

**COUNCIL MEETING****21<sup>st</sup> MARCH 2011****WRITTEN QUESTIONS BY MEMBERS OF THE COUNCIL****From Councillor Simon Fawthrop of the Leader of the Council**

1) What Covenants apply to the land at Biggin Hill other than those contained within the Lease between Bromley Council and BHAL?

**Reply:**

The freehold title contains a number of covenants that have been imposed on various parts of the airport site in the past. All that exist bind BHAL as lessee insofar as they are relevant to their occupation. None directly affect the operation of the airport or have any bearing on this request by BHAL. Very briefly, the covenant covers the following areas:

- Covenants relating to the construction of permanent buildings on part of the airport;
- Covenants relating to boundaries, advertising hoardings, excavations and the value of dwelling houses;
- Covenants not to build on a certain area of the site and protecting the line of a gas main;
- Covenants relating to the use of an area near the West Camp; the maintenance of boundary fencing; and restricting the use of part of the site to airport use;
- Covenants protecting the line of electricity cabling;

(The Council's title is registered and copies of the title can be obtained from the Land Registry at a small fee).

2) Can a table please be provided showing the following information about BHAL:-

<b>Year</b>	<b>Turnover Reported to Companies House</b>	<b>Profit reported to Companies House</b>	<b>Audited Turnover Certificate presented to Bromley Council</b>	<b>Amount paid to Bromley Council as Turnover Rent, as specified in first Schedule paragraph 3 of the lease</b>	<b>Audited Net Profit Certificate presented to Bromley Council</b>	<b>Amount paid to Bromley Council as Net Profit Rent, as specified in first Schedule, part 2 paragraph 3 of the lease</b>
2000						
2001						
2002						

2003						
2004						
2005						
2006						
2007						
2008						
2009						
2010						

Where the information is not available please specify not available.

**Reply:**

Year	Reported to Companies House		Audited Turnover		Audited Net Profit	
	(Gross) Turnover £000	(Net) Profit (after tax) £000	Certificate presented to LBB £000	Turnover rent paid (1st schedule para 3 of lease) £000	Certificate presented to LBB £000	Net profit rent paid (1st schedule, Part 2, para 3 of lease) £000
1999/00	3,454	57	2,502	16	168	0
2000/01	4,005	-103	2,761	22	21	0
2001/02	4,326	87	2,915	26	227	0
2002/03	4,624	197	3,036	28	340	0
2003/04	4,638	105	2,934	23	250	0
2004/05	5,438	201	3,279	32	376	0
2005/06	6,892	243	3,782	45	496	0
2006/07	7,550	229	4,426	61	483	0
2007/08	9,971	406	5,928	103	791	0
2008/09	11,009	302	5,992	107	586	0
2009/10	8,828	250	5,476	86	515	0

3) In accordance with the 3rd Schedule can the following information be provided.

Part (e) a list of the Council's approved noise criteria.

**Reply:**

The Operating Criteria for the Airport are contained in the 3<sup>rd</sup> Schedule of the Lease. In clause (e) of that schedule the lessee has to limit aircraft using the airport to those complying with the Council's approved noise criteria for the airport as detailed in that clause. Clause (f) of that schedule states that the Council will not permit any movements by aircraft which the Council has prescribed as being excessively noisy having regard to measured noise data tests undertaken by the Council's Chief Environmental Health Officer, operating experience, representations received from persons living in the area or surrounding the airport, the users of the airport and the views of Biggin Hill Airport Consultative Committee.

In answer to part of this query we can reproduce Clause (e) of the 3<sup>rd</sup> Schedule although I believe Councillor Simon Fawthrop has a copy of the Biggin Hill Airport lease.

Part (f) a list of aircraft prescribed by the Council as being excessively noisy.

**Reply:**

There is no list of aircraft which are excessively noisy. The operating agreement works the other way round in prescribing only those aircraft that meet the noise criteria as permitted to use the airport. Based on the Criteria, the Airport has produced a list of aircraft which are Approved but the requirement on them to keep this up-to-date is unclear and there is no specified time period for revisions. Consequently, the list as last notified to the Council may be over twenty years old. Even at the time of production it would have been incomplete as it included only those aircraft which were known to use the airport, and was never intended as a comprehensive list of every aircraft in service which would be permitted to. Compliance with the Criteria is self-regulating on the part of the airport as in many cases it is not the make/model of the aircraft which determines compliance, but rather subsequent modification, engine replacement or the fitting of "hush kits"; information which would only be available from the aircraft's individual Certification documents.