This route is one of the Noise Preferential Routings referred to in clause j iv) of the Third Schedule of the Lease but is not respected by either light or large aircraft. The circling at low level over residential areas by the new large type of aircraft now using the airport (Gulfstream 4 or 5, Bombardier Global Express or similar) is very disturbing and a source of stress and anxiety. It is important that the route for circuits agreed with LBB is adhered to.

The suggestion by BHAL at point 8b of Table 2.4 of the NAP Review that circuits should be *“restricted at certain times”* is not a suitable replacement to compliance with the route for circuits agreed when the Lease was signed. Non-compliance is an event of default of the Lease, which should be rescinded if non-compliance continues. BHAL appears to underestimate the seriousness of its attempts at unilaterally altering an important clause of the Lease.

Moreover, the suggestion that *“All circuits, other than for flight training, are approved by the Senior Air Traffic Control Officer (SATCO) or Chief Executive Officer (CEO)”* shows, again, disrespect of both the clause in question and LBB’s rights. The agreement with LBB, reflected in the Lease, is that a certain map for circuits needs to be followed. Neither SATCO nor the CEO is authorised to approve a route for circuits in the Borough of Bromley. In view of the existence of the Lease, with a specific clause related to Noise Preferential Routings, any amendment needs to be agreed with LBB. Residents encourage LBB not to amend the agreed route, which is devised to avoid residential areas.

Any unauthorised change or misinterpretation of the Lease needs to be stopped immediately before incorrect practices are established.

## Helicopters and light aircraft

The MIL has identified certain Noise-Sensitive Areas (downgraded from No-Fly Zones in the NAP), that should not be overflown by helicopters and light aircraft. Whilst instances of overflying by the light aircraft of the flight schools have reduced, helicopters remain constant offenders. WebTrak is supposed to pick them up automatically but it is totally inadequate in this respect. BHAL is not in compliance with Condition 17 of the approval or with Appendix 3 of the MIL.

It is worth reporting here the relevant clause of the Code of Practice for light aircraft and helicopters contained in Appendix 3 of the MIL:

<<

1. *In general all built up areas should be avoided by aircraft where safety considerations permit. Noise sensitive areas should not be overflown below 2,000 ft unless pursuant to an ATC restriction or instruction.*
2. *Aircraft commanders should operate their aircraft at all times in order to minimise noise on the ground to the greatest extent possible.*
3. *Non-essential flights should be avoided in the early morning period 0630 – 0700 and aircraft commanders are encouraged to consider a departure in this period only where no alternative course of action exists. In any event, prior permission will be required for all aircraft operations at Biggin Hill and special noise provisions will apply during this period.*
4. *Low flight (below 2,000ft AMSL) should be avoided where possible.*
5. *Propeller pitch/rpm should be reduced as soon as possible after take-off and increased again only once required for safe flight.*
6. *Operations should be conducted so as to avoid unnecessary or gratuitous noise nuisance.*
7. *Areas marked in red above should be overflown only when required pursuant to a direct ATC instruction (IE extend downwind, report before turning base)*
8. *Where safe [sic] and weather conditions permit, helicopters transiting in and out of the airport should use the highest practical altitude and should organise their flight profile so as to minimise noise on the ground and make use the of highest safe altitude when transiting to or from Biggin Hill Airport area. If possible, helicopters should rise to 1,000 ft before crossing the airport boundary.*
9. *Aircraft commanders should carefully consider the likely impact of their flight operations on those on the ground, having regard to the time of day and the prevailing weather conditions at the time of flight.*

>>

We know from communications with the Ombudsman that BHAL, via LBB, stated to the Ombudsman, with regard to the first and seventh bullet points, that the language is “unclear” and that it needs to be clarified to mean that helicopters or light aircraft flying above 2,000 feet are allowed in Noise Sensitive Areas.

The language is however clear to us and we read this as another attempt at diluting a condition of approval.

In the first paragraph “noise sensitive areas” are only indicative of any residential areas. As BHAL is now intimating that “No-Fly Zones” in several clauses of the NAP does not mean what it says because such zones are not defined, so we state that “noise sensitive areas” in bullet point 1 is used in general terms, while “Areas

marked in red above” in bullet point 7 does not give rise to any ambiguity: such areas should not be overflown at all, unless under precise instruction of ATC, which, we are assured by Mr Winstanley, is only in the case of safety.

The safety reason has been overused in responses to complaints. As members of Flightpath Watch have demonstrated to LBB, this reason is often used when there is no other traffic in the air and is therefore not credible. Several images from Flightrader24 have been provided to LBB since WebTrak very rarely records helicopters and light aircraft.

Interestingly, the above-mentioned study by NRL about WebTrak commissioned by Heathrow Airport states:

*“It is found that all flights which are available in the reference set can be matched in the ANOMS [FW: other system used by Heathrow] set of flights. In WebTrak however, missing flights are found:*

*o 31 Flights are missing due to a missing flight track; these occurrences are spread over time.*

*o The missing flights included those flights that had been reported by community members.*

*o 34 additional flights are missing on January the 4th of 2015”.*

As LBB has been made abundantly aware by residents, and as Mr Winstanley has confirmed, WebTrak does not register helicopters (with only few exceptions) – Flightpath Watch will now check whether there are other missing flights. The reasons given have varied over time, but the fact remains that this is another issue that makes WebTrak not fit for the purpose intended.

There have been many examples of repeated offenders reported to BHAL (mainly Castle Air and GMFL, which operate regularly at Biggin Hill Airport and ought to know the Code of Conduct) but they are still overflying the “areas marked in red” in the map, proving that BHAL has done very little in terms of warnings or sanctions to convince pilots to respect the Code of Conduct.

For the avoidance of doubt, Flightpath Watch acknowledges that BHAL is only responsible for helicopters and light aircraft operating at the airport.

## Overall government noise policy

As LBB is aware, Flightpath Watch appointed Stephen Turner as a consultant to review the proposal to extend the operating hours at Biggin Hill Airport. This five-year review offers the opportunity to investigate whether certain assumptions have come to be realised.

In his report (13 Nov. 2015) Stephen Turner stated:

3.33 With a proposal to extend the operating hours and a consequential noise impact anticipated, Government policy would apply and should be implemented.

3.34 The overarching Government policy on noise is set out in the Noise Policy Statement for England. It contains a policy vision supported by three policy aims. The policy vision is to

*Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development.*

3.35 The policy aims are

*Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:*

- *avoid significant adverse impacts on health and quality of life;*
- *mitigate and minimise adverse impacts on health and quality of life;*
- *where possible, contribute to the improvement of health and quality of life.*

3.36 The policy applies to any activity that may cause noise that could adversely affect the health and quality of life of those potentially affected, and must be implemented by all those whose decisions and actions might affect the noise environment. The principles of this policy can be found in the Aviation Policy Framework, the National Planning Policy Framework and the Planning Practice Guidance on Noise.

3.37 The Government has helpfully clarified that

The National Planning Policy Framework, the National Planning Practice Guidance on noise and the Noise Policy Statement for England are all clear that noise management should be determined in the context of sustainable development including the environmental, economic and social benefits of the proposal.

3.38 [...] the decision makers must also be satisfied that the economic benefit that these additional hours will provide is worth the adverse impact on health and quality of life that the additional noise will bring (taking account of the mitigation measures being proposed). For example, what exactly is the economic benefit to the airport of an extra 8 aircraft movements between 2200 and 2300 on Monday to Friday?

Among other points in his Conclusion, he states:

“With regard to Government policy, a judgement must be made by the decision makers whether the economic and social benefits of the proposed increase in operational hours will be sufficient to justify the additional noise impact that will occur”.

So, after five years and substantiated proof that the health and quality of life of residents in the areas affected by airport operations have (particularly but not exclusively in the areas North of the airport) suddenly been impacted beyond measure by the change in type of aircraft using the airport, it is legitimate to ask LBB to quantify:

1. the economic benefits to BHAL
2. the economic benefits to LBB, bearing in mind the forecast included in the attached Appendix C
3. the economic benefit to residents in the borough
4. how many employees the airport sustains
5. how many employees reside in the London Borough of Bromley
6. the social benefits to residents of the borough

Ultimately, considering the large area granted to BHAL and the noise and pollution impacts, LBB needs to consider whether operations at the airport and the extension of the operating hours are more beneficial to the local and UK economy than other uses of the land, such as housing, schools (even acknowledging that the aviation college could introduce new learning topics to the standard curriculum, assuming it is going to happen), supermarkets, industrial uses, agriculture, etc.

In this context, LBB needs to consider whether the numerous and substantial breaches to the NAP and the Lease should be used to rescind the Lease and devolve the area to other uses rather than continue to condone them. Government policy needs to be considered and applied.

## CONCLUSION

There are other areas of the NAP Review 2016-2020 presented by BHAL that we could comment on as inaccurate.

We could, for instance, take issue with the fact that the NAP promises that aircraft should be compliant with ICAO Chapter 4 noise limits only in the early-morning half-hour (reported among “Achievements” at 14b, Table 2.4) and that *“From 1 January 2016 operate a ban on fixed wing aircraft which are not fully compliant with ICAO Chapter 3 or above noise certification numerical standards”* (14a Table 2.4). In fact, *“there has been a ban on movements by non-Chapter 3 compliant aircraft since 2002, and two newer standards have been adopted by ICAO, namely, Chapter 4 and Chapter 14”* (Stephen Turner, 13 Nov. 2015).

Moreover, we note that in Table 2.5 BHAL lists as “achievements” the simple compliance with conditions of approval of the new operating hours (at least some of the minor ones). Not achieving compliance does, in fact, constitute a breach of the conditions of approval. It is therefore more significant to highlight the several important areas where compliance has not been “achieved”, thus causing BHAL to be in default, exposing itself to the suspension of the new operating hours and the termination of the Lease.

However, we believe that we have given LBB sufficient reasons to consider BHAL’s NAP Review 2016-2020 as inadequate, misleading and lacking in the fundamental areas where, five years after the granting of extended operating hours, it has yet to comply with the terms of approval.

LBB now has the right and, indeed, the obligation (as a local authority responsible for the well-being of its residents), to intervene and correct this unjust situation, that is affecting residents badly, in physical, mental and economic terms. Legal counsel needs to be employed to establish that the balance between LBB’s residents and LBB’s tenant is corrected by appropriate observance of the Lease and the conditions of approval of the new operating hours.

**As already mentioned, residents are not requesting new conditions or new legal clauses – they are just requesting that those already in existence are enforced. This is not an unfair expectation.**

# APPENDICES

## A - Letter from Baroness Sugg



Jo Johnson MP  
House of Commons  
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SW1A 0AA

**Baroness Sugg**  
Transport Minister for Aviation, International  
and Security

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Our Ref: MC/235854

*Dear Jo,*

21 September 2018

Thank you for your letter of 1 August 2018, enclosing correspondence from your constituent, Giuliana Voisey of 9 Park Avenue, Farnborough Park, BR6 8LJ about aviation noise limits. I am replying as Minister responsible for this issue.

I am sorry to read that your constituent did not receive a response from my officials; Thomas Fletcher has left the Directorate and other officials in the unit were not aware of Ms Voisey's correspondence.

As you are aware, in February last year the Government consulted on 'U.K Airspace Policy: A framework for balanced decisions on the design and use of airspace'.

The Impact Assessment Ms Voisey attached to her email was prepared to assess the economic impact of aviation noise during airspace changes, and it was used to help inform our final impact assessment that was published alongside our consultation decision document and revised Air Navigation Order guidance to the Civil Aviation Authority (CAA).

As a result of consultation, and taking into account more recent scientific evidence including a 2014 Government commissioned a Survey of Noise Attitudes (SoNA), we acknowledged that some adverse effects of annoyance can be seen to occur at a level than as indicated in a previous study that influenced Government policy. We therefore adjusted the LOAEL (the Lowest Observed Adverse Effect Level) metric for the purpose of informing decisions on airspace design and use, and set it as 51 dBLAeq 16hr for daytime, and 45dB LAeq 8hr for the night period. The Government also brought forward

new noise metrics that reflect frequency of noise events and revised Government's guidance states that all these metrics should be considered when there is an airspace change proposal. The policy relates to when airspace change proposals are brought forward, rather than to evaluate the impacts of existing airspace and flight paths.

In relation to noise controls, the Government believes that where possible, these controls and the appropriate metric should be agreed locally. Biggin Hill has established noise envelopes within its noise action plan using the 57dB LAeq 16hr noise contour as a measure. These controls are not directly linked to the Government's airspace change policy, so changes to that policy do not invalidate these locally-set noise controls.

I hope you and your constituent finds the information in this letter useful.

**BARONESS SUGG**

## B - Preferential routing for Circuits, Lease, Third Schedule, j) iv)

### AIRCRAFT TRACKS



There are two distinct groups of users of the airport and each group uses different flight routes.

Close to the Airport, **light aircraft**, mostly engaged in training, do circuits passing down the West side of the airfield (see **Plans B and C** below). Aircraft flying on these circuits 1600ft above sea level / 1000 ft above ground level, and the routes followed depend upon which runway is in use and the prevailing wind, since aircraft must take off and land into the wind. When departing from the airfield, they will follow the diagram set out below in **Plan A**, designed to avoid built up, noise-sensitive areas and the Oaklands School in Biggin Hill Village.



#### Plan A

Light Aircraft Departure Routes from Biggin Hill Airport.



#### Plan B

Light Aircraft Circuit Routes at Biggin Hill when the Northeast/Southwest Runway (Rwy 21/03) is in use.



#### Plan C

Light Aircraft Circuit Routes at Biggin Hill when the East/West Runway (Rwy 29/11) is in use.

The second group of airport users are those generally arriving and departing from further afield, usually via the higher altitude airways. These aircraft generally approach using the Airport's instrument landing system (ILS). This is a radio beam on line with the main runway and directed out to the North East of the airfield for arriving aircraft to follow to touchdown. These are illustrated on the diagram overleaf.

## C – Income forecast to LBB

### STRICTLY PRIVATE & CONFIDENTIAL - Forecast of additional income to the Council arising from extending the airport opening hours

£'000 Fin Yr to 31.3	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	Total Years 1 - 5	Total Years 6 - 10	Total Years 11-15	Total
1. Additional rent payable by the Airport to the Council, generated under the terms of the existing Lease, above the rent of £207,124 payable in 2014	35	76	121	183	249	296	327	360	395	432	471	489	533	578	626	664	1810	2697	5171
2. Supplementary Community payment For flights between 2200hrs – 2300hrs	29	60	94	98	102	106	110	115	119	124	129	134	139	145	146	383	574	693	1650
3. Sub- total 1 + 2	64	136	215	281	351	402	437	475	514	556	600	623	672	723	772	1047	2384	3390	6821
4. New rates generated by attracting more companies to the airport, under the Government incentive scheme for 6 years: Stage 1 Stage 2 Stage 3	--	236	236	236	236	236	236	429	53										
	--	--	429	429	429	429	429	53	53										
	--	--	--	53	53	53	53												
Sub-total new rates	--	236	665	718	718	718	718	482	53							2337	1971	0	4308
5. Total additional income available to the Council	64	372	880	999	1069	1120	1155	957	567	556	600	623	672	723	772	3384	4355	3390	11120

BH Monthly File