

London Borough of Newham
Town Hall Annexe
East Ham
London E6 2RP

APPLICATION FOR
PLANNING PERMISSION
NOTICE OF APPROVAL

Telephone 0181-472 1430
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Town and Country Planning Act 1990
Town and Country Planning (General
Development Procedures) Order 1995

Applicant:

London City Airport Ltd
London City Airport
The Royal Docks
London E16 2PX

Agent (if any):

S J Berwin & Co
222 Grays Inn Road
London
WC1X 8HB

Part I – Particulars of Application

Date of Application: 08/07/97
(revised 22/12/1997)

Application Number: P/97/0826
(previous LDDC No.N/97/0220)

Particulars and Location of Proposal:

Proposal:

Application under Section 73 of the Town & Country Planning Act 1990 to vary Condition 13 of the outline planning permission dated 23rd May 1985, as previously varied by the Secretary of State on 26th September 1991.

Location:

London City Airport, King George V Dock,
London E16

Part II – Particulars of Decision

In pursuance of the powers under the above Act and Order the London Borough of Newham hereby gives notice that **PLANNING PERMISSION HAS BEEN GRANTED** for Condition 13 of the outline planning permission dated 23rd May 1985, as previously varied by the Secretary of State on 26th September 1991, to be varied subject to Conditions 6, 10, 11 and 12 also being varied and subject to new Conditions 15 and 16. The variations of the aforesaid Conditions, and new Conditions 15 and 16 are as set out below:-

Condition 6

Except in cases of emergency, only conventional take-off and landing fixed-wing aircraft (including short take-off and landing aircraft) but not vertical take-off and landing aircraft (including helicopters) shall be permitted to use the Airport.

Reason: To safeguard the amenities of adjoining properties and the area generally.

Condition 10

The ground running of aeroplane engines for testing or maintenance purposes shall take place only between the hours of 06.30 and 22.00 hours from Monday to Friday inclusive and between the hours of 06.30 and 12.30 hours on Saturdays, 12.30 and 22.00 hours on Sundays and 09.00 and 22.00 hours on Bank Holidays and Public Holidays (but not at all on Christmas Day) and:

- (i) in such locations and with such orientations of the aircraft as may be agreed in writing with the Local Planning Authority and
- (ii) employing such noise protection measures as may be agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of and minimise disturbance particularly from noise and smells to the occupiers of adjoining properties.

Condition 11(a)

The Airport shall not be used for the taking off or landing of aircraft at any time other than between 06.30 and 22.00 hours from Monday to Friday inclusive and between 09.00 and 22.00 hours on Bank Holidays and Public Holidays except:

- (a) in the event of an emergency
- (b) for the taking off or landing between 22.00 and 22.30 hours of an aircraft which was scheduled to take off from or land at the Airport before 22.00 hours but which has suffered unavoidable operational delays and where that taking off or landing would not result in there being more than 400 air transport movements at the Airport per calendar year between 22.00 and 22.30 hours or more than 150 such movements in any consecutive three months.

Condition 11(b)

From the date of this permission until 31 March 1999 the Airport shall not be used for the taking off or landing of aircraft on Saturdays at any time other than between 06.30 and 13.00 hours except:

- (a) in the event of an emergency
- (b) for the taking off or landing between 13.00 and 13.30 hours on Saturdays of an aircraft that was scheduled to take off or land before 13.00 hours but has suffered unavoidable operational delays and where that taking off or landing would not result in there being more than 400 air transport movements at the Airport per calendar year between 13.00 and 13.30 hours or more than 150 such movements in any consecutive three months.
- (c) the taking off or landing of aircraft between 13.00 hours and 18.00 hours on one Saturday per calendar year for the Airport's charity open day.

Condition 11(c)

From 1 April 1999 the Airport shall not be used for the taking off or landing of aircraft on Saturdays at any time other than between 06.30 and 12.30 hours except:

(a) in the event of an emergency

(b) for the taking off or landing between 12.30 and 13.00 hours on Saturdays of an aircraft that was scheduled to take off or land before 12.30 hours but has suffered unavoidable operational delays and where that taking off or landing would not result in there being more than 400 air transport movements at the Airport per calendar year between 12.30 and 13.00 hours or more than 150 such movements in any consecutive three months.

(c) the taking off or landing of aircraft between 12.30 hours and 18.00 hours on one Saturday per calendar year for the Airport's charity open day.

Condition 11(d)

From the date of this permission until 31 March 1999 the Airport shall not be used for the taking off or landing of aircraft on Sundays at any time other than between 12.00 and 22.00 hours except:

(a) in the event of an emergency

(b) for the taking off or landing between 22.00 and 22.30 hours of an aircraft which was scheduled to take off from or land at the Airport before 22.00 hours but which has suffered unavoidable operational delays, and where that taking off or landing would not result in there being more than 400 air transport movements at the Airport per calendar year between 22.00 and 22.30 hours or more than 150 such movements in any consecutive three months.

Condition 11(e)

From 1 April 1999 the Airport shall not be used for the taking off or landing of aircraft on Sundays at any time other than between 12.30 hours and 22.00 hours except:

(a) in the event of an emergency

(b) for the taking off or landing between 22.00 and 22.30 hours of an aircraft which was scheduled to take off from or land at the Airport before 22.00 hours but which has suffered unavoidable operational delays, and where that taking off or landing would not result in there being more than 400 air transport movements at the Airport per calendar year between 22.00 and 22.30 hours or more than 150 such movements in any consecutive three months.

Condition 11(f)

For the purpose of sub-paragraph (b) of each of Conditions 11(a), 11(b), 11(c), 11(d), and 11(e) the figures of 400 air transport movements and 150 air transport movements shall in each case include all air transport movements by aircraft which have suffered operational delays between the hours specified in each sub-paragraph on Mondays to Fridays, on Saturdays, on Sundays and on Bank and Public Holidays and the expression "air transport movements" shall mean air transport movements by civil aircraft engaged in the transport of passengers, cargo or mail on commercial terms and shall include movements by aircraft engaged in sightseeing tours.

Reason: To safeguard the amenities of and minimise disturbance to the

occupiers of adjoining properties and the area generally.

Condition 12

(1) No type of aircraft may, save in an emergency, use the Airport unless the noise level of that aircraft complies with a category established in accordance with this condition.

(2) Aircraft types using the Airport shall be placed in categories and allocated noise factors as set out below:

Category	Noise Reference Level	Noise Factor
A	91.6 - 94.5	1.26
B	88.6 - 91.5	0.63
C	85.6 - 88.5	0.31
D	82.6 - 85.5	0.16
E	Less than 82.6	0.08

where the noise reference level is the departure noise level at the four noise categorisation locations shown in figure 1 annexed to this permission, expressed in PNdB and established as set out below.

(3) Before any aircraft type shall use the Airport a provisional noise categorisation for that aircraft type shall be approved in writing by the local planning authority and shall be based on the results of monitored trial flights of the particular aircraft type from the airport carried out in accordance with written proposals (including details as to how the trial flights are to be organised) before any such trial flights take place to be submitted to and approved in writing by the local planning authority.

(4) Annually on 31 March the provisional categorisation of each approved aircraft type shall be reviewed (PROVIDED THAT if the provisional categorisation for an aircraft type has been approved in the period between 1 January and 31 March of the year in question then the provisional categorisation of that aircraft type shall be reviewed on 31 March in the following year) having regard to the departure noise levels recorded in accordance with paragraph (6) below, and by 31 May each year details shall be submitted in writing to the local planning authority of the results of the review whereupon the provisional categorisation of each approved aircraft type shall be confirmed or amended in agreement in writing with the local planning authority having regard to the monitored values.

(5) Any such amendment may, with the agreement in writing of the local planning authority, include the introduction of sub-categorisation into narrower bands provided that noise factors appropriate to any such bands are calculated and applied.

(6) The Airport shall for the above purposes operate a system of continuous noise monitoring at positions as close as practicable to the four noise categorisation locations shown in figure 1; the details of the system are to be as approved in writing by the local planning authority and the results made available to the local planning authority.

(7) On every annual review of the provisional categorisation of each

approved aircraft type a 57 LAeq contour (average mode) produced in accordance with the methods adopted by the Civil Aviation Authority and published in DORA 9023 or any publication modifying or extending DORA 9023 shall be submitted to the local planning authority.

Reason: To safeguard the amenities of and minimise disturbance particularly from excessive noise to the occupiers of adjoining properties and the area generally.

Condition 13

(1) The number of air transport movements at the Airport shall not exceed:

- (a) 140 per day on Saturdays and Sundays but not exceeding 220 on any consecutive Saturday and Sunday
- (b) 240 on other days except 1 January, Good Friday, Easter Monday, May Day Holiday, late May Bank Holiday, late August Bank Holiday, 25 December and 26 December
- (c) 140 on 1 January
- (d) 160 on Good Friday
- (e) 200 on Easter Monday
- (f) 160 on the May Day Holiday
- (g) 200 on the late May Bank Holiday.
- (h) 200 on the late August Bank Holiday
- (i) 100 on 26 December
- (j) 73,000 per calendar year

(2) In the event of there being a Bank Holiday or Public Holiday in England which falls upon or is proclaimed or declared upon a date or dates not referred to in sub-paragraphs (c) to (i) (inclusive) of Condition 13 (1) then the number of air transport movements permissible on that date or dates shall not exceed 200 unless the local planning authority otherwise agrees in writing but in any event the limit for any particular date or dates shall not exceed 240 per day.

(3) For the purpose of Conditions 13(1), 13(2) and 13(4) the expression "air transport movements" shall mean air transport movements by civil aircraft engaged in the transport of passengers, cargo or mail on commercial terms and shall include movements by aircraft engaged in sightseeing tours.

(4) The number of factored movements shall not exceed:

- (a) in any one week the number of permitted air transport movements for that week by more than 15%
- (b) 73,000 per calendar year

(5) For the purpose of Condition 13(4) the number of factored movements shall be calculated by multiplying the number of take-offs and landings by each aircraft type by the relevant noise factor for an aircraft of

that type under Condition 12 and adding together the totals for each aircraft type using the Airport.

Reason: To safeguard the amenity of adjoining properties and the area generally

Condition 15 (New)

Between 06.30 and 06.59 hours on Mondays to Saturdays (excluding Bank-Holidays and Public Holidays when the Airport will be closed between these times) the number of air transport movements shall not exceed 6 on any day.

Reason: To safeguard the amenities of adjoining properties and the area generally.

Condition 16 (New)

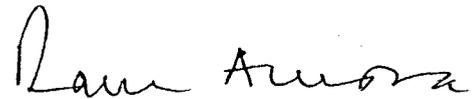
The Airport shall be closed on Christmas Day each year and no take-offs or landings of aircraft of any kind and no ground running by aircraft engines shall take place on Christmas Day save in the event of an emergency and save that the restriction in this Condition shall not prevent other activities taking place at the Airport on Christmas Day where any noise generated is not discernible at the boundaries of the airport.

Reason: To safeguard the amenities of adjoining properties and the area generally.

Date:

21.7.98

Signed:



for London Borough of Newham

Important Note

This notice neither conveys nor implies any other approvals, entitlements or statutory rights which may require to be obtained from any other public or private utility or agency prior to work being carried out. In particular, if the proposal involves building work you should ensure that you obtain any approval which may be necessary under the Building Regulations before commencement of development.

Advisory Notes

The applicant is advised that all other conditions attached to the planning permission dated 23 May 1985 as varied by the Secretary of State on 26 September 1991 remain unaltered and in force.

Notice to Applicant of Rights of Appeal

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using forms which you can get from the Planning Inspectorate at Tollgate House, Houlton Street, Bristol, BS2 9DJ.

The secretary of state can allow a longer period for giving notice of appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any direction given under the development order.

In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he or she can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonable beneficial use by the carrying out of any development which has or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. The notice will require the Council to purchase his or her interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990.
