



FULL PLANNING PERMISSION APPROVAL

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1995

Please see notes at the end of this notice

Applicant

London City Airport Ltd.,
C/o Agent

Agent

RPS Planning - Fao Mr John Rhodes
First Floor West,
Cottons Centre
Cottons Lane
London SE1 2QG

Part I - Particulars of Application

Date of Application: 6th August 2007

Application No: 07/01510/VAR

Proposal: Application under Section 73 of the Town and Country Planning Act 1990 to vary conditions 13 (now condition 8) and 15 (now condition 9) of the outline planning permission no.N/82/104 dated 23 May 1985, as previously varied by the Secretary of State on the 26 September 1991 and by the London Borough of Newham on 21 July 1998 and 11 July 2007, to allow up to 120,000 total aircraft movements per annum (number of total movements in 2006 was 79,616) with related modifications to other limits including noise factored movements.

Location: London City Airport Hartmann Road Silvertown London
E16 2PX

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 APPROVED** for the carrying out of the development referred to in Part I hereof and as described and shown on the application and plan(s) submitted, subject to the following conditions and notes:

- (1) **No runway designated for the use of aircraft shall exceed 1199 metres in length.**

Reason

In the interests of protecting environmental amenity from noise impacts, in accordance with Policies 4A.20 (Reducing Noise and Enhancing Soundscapes) of the London Plan

(Consolidated February 2008) and EQ45 (Pollution) and T29 (London City Airport) of the Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State).

- (2) **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

In the interests of protecting environmental amenity from noise impacts, in accordance with Policies 4A.20 (Reducing Noise and Enhancing Soundscapes) of the London Plan (Consolidated February 2008) and EQ45 (Pollution) and T29 (London City Airport) of the Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State).

- (3) **The Airport shall not be used for any form of club or recreational flying.**

Reason

In the interests of protecting environmental amenity from noise impacts, in accordance with Policies 4A.20 (Reducing Noise and Enhancing Soundscapes) of the London Plan (Consolidated February 2008) and EQ45 (Pollution) and T29 (London City Airport) of the Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State).

- (4) **No part of the site or any of the buildings thereon shall be used for any purposes other than purposes connected with the provision of air services at the Airport.**

Reason

To ensure that the airport is not used for other activities which could give rise to a loss of amenity or other adverse environmental impacts, in accordance with policies 4A.19 (Improving Air Quality) and 4A.20 (Reducing Noise and Enhancing Soundscapes) of the London Plan (Consolidated February 2008) and EQ45 (Pollution), EQ46 (Air Quality Management) and T29 (London City Airport) of the Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State).

- (5) **The ground running of aeroplane engines for testing or maintenance purposes shall take place only between the hours of 0630 and 2200 hours from Monday to Friday inclusive and between the hours of 0630 and 1230 hours on Saturdays, 1230 and 2200 hours on Sundays and 0900 and 2200 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

In the interests of protecting environmental amenity from noise impacts at sensitive parts of the day, in accordance with Policies 4A.20 (Reducing Noise and Enhancing Soundscapes) of the London Plan (Consolidated February 2008) and EQ45 (Pollution) and T29 (London City

Airport) of the Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State).

- (6a) The Airport shall not be used for the taking off or landing of aircraft at any time other than between 0630 and 2200 hours from Monday to Friday inclusive and between 0900 and 2200 hours on Bank Holidays and Public Holidays except:**

 - (a) In the event of an emergency**
 - (b) For the taking off or landing between 2200 and 2230 hours of an aircraft which was scheduled to take off from or land at the Airport before 2200 hours but which has suffered unavoidable operational delays and where that taking off or landing would not result in there being more than 400 aircraft movements at the Airport per calendar year between 2200 and 2230 hours or more than 150 such movements in any consecutive three months.**
- (6b) The Airport shall not be used for the taking off or landing of aircraft on Saturdays at any time other than between 0630 and 1230 hours except:**

 - (a) In the event of an emergency**
 - (b) For the taking off or landing between 1230 and 1300 hours on Saturdays of an aircraft that was scheduled to take off or land before 1230 hours but has suffered unavoidable operational delays and where that taking off or landing would not result in there being more than 400 aircraft movements at the airport per calendar year between 1230 and 1300 hours or more than 150 such movements in any consecutive three months.**
 - (c) The taking off or landing of aircraft between 1230 hours and 1800 hours on one Saturday per calendar year for the Airport's charity open day.**
- (6c) The Airport shall not be used for taking off or landing of aircraft on Sundays at any time other than between 1230 hours and 2200 hours except:**

 - (a) In the event of an emergency**
 - (b) For the taking off or landing between 2200 and 2230 hours of an aircraft which was scheduled to take off from or land at the airport before 2200 hours but which has suffered unavoidable operational early, and where that taking off or landing would not result in there being more than 400 aircraft movements at the Airport per calendar year between 2200 and 2230 hours or more than 150 such movements in any consecutive three months.**
- (6d) For the purposes of sub-paragraph (b) of each condition (6a), (6b), and (6c) the figures of 400 aircraft movements and 150 aircraft movements shall in each case include all aircraft 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 'aircraft movements' shall mean the take-off or landing of an aircraft at the Airport, other than those engaged in training or aircraft testing.**

Reason

In the interests of protecting environmental amenity from noise impacts at sensitive parts of the day and week, in accordance with Policies 4A.20 (Reducing Noise and Enhancing Soundscapes) of the London Plan (Consolidated February 2008) and EQ45 (Pollution) and

T29 (London City Airport) of the Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State).

- (7) (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 on Plan P1 that accompanies this permission, expressed in PNdB and established as set out below.

(3) Before any aircraft 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 December 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 October and 31 December of the year in question then the provisional categorisation of that aircraft type shall be reviewed on 31 December in the following year) having regard to the departure noise levels recorded in accordance with paragraph (6) below, and by 1 July in the following 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 on Plan P1 that accompanies this permission; 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) Annually on 1 July, 57 dB $L_{Aeq, 16h}$, 66 dB $L_{Aeq, 16h}$ and 69 dB $L_{Aeq, 16h}$ contours (average mode summer day) shall be produced as required by the S106 Agreement in

accordance with the Federal Aviation Authority's Integrated Noise Model Version 7 or later version or other model, any of which complies with the methodology described in ECAC CEAC Doc 29 or Department for Transport equivalent method.

(8) If agreed expressly by the local planning authority in writing, the terms of this condition shall be superseded by any relevant new methodology, noise categories, noise reference levels, noise factors and procedures for categorisation agreed with the local planning authority, following completion of the Aircraft Categorisation Review, and by any relevant noise monitoring agreed with the local planning authority as part of the new Noise Monitoring and Mitigation Strategy (NOMMS), both of which are required by the Section 106 Agreement that accompanies this permission.

Reason

In the interests of protecting environmental amenity from noise impacts in accordance with Policies 4A.20 (Reducing Noise and Enhancing Soundscapes) of the London Plan (Consolidated February 2008) and EQ45 (Pollution) and T29 (London City Airport) of the Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State).

- (8) (1) The number of aircraft movements at the Airport shall not exceed:
- (a) 100 per day on Saturdays and 200 per day on Sundays but not exceeding 280 on any consecutive Saturday and Sunday
 - (b) 592 per day on weekdays except 1 January, Good Friday, Easter Monday, the May Day holiday, the late May bank holiday, the late August bank holiday, 25 December and 26 December
 - (c) 132 on 1 January
 - (d) 164 on Good Friday
 - (e) 198 on Easter Monday
 - (f) 248 on the May Day Holiday
 - (g) 230 on the late May Bank Holiday
 - (h) 230 on the late August Bank Holiday
 - (i) 100 on 26 December
 - (j) 120,000 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-paragraph (c) to (i) (inclusive) of condition 8(1) then the number of aircraft movements permissible on that date shall not exceed 330 unless the local planning authority otherwise agrees in writing but in any event the limit for any particular date or dates shall not exceed 396 per day.

(3) For the purposes of conditions 8(1), 8(2), and 8(4) the expression 'aircraft movements' shall mean the take-off or landing of an aircraft at the Airport, other than those engaged in training or aircraft testing.

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

(a) In any one week the number of permitted aircraft movements for that week by more than 25%

(b) 120,000 per calendar year.

(5) For the purpose of condition 8(4) the number of factored movements shall be calculated by multiplying the number of take-offs and landings by each aircraft by the relevant noise factor for an aircraft of this type under condition 7 and adding together the totals for each aircraft type using the Airport.

(6) If agreed expressly by the local planning authority in writing, the references to factored movements in this condition will be superseded by any relevant new methodology, noise categories, noise reference levels, noise factors and procedures for categorisation agreed with the local planning authority, following completion of the Aircraft Categorisation Review as required by the Section 106 Agreement that accompanies this permission.

Reason

In the interests of protecting environmental amenity from noise impacts or adverse environmental impacts in accordance with policies 4A.19 (Improving Air Quality) and 4A.20 (Reducing Noise and Enhancing Soundscapes) of the London Plan (Consolidated February 2008) and EQ45 (Pollution), EQ46 (Air Quality Management) and T29 (London City Airport) of the Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State).

- (9) Between 0630 and 0659 hours on Mondays to Saturdays (excluding Bank Holidays and Public Holidays when the airport will be closed between these times) the number of aircraft movements shall not exceed 6 on any day.**

Reason

In the interests of protecting environmental amenity from noise impacts at a sensitive part of the day, in accordance with Policies 4A.20 (Reducing Noise and Enhancing Soundscapes) of the London Plan (Consolidated February 2008) and EQ45 (Pollution) and T29 (London City Airport) of the Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State).

- (10) Notwithstanding the restriction on aircraft movements between 0630 and 0659 hours, as set out by Condition 9, the total number of aircraft movements in the period between 0630 and 0645 on Mondays to Saturdays (excluding Bank Holidays and Public Holidays when the airport will be closed between these times), shall not exceed 2 on any day.**

Reason

In the interests of protecting environmental amenity from noise impacts at a sensitive part of the day, in accordance with Policies 4A.20 (Reducing Noise and Enhancing Soundscapes) of the London Plan (Consolidated February 2008) and EQ45 (Pollution) and T29 (London City Airport) of the Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State).

- (11) 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

In the interests of protecting environmental amenity from noise impacts on a sensitive day in the year in accordance with Policies 4A.20 (Reducing Noise and Enhancing Soundscapes) of the London Plan (Consolidated February 2008) and EQ45 (Pollution) and T29 (London City Airport) of the Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State).

Reasons For Approval

The Air Transport White Paper (ATWP) and Progress Report sets out the national policy framework and national aviation policy. The ATWP recognises the importance of air travel to national and regional economic prosperity, and that not providing additional capacity where it is needed would significantly damage the economy and national prosperity. The ATWP also recognises that increasing airport capacity must be balanced by the need to have regard to the environmental consequences of air travel. Accordingly, the ATWP supports a balanced approach to aviation growth and adverse environmental impacts should be controlled, mitigated and, where relevant, made the subject of suitable compensation. The ATWP also encourages the best use of existing infrastructure. In relation to London City Airport (LCA), the ATWP states that it is well placed to serve a niche business market and that it continues to be an important factor in local regeneration, business development, transport and tourism infrastructure.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, where regard is to be had to the development plan in order to determine an application, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

Policy 3C.6 of the London Plan relates specifically to airport development and operation. It supports the development of a sustainable and balanced London area airport system and recognises that further runway capacity in the South East will be required to meet London's needs. The policy states that adequate airport capacity serving a wide range of destinations is critical to the competitive position of London in the global economy. Policy 3C.6 also states that the aviation industry should meet its full environmental and external costs but accepts that there will still be a need for extra capacity to meet London's economic needs. It requires that airport operations give high priority to sustainability, including setting targets for and actively working towards increasing the share of access journeys by passengers and employees made by sustainable means, and taking full account of environmental impacts when making decisions on aircraft operation.

In terms of the UDP, most of the saved policies are germane to these proposals and were considered. The most relevant of these are summarised below.

Policy T29 of the UDP states that the Council will not permit further operational expansion of LCY unless it can be demonstrated that such development would not result in unacceptable impacts on the local environment.

Policy S24 states all employment proposals will be assessed in terms of how they contribute towards the Council's regeneration objectives of the development of a strong and diversified economy, and improving access to employment for Newham's residents.

Policy EQ45 states that planning permission will be resisted where it would involve unacceptable levels of vibration, smell, fumes, dust, grit, air and water pollutants, noise, vehicular or pedestrian traffic, ground/soil pollutants or light spillage being generated beyond the boundary of the site.

The UDP states that noise levels from operations at the Airport will be taken into account in determining applications for noise-sensitive developments in the vicinity of the Airport (policy T31). Policy EQ48 states that in considering planning applications for new noise-sensitive development, the Council will apply the concept of noise exposure categories (in accordance with PPG24) and notes that the Council may require a demonstration of whether the site is suitable for the development proposed or can incorporate mitigation measures, which achieve a satisfactory environment.

Policy EQ47 requires an assessment of noise impact to be carried out where a proposed development is likely to produce a considerable increase in noise relating to its use. Policy EQ46 states that the cumulative air pollution impact of existing uses and the proposed development of land will be a material consideration in the assessment of planning applications. Where the impact of proposed development is likely to be significant in air quality terms, mitigation measures may be required.

Both the Royal Albert Dock and King George V Docks are identified as Protected Sites of Nature Conservation Importance (SNCIs). Policy EQ9 states that development that would have an adverse impact on the nature conservation value of SNCIs will not be permitted. Proposals for adjoining sites should be considered in the context of their ecological impact on SNCIs and, where appropriate, should include measures to protect or enhance local plant and animal communities.

Policy EQ7 states that the Royal Docks will be protected as an area of open water and built development will only be permitted where the open nature of the Docks is not significantly affected. Policy EQ8 seeks to safeguard viewpoints in the Royal Docks. Policy EQ64 states that the Council will oppose proposals which affect the stability and continuity of tidal defences including the Royal Docks.

Policy T5 of the UDP states that the Council supports the use of public transport, cycling and walking as preferred methods of transport to the motor car. The Council's policies will normally be designed to minimise car trips and encourage the use of alternatives. Applicants are encouraged to produce a Green Travel Plan in order to achieve these objectives. With regard to waste, the UDP supports the 'waste hierarchy' (reduce; re-use; recycle). Policy EQ61 states that the Council will provide and negotiate to secure local recycling points including collection and storage at major new residential, retail and other commercial buildings.

An Environmental Impact Assessment (EIA) was undertaken to assess the significance of environmental effects that are likely to arise from the application proposals and submitted with the application. In January 2008 and April 2008 addenda were submitted to the ES to provide further information to the Council. It is considered that the ES and its addenda contain sufficient information to meet the EIA Regulations and provide a full assessment of the likely environmental effects of the proposals, such that the Council can determine whether or not planning permission should be granted, as well as to inform the planning conditions and Section 106 Agreement obligations that should be attached to the planning permission. The application has been subject to a significant amount of public consultation. The matters raised in the consultation responses have been considered as part of the overall assessment of the application.

The application raises many important planning and environmental issues which have been described and considered. The main impacts of this proposal are on noise, air quality, surface transport, socio-economics, sustainability and expansion of the PSZ. On noise impacts, it is considered that with consent the noise contours would increase and the overall assessment of the noise impacts is that there will be a moderate adverse impact. Some of the noise impacts can be mitigated against through the use of better sound insulation of already treated and untreated properties that surround the site. Noise mitigation can also be achieved by better monitoring and management. Where mitigation is possible, this has been secured in the S106. However, an area where mitigation is not possible is the noise impact the proposal would have

on outdoor spaces. The average noise levels in these areas will increase as a result of the proposal.

The ES also set out that at a couple of receptor points there would be a moderate adverse impact in terms of air quality. Other negative impacts are surface transport, sustainability and likely expansion of the PSZ. Unlike noise impacts, all of these mitigation measures can be mitigated through the S106. In terms of positive impacts, the main aspect which has been identified is the socio-economic impacts. The ES concluded that, if permitted, the increase in movements proposed by the proposals would enable the Airport to create additional jobs and support more income. The net positive economic impact is considered to be a significant boost to the local economy. The assessment therefore comes down to weighting the negative impacts that cannot be mitigated against the positive impacts. The main one's being the noise impacts against the economic impacts.

Due regard has been given to the ATWP which advocates the growth of existing airports, but recognises that this must be balanced against adverse environmental consequences. Having assessed the information submitted with the application, and the additional information to complete the Environmental Statement Addenda, it is concluded that on balance the adverse impacts of the proposal are not such as would justify withholding consent in light of the benefits and the relevant policy considerations. This is considered to be a finely balanced decision which can only be made subject to securing more effective monitoring and mitigation of the airport's impacts on the local environment than are currently achieved. It is recognised that this consent allows the opportunity to secure improvements in this regard. Furthermore the restrictions on the airport's night time and weekend operation are maintained while that in respect of the potential impacts from early morning operation is improved. Approval is therefore considered appropriate subject to accompanying stringent conditions and a S106 agreement to mitigate the development's impact.

Dated this 9th day of July, 2009

A handwritten signature in black ink, consisting of a stylized 'A' or 'B' shape followed by a horizontal line extending to the right.

BOROUGH PLANNING OFFICER

London Borough of Newham

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to 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 a form, which is available from the Planning Inspectorate, (a copy of which must be sent to Newham Council) or complete an application online.
The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (e-mail: enquiries@pins.gsi.gov.uk) or (Tel: 0117 372 8000).
To make an appeal online, please use www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet. This may include copies of documentation from the original planning application and relevant supporting documents supplied to the local authority, and or information, including personal information belonging to you that you are happy will be made available in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notice

- If either the Local Planning Authority or the Office of the Deputy Prime Minister refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by carrying out any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with Part VI of the Town and Country Planning Act 1990.