

**EXECUTIVE****8 February 2023****QUESTIONS FOR ORAL REPLY****1. From Mr Tony Trinick to the Portfolio Holder for Resources,  
Commissioning and Contracts Management**

Does the Executive agree that the FPW findings in their 72-page Document on the BHAL NAP Review issued on the 4 January 2023, highlight at least 20 BHA NAP defaults which substantially increase noise and pollution for residents under the flightpaths from the pre-2016 levels?

**Reply:** Thank you to Flightpath Watch for supplying the Council with this comprehensive document, which effectively highlights many areas in which residents have expressed dissatisfaction and annoyance. It has already proved useful and I am sure will continue to do so.

Supplementary Question:

Will the Council agree with the opinion received by FPW that the increased operating hours can be immediately suspended pending the revised NAP?

**Reply:** The Council has instructed external Counsel opinion and the Leader will respond to this in his response to question 3.

**2. From Mr Tony Trinick to the Portfolio Holder for Resources,  
Commissioning and Contracts Management**

Will the Executive now support a Revised NAP being put in place that brings BHA noise and pollution back to pre-2016 levels, and involve the residents in this task?

**Reply:** That is what we are here tonight to decide. It would not be appropriate to answer the question before the Executive has had the opportunity to discuss the matter.

Supplementary Question:

Following the CAA decision on Runway R03 will the Council consider mitigating residents for the 30% increase by reducing the annual cap in flights by 30%?

**Reply:** The Portfolio Holder confirmed that he would address the issue of R03 in the statement that he intended to make later in the meeting. The Portfolio Holder also emphasised that the Council could not unilaterally alter the NAP, any revisions to the NAP had to be agreed in consultation with BHAL.

### **3. From Ms Giuliana Voisey to the Leader of the Council**

As this administration is committed to upholding integrity, as I believe it is, how can its tenant be allowed to maintain the longer hours, having signed a legal document misrepresenting the deliverability of the new Approach to Runway 03, as clearly expressed by both the CAA and Cyrrus?

**Reply:** The Council's legal advice is that we cannot rescind the extended hours.

#### Supplementary Question:

BHAL were told by NATS, in April 2015, that R03 was untenable, so, in November, why did they not come clean with the council when the hours were approved? Also, BHAL were told by their consultants in April 2016 that R03 was not presentable, so why did they state in May that the route had been presented to the CAA? Don't you think the courts would take a dim view of this tenant if the council dared take it on?

**Reply:** The Leader said that he could not second guess the view of the Courts, however he had not seen any evidence that BHAL had deliberately misled the Council. At this stage the advice received by the Council was that it was not possible to suspend what had been agreed in 2016.

### **4. From Ms Giuliana Voisey to the Portfolio Holder for Resources, Commissioning and Contracts Management**

Gatwick has miles and miles of countryside at both ends of the runway, while there are only 2 miles between Biggin Hill and the residential areas at the North of the runway. Do you think it is acceptable that we now have such large aeroplanes with no real space for them to stay higher for landings and departures?

**Reply:** The comparison with Gatwick is not entirely helpful as both arriving and departing aircraft do overfly residents, while there are also other airports that are situated in less rural environments. Aircraft of differing sizes are permitted to use Biggin Hill Airport under the terms of the lease; it is the noise which the lease, NAP and MIL seek to control, and will continue to seek to control to reduce noise disruption wherever possible.

#### Supplementary Question:

Last week, the councillor for Biggin Hill raised the issue of safety. If the new fleet operating at the airport cannot respect the Noise Preferential Routes, the Noises

Abatement Procedure for Circuits and the Noise Sensitive Areas, should the revised NAP not include a clause to reduce the size of aircraft?

**Reply:** The Portfolio Holder explained that in his opinion the issues of noise and safety were slightly different. Safety was solely a matter for the CAA. The issue of noise was an important matter for the Council and would be addressed through the revised NAP

**5. From Mr David Clapham to the Portfolio Holder for Resources, Commissioning and Contracts Management**

The Officers report (CSD2304) recommends to note suggestions to be incorporated within a REVISED NAP which could take 6 – 12 months to finalise. Residents will continue to suffer large jet movements low overhead. Why does the Council not suspend the additional operating hours until the REVISED NAP is in place?

**Reply:** The Council's legal advice is that we cannot suspend the extended hours.

Supplementary Question:

The visual approach procedure over Keston results in large aircraft overhead including helicopters. How will the rights of residents under the flightpath be respected?

**Reply:** The report sets out many of the proposed measures, but this is not an exhaustive list. The issue of helicopters will be raised during negotiations.

**6. From Mr David Clapham to the Portfolio Holder for Resources, Commissioning and Contracts Management**

On the 15<sup>th</sup> June 2016, the Executive debated Report DRR16/057 and resolved that; **“(1) BHAL has satisfactorily met all of the Council's conditions”**.

Do you now accept there were insufficient sanctions built into the terms to account for non-achievement of the Council's conditions.

**Reply:** The Council received advice that it was not in a position to apply sanctions to the airport. A revised NAP, if that is what the Executive decides, gives us the opportunity to look into measurable targets with appropriate sanctions if they are not achieved.

Supplementary Question:

Councillor Jeal's comments at the PDS Committee refer to public consultation. Can you confirm this will involve only those wards affected by BHAL?

**Reply:** I will refer to the recommendations proposed at the PDS Committee in my update later in the meeting. When I was Chairman of the Executive, Resources and Contracts PDS Committee I did instruct that BHAL related matters should be directed to ward councillors in the southern parts of the Borough.

Supplementary Question from Councillor Jeal:

What are the alternatives if the Executive does not want to accept the revised NAP?

**Reply:** If the revised NAP is not accepted a renegotiation would be required.