

Report No.

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: EXECUTIVE

Date: Wednesday 19 October 2022

Decision Type: Non-Urgent Executive Key

Title: BIGGIN HILL AIRPORT NOISE ACTION PLAN REVIEW - UPDATE

Contact Officer: Matthew Amer, Airport Monitoring Officer
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Chief Officer: Director of Housing, Planning, Property and Regeneration

Ward: (All Wards);

1. Reason for report

In summer 2021, five years after the signing of the Deed of Variation on their lease with the Council, Biggin Hill Airport Ltd (BHAL) submitted a Noise Action Plan review. As the review was to be carried out "in association" with London Borough of Bromley, the Council could approve it or request alterations. At the Executive Committee meeting on 12 January 2022, the Council requested further information from Biggin Hill Airport. The Airport submitted new information in response to this request.

2. RECOMMENDATIONS

The Executive is recommended:

- 2.1 To note that Biggin Hill Airport Ltd (BHAL) submitted additional documentation by the deadline of 30 June 2022 in response to the information requested by the Executive in January 2022.
- 2.2 To note that with the additional evidence provided, BHAL has completed its review of the Noise Action Plan (NAP) though one of the ongoing commitments under the NAP for BHAL to progress the implementation of Runway 03 is yet to be achieved.
- 2.3 To note that BHAL is dependent on Civil Aviation Authority (CAA) authorisation to progress Runway 03 and a decision is expected later this year, by December 2022.

- 2.4 To note that the Leader and the Chief Executive have written to the Council's three directly affected Members of Parliament encouraging them to write to the relevant Minister with oversight for CAA, urging them to ensure that the promised timely decision is delivered.**
- 2.5 To note that the outcome of the CAA decision on Runway 03 will be significant in determining the next steps following the review of the NAP.**
- 2.6 To agree that in the light of the above officers should bring a further report in January 2023 once CAA decision is made, when the Executive can consider the impact of the decision of the CAA on Runway 03.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
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Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Excellent Council Vibrant, Thriving Town Centres Regeneration
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Financial

1. Cost of proposal: Not Applicable
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: N/A
 4. Total current budget for this head: £N/A
 5. Source of funding: N/A
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Personnel

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Applicable
-

Procurement

1. Summary of Procurement Implications: N/A
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? As this is a Borough Asset individual Wards have not been consulted, however this report has been circulated to all Councillors.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

Table of Attachments

| Attachment Number | Title |
|-------------------|--|
| 1 | Enclosures – Response to LBB NAP Review 29.06.22 |
| 2 | Letter of response from CEO of CAA 22.08.22 |

Background

3.0 This report should be read in conjunction with the report to the Executive dated 12 January 2022. That report and the appendices to that report can be found on the Council's website. The recommendations in that report were as follows:

2.1 To note that Biggin Hill Airport Ltd (BHAL) has completed a review of the Noise Action Plan (NAP), as required by the NAP and the Management Information Letter (MIL).

2.2 To note the Flightpath Watch report and the work undertaken by the Council in conjunction with and following external legal advice, as requested by Flightpath Watch.

2.3 To note the reports of RSK Acoustics dated 8 September 2021 and the Civil Aviation Authority dated 20 December 2021.

2.4 To note that the Council has forwarded the above reports to BHAL and they have acknowledged receipt of the same.

2.5 To authorise officers to work in association with BHAL to progress from a review of the NAP to a revision of the NAP and that this revision is carried out using best industry practice, as recommended by the CAA and as proportionate to the size of the airport.

2.6 To note that the work referred to in para 2.5 above is to include:

a) The suggestions made within the attached reports, including the updating of noise modelling software, as recommended in paragraph 56 of the CAA report

b) Consideration of noise levels as monitored by noise contours with regard to governmental guidelines, as suggested in para 2.8 of the RSK Acoustics report

c) Limiting hours when circuits can be flown as suggested in para 9.3 of the RSK Acoustics report

d) Agreeing the process by which recommendations in this report would be endorsed in the revised NAP

2.7 To authorise officers to request BHAL provide additional and ongoing evidence of adherence to the existing Noise Action Plan, particularly through the forum of the Airport Consultative Committee.

2.8 To authorise officers to request that BHAL continue to take actions to reduce and restrict noise contour levels for the benefit of the residents who are affected and ensure the contour limits are met.

2.9 To authorise officers to request that BHAL provide information and produce a timetable for the implementation of the outstanding “reasonable endeavours” provisions as part of the revision of the NAP.

2.10 To note that a further report will be presented to the Executive in autumn 2022 detailing the progress as outlined in the NAP review and progress against the recommendations identified in this report.

3.1 At the Executive meeting on 12 January 2021, the Executive, accepting the recommendations from the Executive, Resources and Contracts PDS, decided as follows:

RESOLVED that

(1) It is noted that Biggin Hill Airport Ltd (BHAL) has submitted a review of the Noise Action Plan (NAP), as required by the NAP and the Management Information Letter (MIL).

(2) The Flightpath Watch report and the work undertaken by the Council in conjunction with and following external legal advice, as requested by Flightpath Watch, is noted.

(3) The reports of RSK Acoustics dated 8 September 2021 and the Civil Aviation Authority dated 20 December 2021 be noted.

(4) It is noted that the Council has forwarded the above reports to BHAL and they have acknowledged receipt of the same.

(5) It is noted that the review of the NAP submitted by BHAL does not fully demonstrate compliance, owing to a failure to provide evidence in connection with various actions as set out in the Civil Aviation Authority report (CAA report) dated 20 December 2021, with particular reference to Appendix C of the CAA report. Reference is also made to clause 4.33 of the NAP, which requires BHAL ‘to assess performance with respect to the previously forecast noise envelope... by reference to the number of people and dwellings affected’.

(6) Officers be authorised to inform BHAL of the conclusion reached under recommendation 2.5, and to request an updated review of the NAP that addresses areas of the review that have been highlighted as requiring evidence, to be submitted to the Council no later than 30 June 2022, in order to allow for a report to be brought to the Executive as set out in (13) below.

(7) It is noted that no Executive Decision will be considered regarding the tenure of the airport until the updated review as set out in recommendation 2.5 is received by the Council, and deemed by the Executive to fully demonstrate compliance, or explain non-compliance with appropriate reparative measures and timescales for implementation.

(8) Officers be instructed to assist BHAL with the preparation of the updated review described in recommendation 2.6 upon request.

(9) Officers be authorised to prepare a report detailing potential improvements to the NAP using best industry practice, as recommended by the CAA, having regard to feedback from residents and as proportionate to the size of the airport.

(10) It is noted that the work referred to in paragraph (9) above is to include but not be limited to the following:

(a) The suggestions made within the attached reports, including the updating of noise modelling software, as recommended in paragraph 56 of the CAA report;

(b) Consideration of noise levels as monitored by noise contours with regard to governmental guidelines, as suggested in para 2.8 of the RSK Acoustics report;

(c) Limiting hours when circuits can be flown as suggested in para 9.3 of the RSK Acoustics report.

(11) Officers be authorised to request BHAL provide additional and ongoing evidence of adherence to the existing Noise Action Plan, particularly through the forum of the Airport Consultative Committee.

(12) Officers be authorised to request that BHAL provide information and produce a timetable for the implementation of the outstanding “reasonable endeavours” provisions of the NAP.

(13) It is noted that a further report will be presented to the Executive in autumn 2022 detailing progress against the recommendations identified in the report.

Progress and response from BHAL following the decision in January 2022

- 3.2 BHAL responded to the Council with regards to para 5 and 6 by the deadline of 30 June 2022, supplying a document entitled Enclosures – Response to LBB NAP Review 29.06.22, which is attached to this report as **Appendix 1**.
- 3.3 Appendix 1 includes 3 sections: Enclosure 1: Bickerdike Allen Population Report, Enclosure 2: Amended table paragraph 2.9 Review of NAP 2016-2020 and Enclosure 3: BHACC Progress Report
- 3.4 The documents provided by BHAL provide additional information, evidence and links to evidence as requested at the 12 January 2022 Executive Committee.
- 3.5 With the additional evidence provided, BHAL consider that they have completed their review of the NAP. However, some commitments are yet to be achieved. One of the commitments is to progress the implementation of the new approach to Runway 03, for which BHAL is dependent on CAA authorisation.
- 3.6 In order to progress this LBB Chief Executive wrote to the CAA and their response is attached to this report as **Appendix 2**. As can be seen from the letter a decision from the CAA is expected later this year, by December 2022. To ensure a timely decision is made by the CAA the Leader and the Chief Executive have written to the Council's three directly affected Members of Parliament encouraging them to write to the relevant Minister with oversight for CAA, urging them to ensure that the promised timely decision is delivered.
- 3.7 Recommendation 11 of the previous report stated: “Officers be authorised to request BHAL provide additional and ongoing evidence of adherence to the existing Noise Action Plan, particularly through the forum of the Airport Consultative Committee.”
- 3.8 Following the recommendation, BHAL have overtly made reference to the NAP and its progress in a specific section of the meeting of the BHACC, where such topics may have been discussed in less obvious NAP-related business in the past.

The significance of new approach to Runway 03

- 3.9 The NAP states at paragraph 2.16: “A new dedicated Runway 03 approach guidance system is currently being developed, following a formal consultation procedure set down by the CAA, in the form of an Airspace Change Proposal (ACP). The proposed new Runway 03 approach is scheduled to be installed during the course of summer 2016 for implementation in the autumn of 2016. The proposed new approach procedure, when implemented, will significantly reduce traffic using the Runway 21 ILS approach. It is anticipated that all air traffic using the Runway 03 approach will no longer overfly residential areas situated the north and north east of the aerodrome (Petts Wood, Crofton and Farnborough) as part of its inbound routing potentially providing significant periods of respite in these areas when the prevailing wind is in the north or north east or east.”
- 3.10 This commitment is very important to residents living to the north of the airport as the new approach to Runway 03 has the potential to reduce the percentage of aircraft using Biggin Hill Airport that pass over those areas by routing many away when the wind is in the appropriate direction.
- 3.11 At this time, aircraft still follow the route of the Instrument Landing System while approaching from the north before breaking from this approach when they make visual contact with the airport and flying a circling visual approach to the west of the airport to allow a landing from the south.
- 3.12 LBB and residents expected the process for implementing the new approach to be swift, as suggested in the above text from the NAP: “The proposed new Runway 03 approach is scheduled to be installed during the course of summer 2016 for implementation in the autumn of 2016.” As of the date of this report, it has yet to be approved by the CAA.
- 3.13 BHAL have said that the complex nature of the procedure combined with Covid and staff shortages at the CAA have all contributed to the length of time taken to pass through the Airspace Change Process.
- 3.14 At times during this process, when the CAA have been asked for updates, residents have been given a differing response to that received by LBB. This has increased concern and confusion.
- 3.15 Therefore Chief Executive of LBB contacted the CEO of the CAA on 28 July to ascertain a definitive position on the ACP. He received a reply of 22 August (Appendix 2), stating that “there has been significant ongoing dialogue between the CAA and the ACP sponsor” since the CAA’s website was last updated with information about the ACP in 2017 and that “It is estimated that we will make our final decision in late Q3 or early Q4 2022.”

Recommended way forward

- 3.16 Given the importance of the commitment with regard to Runway 03, it is recommended that the evidence provide by BHAL is acknowledged by the Executive Committee but a decision on accepting the NAP review is fully considered after the CAA has made its decision on the new approach.
- 3.17 Plainly the outcome of the CAA decision on Runway 03 will be significant also in determining the next steps following the review of the NAP. As this is imminent this report provides a short update and officers will need time to consider the actions needed in line with the original recommendations by officers to move on from the review of the NAP to the revision of the NAP when further improvements can be discussed and agreed.

3.18 In the light of this the Executive is requested to agree that officers should bring a further report in January 2023 once CAA decision is made, which is expected by December 2022. At that time the Executive can consider the impact of the decision of the CAA on Runway 03 and officers' recommendations on the next steps.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

There is no impact to Vulnerable Adults and Children in respect of the services the Council delivers in this regard.

5. POLICY IMPLICATIONS

An Authority that manages its Assets well.

6. FINANCIAL IMPLICATIONS

Non Applicable

7. PERSONNEL IMPLICATIONS

Non Applicable

8. LEGAL IMPLICATIONS

8.1 Please refer to the full legal implications set out in the Executive report of 12 January 2022.

9. PROCUREMENT IMPLICATIONS

Non applicable

10. PROPERTY COMMENTS

Non Applicable

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| Non-Applicable Sections: | Financial, Personnel, Procurement and Property |
| Background Documents: (Access via Contact Officer) | Executive Report on Biggin Hill Airport Noise Action Plan Review Dated 12 January 2022 and Appendices |