

## **Executive Minutes – 8 February 2023 – Appendix B: Statement of the Portfolio Holder for Resources, Commissioning and Contracts Management**

Thank you, Leader. The rules and regulations governing the operations of Biggin Hill Airport are one of the most important political issues for the residents of this borough, as shown by the packed public gallery last week at the ERC PDS Committee [and again tonight]. I would like to thank members of the public who have written to me, members of the Executive, the Chairman of the ERC PDS Committee and their ward councillors to share their views on the matter before us.

The Leader and I, along with thousands of other residents of the borough, were extremely disappointed to learn of the CAA's refusal of the proposed new Instrument Approach Procedure for Runway 03 just before Christmas, as it had been forecast that this would lead to a reduction of 30% in the noise impact of flights arriving from the north to Biggin Hill Airport for Bromley residents. We were further disappointed to hear at the January Biggin Hill Airport Consultative Committee, which I attended on behalf of the Executive, that Biggin Hill Airport Ltd intend to proceed to legal action at the Upper Tribunal regarding the permitted user clause of the lease, the amendment of which the Executive rejected late last year. As previously announced, the London Borough of Bromley will contest this application using all legal means at our disposal.

That said, we are not here this evening to focus on these disappointments. The proposal before us is for the Executive to formally authorise the start of negotiations with Biggin Hill Airport Ltd regarding a revised NAP. The report before us, which I would to thank Mr Amer and Ms Shawkat for producing, sets out suggested changes in areas including the impact of circling approaches and circuits, amending the noise contours to consider 51db and 54db in line with the latest national guidance, variable tariffs for aircraft depending on their noise impact and also the hours in which they use the airport, clarifying the nature of and rules regarding noise sensitive areas and similar matters, the introduction of air quality monitoring, reviewing the sanctions system, reduction of ground noise, introducing an annual survey of residents, reviewing helicopter flight procedures and maintaining a cap on the total number of movements per year. This is not an exhaustive list; I would like to emphasise as noted in paragraph 3.10 of the report that the Council will seek "every opportunity to reduce noise disruption for residents".

Now I will turn to the proposed amendments introduced by Cllr Jeal at ERC PDS Committee last week. I will only consider those that are substantive. While I can see the appeal for the Leader of the largest Opposition party on the Council and for all political groups to be given a formal role in the negotiations, in legal terms that are only two parties to the NAP: Biggin Hill Airport Limited, and the Executive on behalf of the London Borough of Bromley. Granting formal roles to any other bodies, such as residents' associations or campaigning groups, is not envisaged in landlord tenant law. Recommendation 2.3 sets out that I as Portfolio Holder with responsibility for the Biggin Hill Airport lease will be fully involved in the negotiation process and agreeing the commercial terms that are ultimately proposed to Executive for approval. This matter is also a priority for the Leader of the Council, and we will work closely on this

topic in the coming months. Turning to the proposal for a public consultation and periodic updates, I must emphasise that negotiation of the revised NAP is a commercial process. The agreement ultimately reached between Biggin Hill Airport Limited and the Council will have implications for the future profitability of the airport and hence its value. Considering this fact, the Council would not be acting reasonably if details of negotiations that had commercial ramifications for the airport entered the public domain or were subject to public consultation; it must therefore be considered as a Part 2 matter. Once the negotiations have been concluded, the key points of the revised NAP will be presented for scrutiny to the ERC PDS Committee and then for approval or rejection by the Executive. Officers of the Council, the Leader and I will read and consider any materials shared with us by residents or organisations on the revised NAP in the coming months, as we have done so in the lead-up to tonight's meeting. I would like to personally thank the Chairman of the ERC PDS Committee for his own comments on aspects of the NAP revision, which will be considered as part of the negotiations. If sufficient progress is not being made or there are unanticipated issues, then I will update the ERC PDS. This Committee includes in its work programme regularly the scrutiny of the Resources, Commissioning & Contract Management Portfolio Holder, in any event.

To conclude, this administration is very aware of the significant anger and disappointment of many residents since the airport's lease was amended in 2016. We are very aware that by their own numbers, complaints to the airport have quadrupled in that time. We can all agree that revision of the NAP offers us an opportunity to achieve reductions in the environmental impact for Bromley residents of the airport's operations, while allowing it to operate successfully within the bounds of its governing documents. We will do everything in our power to agree a revised NAP acceptable to the Executive and residents that will drive improvements over the next five years, and thus conclude the review of the 2016-2021 NAP.