

Date	19 May 2023	<b>Technical Response Note</b>
From	Steer	
Project	London City Airport- Section 73 Application to vary conditions	Project No. 23699202
LPA Ref	22/03045/VAR	
GLA Ref	2023/0094	

## Response to London Borough of Newham's comments on transport related matters

### Introduction

This note responds to LB Newham 's (LBN's) Transportation Team's Supplementary comments dated 5 May 2023. Those comments do not raise any in principle transport concerns and focus on suggested planning obligations and conditions.

London City Airport (LCY) welcome the updated note which reflects recent discussions with the Council and TfL (see separate note).

In responding to the note we have taken into account the following matters:

1. The relevant tests for planning obligations and conditions set out in paragraphs 55 to 57 of the NPPF and the CIL regulations, with obligations only being appropriate where they meet all of the following tests a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development. The NPPF requires planning conditions to be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
2. The obligations and conditions already secured as part of the CADP1 permission granted in 2016. The S73 application does not seek to vary the various transport related conditions associated with this permission, which remain appropriate mitigation and are expected to be reimposed in the event that permission is granted. The relevant extant conditions are set out at Appendix A and Relevant undertakings of the S106 agreement set out at Appendix B.
3. The proposed Sustainable Transport Fund (STF) of at least £2 million per annum. The STF would operate for a minimum of 7 years and would be managed by the airport in consultation with the Airport Transport Forum, which includes local authorities, transport providers and neighbouring land owners. It is envisaged that heads of terms would identify target priority mitigation measures upon the approval of the S73 but these could be reviewed alongside ongoing travel mode monitoring and funds refocussed if necessary.

## Response

We respond in turn to the issues raised in LBNs 5 May 2023 comments, noting that many of the requests are already addressed in conditions/obligations in the CADP1 permission and therefore they do not need to be altered or duplicated. Additional mitigation can by and large be included as target areas for the STF.

We would welcome further discussions with LBN and TfL officers to identify any outstanding queries and the principles around any conditions/Heads of Terms for modified S106 obligations.

Issue Raised	Response
<p>Revisit the Highway proposals including improvements to pedestrians/cyclists across Hartman Road and further connectivity to the south to Custom House, north to Royal Albert Way. Appropriate agreements with LBN Highways should be entered in to deal dealt required measures deemed necessary by LBN Highways. The Highway works will also to include the construction new site junctions – Woolwich Manor Way/Hartman Road and any improvements to existing junction on the west entrance to the Airport.</p>	<p>No new condition necessary as no new works to highways are being proposed as part of the S73 application. The previously approved CADP1 plans include improvement works to Hartmann Road Works and are detailed in the approved drawings LCY-CADP-ATK-H no.'s 0001 to 0010.</p> <p>The Transport Assessment accompanying the S73 application sets out the modest change in traffic numbers anticipated with the additional passenger numbers. Any reasonable modification to the details of the scheme to allow for this is covered by existing Condition 73.</p>
<p>Subsequent to condition 1 above, the developer shall enter into a mechanism and section 38 agreement with the council in respect of public highway works and any adoptable roads.</p>	<p>No new condition necessary. Condition 73 covers such a mechanism.</p>
<p>Following 1 and 2 above, a condition for the applicant to seek approval in writing from the LHA relating to finishes/specifications of highway materials/surfaces prior to commencement of construction will be recommended</p>	<p>No new condition necessary. Condition 73 required agreement on the details of access roads and parking areas to be constructed in accordance with details to be approved. These were discharged in December 2019.</p>
<p>Other conditions relating to construction and access to public footways and highways during the construction phase will follow on from 1 above.</p>	<p>No new condition necessary. Condition 88 relating to the Construction Environmental Management Plan covers such requirements.</p>
<p>Prior to the commencement of construction of the development, a detailed Travel Plan covering the construction phase (staff &amp; visitors) as well as the eventual occupiers of the development shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall include set targets and monitoring procedures for the sustainable travel initiatives suggested by the applicant.</p>	<p>No new condition necessary. Condition 71 remains appropriate, with the Travel Plan being updated in three yearly intervals. An updated Framework Travel Plan was submitted with the application and would form the basis of the next Travel Plan review in 2025.</p>
<p>The car parking accommodation of the approved development shall include at least .... spaces in total suitable for use by a person with disabilities</p>	<p>No new condition necessary. Condition 72 covers appropriate provision for disabled users.</p>
<p>No increase to existing number of spaces already approved with CADP application</p>	<p>No new conditions necessary. Condition 73 covers design of current car park and there are no proposals for</p>

Full details of car parking provision and allocation strategy, especially for staff, visitors etc. to be submitted for approval by LBN before first occupation or use of the development	additional parking associated with the S73 application despite a proposed increase of 2.5million passengers annually by 2031 (to 9million).  Condition 74 currently controls the use of parking spaces for staff and visitors.
Prior to commencement of development all of the areas designated for the parking and turning of vehicles shall be marked out and visible for use.	
The car parking hereby approved shall be used by the staff and visitors associated with the Airport and for no other users.	No new condition necessary. Condition 74 covers this requirement.
No development shall take place until details of the type and location of secure and covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until a minimum of (final number to be ascertained) cycle parking spaces have been installed in accordance with the approved details. Such spaces shall be retained thereafter for this use only.	No new condition necessary. Condition 75 covers the provision of 70 spaces. Any additional cycle parking requirement would be identified through the ongoing Travel Plan monitoring and will be provided if found necessary.
Prior to operations full details of drop-off and pick-up strategy to be submitted to the Council for approval.	No new condition necessary. CADP includes minor amendments to the forecourt and have been developed in consultation with TfL and designed to allow for up increase passenger drop off by private car, taxi and bus service. Additionally, a suite of conditions (76-80) currently existing to manage landside passenger and service access. The responses below provide each of the relevant conditions.
Prior to operations of the development hereby permitted, details relating to a delivery and service plan shall be submitted and approved in writing by the Council...	No new condition necessary. Condition 76 provides for a Delivery and Servicing Plan and was approved in December 2019.
Transport Management Plan a) Prior to commencement of the development hereby approved, a Transport Management Plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with TfL. The Transport Management Plan shall set out the proposed management arrangements for vehicles movement within the proposed site and including the internal shared access. b) The applicant is to submit details of appropriate road markings and signage internal to the site to regulate the movement of traffic, cyclist and pedestrians.	No new condition necessary. Condition 79 provides for a Transport Management Strategy and was approved in December 2019.
In consideration of Taxi Rank and Drop-off and pick- up facility by private hire a) Prior to the commencement of the use of the site an Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the Management Strategy shall include details regarding: stewardship arrangements,	No new condition required. Condition 78 covers the Taxi Management Plan and was approved in December 2019.

<p>signage, and measures to promote and provide for sustainable transport, times/locations notification arrangements.</p> <p>b) Thereafter such facilities shall be undertaken in accordance with the Management Strategy as approved by the Local Planning Authority, unless otherwise approved in writing by the Local Planning Authority</p>	
<p>Construction Logistics Plan</p> <p>Condition: Prior to the commencement of works on the development a Construction Logistics Plan... shall be submitted to and approved in writing by the Local Planning Authority.</p>	<p>No new condition required. Condition 87 relating to Construction Design and Methodology describes how material and equipment will be delivered to site. Condition 88 covers the requirement for submission of a Construction Environmental Management Plan and was approved in December 2019. This includes construction access arrangements, construction vehicle routing, construction related car parking and wheel washing.</p>
<p>Travel Plan</p> <p>Prior to the use hereby approved, a Travel Plan shall be submitted to, and be approved in writing by, the Local Planning Authority...</p>	<p>No new condition necessary. Condition 71 remains appropriate, with Travel Plan being updated in three yearly intervals. An updated Framework Travel Plan was submitted with the application and would form the basis of the next Travel Plan review in 2025.</p>
<p>Opening of Hartman Road - New road link to Woolwich Manor Way/Public Realm improvement to Woolwich Manor Way. LCY to pay for the total amount.</p>	<p>No new requirement as covered by approved scheme and drawings. The previously approved Hartmann Road Works as part of the CADP1 permission are detailed in the approved drawings LCY-CADP-ATK-H 0001 to 0010. The TA has set out the modest change in traffic numbers anticipated with the additional passenger numbers. Any reasonable modification to the details of the scheme to allow for this is covered by existing Condition 73.</p>
<p>Road Signage - A contribution of £50K towards the cost of upgraded road signage on all local and major roads close to the Airport, associated with the opening of new eastern access.</p> <p>The amount to be paid six months prior to the opening of new eastern access.</p>	<p>Not necessary. A payment of £25,000 for such signage has been committed through the CADP1 S106 Agreement. The S73 application makes no changes to access routes and hence it is not considered necessary to provide further signage.</p>
<p>Contribution of £100K towards improvements to Walking and Cycle Routes.</p>	<p>The CADP1 s106 Agreement already includes an undertaking to pay £100k for footway and cycle improvements. Additional enhancements could be agreed in principle and the cost for implementing any necessary further walking and cycle improvements could be covered through the proposed Sustainable Transport Fund (STF).</p>
<p>Airport to provide bus shuttle between Custom House Cross-rail Station and the Airport</p>	<p>The principle of enhancing accessibility between the airport and the Elizabeth Line is agreed. However, a more flexible approach to find the best option for this connectivity is required, especially if it is found that a shuttle bus is not the most effective option. Accordingly, it is proposed that any agreement should cover:</p> <ul style="list-style-type: none"> <li>a) A feasibility study on alternative enhancements to connectivity between LCY and Elizabeth Line</li> </ul>

	<p>b) Subsequent funding of agreed approach to enhanced connectivity between LCY and Elizabeth Line</p> <p>Such funding could be sourced through the proposed Sustainable Transport Fund (STF).</p>
Travel Plan monitoring contribution of Joe Smith.....	Further clarification required regarding the Travel Plan monitoring contribution but agreed in principle.
Submission of a Car Parking Management Plan including Servicing Management Plan for whole of the development.	Not considered necessary as conditions 72 and 73 cover car parking provision and usage whilst Condition 76 covers servicing.
Submission of Travel Plan	<p>No new condition necessary. Condition 71 remains appropriate, with Travel Plan being updated in three yearly intervals. An updated Framework Travel Plan was submitted with the application and would form the basis of the next Travel Plan review in 2025.</p> <p>If considered necessary, addition obligations could be agreed to cover ongoing monitoring and implementation of future initiatives.</p>
A contribution towards Public Transport as per request made by TfL.	See separate TFL response

## **Appendix A: Selected CADP1 Conditions**

### **71 Travel Plan**

Prior to first occupation of the Development a Staff Travel Plan and a Passenger Travel Plan shall be submitted to and approved in writing by the local planning authority.

Such Staff and Passenger Travel plans shall include targets for managing any impacts of the Airport's staff and passengers on the local road network; and monitoring procedures for sustainable travel initiatives such as encouraging greater use of the waterways such as the River Thames.

The Development shall be operated in accordance with both the approved Staff Travel Plan and Passenger Travel Plans thereafter.

**Reason:** *To ensure that the development accords with the aims and objectives of policy 6.3 of The London Plan (consolidated with alterations Since 2011 and published March 2015), and policy INF2 of the Newham Core Strategy (adopted 26 January 2012).*

### **72 Parking for Disabled People**

The car parking accommodation of the approved Development shall include at least 3% of passenger and 5% of staff spaces suitable for use by a disabled person (in accordance with the specifications within BS8300: Design of buildings and their approaches to meet the needs of disabled people: Code of Practice)

**Reason:** *To ensure access for people with disabilities.*

### **73 Access Roads and Parking Areas**

The Access Roads and Parking Areas shall be constructed in accordance with details that shall be submitted to and approved in writing by the local planning authority and the Access Roads and Parking Areas shall be retained thereafter.

No part of the Eastern Terminal Extension hereby approved shall be occupied until temporary access roads giving access to the A117 and a temporary taxi feeder park are provided and which shall remain in place until the permanent Access Roads and Parking Areas approved under this condition are completed.

**Reason:** *To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with the approved use.*

### **74 Use of Parking Spaces**

The car parking hereby approved shall be used by the staff and visitors associated with the Airport and for no other users.

**Reason:** *In order to provide a satisfactory level of on-site parking.*

### **75 Cycle Parking**

No part of the Eastern Terminal Extension shall be occupied until details of the type and location of a minimum of 70 secure and covered cycle parking facilities have been submitted to and approved in writing by the local planning authority.

The secure and covered cycle parking facilities shall be installed and available for use prior to the first occupation of the Development.

Such cycle parking facilities shall be retained thereafter.

**Reason:** *To ensure the provision of adequate cycle facilities to the standards adopted by policies 6.9 and 6.13 of the London Plan (consolidated with alterations Since 2011 and published March 2015), and policies SP2, SP3 and INF2 of the Newham Core Strategy (adopted 26 January 2012); and ensure that any alteration to the use of the proposed cycle spaces does not have an impact which has not been assessed by the Environmental Impact Assessment.*

## **76 Delivery and Service Plan**

No part of the Development shall be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.

The submitted Delivery and Servicing Plan shall:

- show clear vehicle sweep paths and be based on up-to-date information in relation to overall vehicle movements associated with all sites, and include servicing from new roads and service areas;
- show service vehicle movements as indicated within the Transport Assessment, which shall be the optimum numbers, and any additional movements shall only be permitted with the approval in writing by the local planning authority; and
- be prepared in accordance with Transport for London guidance, which encourages operators to be members of the Freight Operators Recognition Scheme or similar.

The Development shall only be implemented in accordance with the approved Delivery and Servicing Plan, which shall be retained thereafter.

**Reason:** *To ensure that vehicle movements associated with the use hereby permitted remain consistent and that the use does not represent any unacceptable level of vehicle movements such that the safety of pedestrians and cyclists shall be unduly prejudiced.*

## **77 Traffic Management Plan**

No relevant Phase of the Development shall be Commenced until a Traffic Management Plan has been submitted to and approved in writing by the local planning authority in respect of the relevant Phase. Each submitted Traffic Management Plan shall:

- set out the proposed management arrangements for vehicle movement within the Phase, including the internal shared access;
- include details of appropriate road markings and signage internal to the site to regulate the movement of traffic, cyclists and pedestrians; and
- ensure that the internal road network is designed, operated and retained in line with current practice on highway design for all road users, including buses, cyclists, and pedestrians.

The relevant Phases shall be operated in accordance with the approved Traffic Management Plans for those Phases thereafter.

**Reason:** *To prevent obstruction of the public highway surrounding the site and internal roads used by buses, taxis, delivery vehicles, cyclists and pedestrians and avoid accidents.*

## **78 Taxi Management Plan**

No relevant Phase of the Development shall be Commenced until a detailed Taxi Management Plan has been submitted to and approved in writing by the local planning authority in respect of that Phase. The Taxi Management Plan shall be implemented as approved and retained thereafter.

**Reason:** *To ensure that taxi facilities are operated safely and efficiently.*

## **79 Transport Management Strategy**

Prior to use of the Eastern Terminal Extension, a Transport Management Strategy shall be submitted to the local planning authority for approval in writing. The Transport Management Strategy shall include details regarding:

- stewardship arrangements;
- signage;
- measures to promote and provide for sustainable transport;
- times/locations notification arrangements; and
- how to encourage increased dwell time for vehicles, including hire vehicles, arriving to collect passengers.

The Airport shall only be used in accordance with the approved Transport Management Strategy thereafter.

**Reason:** *In the interest of residential amenity, parking congestion and highway, pedestrian and visitor safety.*

### **80 Bus Facilities**

No works to existing bus stops, stands, infrastructure or shelters or any works that affect bus operations shall be carried out until a Bus Facilities Works Programme has been submitted to and approved in writing by the local planning authority. The Works Programme shall include infrastructure specification, maintenance and transitional arrangements. The approved facilities shall thereafter be implemented in accordance with the approved arrangements.

**Reason:** *To ensure that bus services can safely serve the site as if they were on the public highway including regular maintenance and appropriate management, as the forecourt design includes changes to bus facilities that are not part of the public highway and need to be accessed via private land.*

### **87 Construction Design and Method Strategy**

Development of the relevant Phase of Development shall not Commence until there has been submitted to the local planning authority for approval in writing a detailed Construction, Design and Method Strategy for all of the foundations, basement and ground floor structures, and any structures below ground level including piling (temporary and permanent) for that Phase. Such a Strategy shall include (but not be limited to) details of the following in respect of each Phase:

- specification and erection methodology for all façade treatments, roof sections and windows;
- specification, construction methodology, calculations and lifting plan for any cranes proposed to be used;
- the location of existing DLR structures and how the Phase of Development will accommodate these to demonstrate that there will be no potential security risk to DLR railway, property and structures; and
- mitigation of the effects of noise and vibration arising from the adjoining operations within the structures.

Each relevant Phase shall thereafter be carried out in accordance with the relevant approved Construction Design and Method Strategy.

**Reason:** *To ensure a satisfactory standard of development and to safeguard amenities of the surrounding area.*

### **88 Construction Environmental Management Plan (CEMP)**

Prior to Commencement of Development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority.

The CEMP shall be implemented as approved.

The CEMP shall include (but not be limited to):

- a) a Construction Noise and Vibration Management and Mitigation Strategy (CNVMMS);
- b) an Air Quality Construction Management and Mitigation Strategy (AQCMMMS); and
- c) details of wheel washing equipment.

The CEMP shall be in accordance with the environmental standards, mitigation measures, embedded mitigation measures, requirements, recommendations and methods of implementing the Development contained in the UES, appendices and addenda therein relevant to the Development.

**Reason:** *To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*

*Definition of AQCMMS:*

**'Air Quality Construction Management and Mitigation Strategy'**

**(AQCMMS)** means a strategy in accordance with the environmental standards, mitigation measures, embedded mitigation measures, requirements, recommendations and methods of implementing the Development contained in the Updated Environmental Statement, appendices and addenda, to include (but not limited to) the following:

- a Construction Delivery Management Strategy (to include, but not limited to):
- hours of deliveries;
- delivery routes into and out of the Airport;
- areas for deliveries;
- haul routes within the Airport and along Hartmann Road;
- measures to minimise reversing of vehicles;
- measures to minimise queuing of vehicles outside of the Airport;
- measures to maximise the use of the River Thames and other waterways for the transport of construction materials ; and
- measures to ensure daytime deliveries are maximised.

## **Appendix B: CADP1 Permission Transport Related S106 undertakings**

There are a number of pertinent definitions and a range of undertakings associated with the extant permission in the current CADP S106, as set out below:

### **S106 Definitions**

**"Airport Surface Access Strategy"** means the surface access strategy for the Airport produced (and revised and reissued from time to time) in accordance with the Department for Transport's Guidance on Airport Transport Forums and Airport Surface Access Strategies (26 July 1999) (or any replacement or modification of such guidance) and the current version of which is the London City Airport Surface Access Strategy 2011

**"ATF Terms of Reference"** means the agreed terms of reference for the Transport Forum attached at Annexure 1 or any modification of such terms agreed between the Airport Companies, the Transport Forum and the Council

**"Bus and Taxi Access Scheme"** means a scheme detailing the following:

- (a) the operational and design details of the Replacement Forecourt;
- (b) the routes for London Buses to/from the Bus Stops and the Bus Stand from/to Connaught Road and from/to Woolwich Manor Road;
- (c) the routes for London Taxis to/from the Taxi Rank from/to Connaught Road and from/to Woolwich Manor Road;
- (d) the operational and design details of the Eastern Access to enable the safe and efficient two way running of vehicular traffic (or one way running with priority arrangements for London Buses where requested by TfL);
- (e) the strategy for management and maintenance of the Eastern Access and the Replacement Forecourt to ensure that they are maintained to a standard of construction (whether or not to an adoptable standard) and in a condition which allows for the safe and efficient passage of pedestrians, cyclists and vehicular traffic including London Buses and London Taxis;
- (f) proposals for phased replacement of the existing bus stops bus stand(s) and taxi rank on the existing terminal forecourt at the Airport with the Bus Stops, the Bus Stand, the Taxi Rank and the remainder of the Replacement Forecourt (respectively) to ensure continuity of provision;
- (g) identification of public conveniences that may be accessed by drivers of London Buses;
- (h) provision for temporary arrangements for use of the entrance and access road comprised in the Eastern Access and for accommodating waiting London Taxis prior to entering the Taxi pick-up facility at the Airport pending provision of the Eastern Access and the Taxi Feeder Park

**"Bus Stand"** means the new bus stand to be provided as part of the Development and shown coloured green on Plan 6 with a capacity of not less than three buses

**"Bus Stops"** means the three new bus stops to be provided as part of the Development and shown coloured pink on Plan 6

**"DLR Contribution Balance"** means the balance from time to time of the DLR Service Enhancement Contribution which balance at the date of this Agreement is two million one hundred and twenty five thousand pounds (£2,125,000) CPI-Indexed and which is to be used to increase capacity on services between the Airport and the wider route network

**"DLR Rolling Stock"** means additional rolling stock to provide the equivalent of an additional DLR Car for deployment on the DLR route network including the routes serving the DLR Station to be funded by the Airport Companies pursuant to this Agreement

**"DLR Service Enhancement Contribution"** means the DLR Service Contribution as defined in the 2009 Agreement namely:

*the sum of £2,500,000 payable by the Airport Companies to the Council towards the cost of purchasing one additional rail car to assist in providing the DLR Service Enhancement which shall be payable in the manner provided for in paragraph 6 of Part 1 of the Sixth Schedule*

- and "**DLR Service Enhancement**" being defined in the 2009 Agreement as follows:

*'any one of the following enhancements of the DLR Current Planned Service [defined in the 2009 Agreement as 15 two-car trains per hour in each direction]:*

- (a) increased frequency of trains (greater than 15 two-car trains per hour in each direction);*
- (b) introduction of at least one three-car train as part of the DLR Current Planned Service;*
- (c) extension of the Woolwich to Canning Town (two-car) shuttle service to Canary Wharf as part of the DLR Current Planned Service; or*
- (d) any other enhancement which may be agreed between the Council the Airport Companies and DLR'*

- and which for the avoidance of doubt under this Agreement can be spent on DLR Rolling Stock

**"DLR Station Management Contribution"** means the sum of three hundred thousand pounds (£300,000) payable by the Airport Companies to TfL over a three year period in the manner provided for in paragraph 2 of Schedule 5 towards the cost of maintaining an increase over current DLR staffing levels at the DLR Station which is equivalent to two full time DLR Staff at the DLR Station during Airport peak hours of passenger demand at the DLR Station (0600 to 1000 and 1600 to 2000) subject to alterations agreed by the Airport Companies and TfL to reflect actual demand

**"Dockside Works"** means those aspects of the Development which are likely to affect access along Hartmann Road comprising:

- (a) upgrading works to Hartmann Road (in accordance with Schedule 3);
- (b) passenger and staff parking;
- (c) car hire parking; and
- (d) taxi feeder park.

**"Eastern Access"** means (a) the access point at the eastern end of the Land at the junction of Hartmann Road and the A117 Woolwich Manor Way and (b) the improved Hartmann Road (in accordance with Schedule 3) which together form part of the Development

**"Parking Improvement Contribution"** means the sum of two hundred and fifty thousand pounds (£250,000) Index-Linked payable by the Airport Companies to the Council pursuant to in paragraph 4 of Schedule 5 towards the cost of investigating, designing and implementing a system of parking controls (or such other traffic management measures as the Council deems necessary) in the immediate vicinity of the Land and any area where it is established that there is a parking problem caused by the operation of the Airport

**"Road Signage Contribution"** means the sum of twenty five thousand pounds (£25,000) Index Linked payable as a contribution towards the cost of installing modified or additional signage on roads in the vicinity of the Land in the approximate locations shown on Plan 14 in order to direct vehicular traffic between the TfL road network and the Airport following completion of the Development and the opening of the Eastern Access

**"Taxi Feeder Park"** means that part of the Airport shown coloured green on Plan 19 through which

London Taxis shall pass prior to entering the Taxi pick-up facility

**"Taxi Rank"** means the replacement taxi drop off and pickup areas forming part of the Replacement Forecourt and show coloured orange and yellow on Plan 6

**"the Transport Forum"** means the partnership arrangements known as the Airport Transport Forum already established at the date of this Agreement by the Operator between itself, public transport operators, the Council, local people and businesses and other interested parties in accordance with the Department for Transport's Guidance on Airport Transport Forums and Airport Surface Access Strategies (26 July 1999) or any replacement or modification of such guidance

**"Walking and Cycling Contribution"** means the sum of one hundred thousand pounds (£100,000) Index Linked as a contribution towards the cost of funding:

- (a) a study (up to a maximum cost of £5,000) based on the Pedestrian Environment Review System (PERS) to assess the quality of the pedestrian and cycling environment in the vicinity of the Land and identify the opportunities to improve pedestrian and cycling routes to and from the Airport to and from the Local Area
- (b) the recommendations for improvement of pedestrian and cycling routes to and from the Airport contained in the study
  - a. The Airport Companies shall not Commence the part of the Development comprising the Eastern Terminal Extension unless and until they have submitted the Bus and Taxi Access Scheme to TfL for approval and TfL has provided such approval Provided That the scope of such approval is limited to operational and design details not already approved as part of the Planning Permission
  - b. The Eastern Access and the Taxi Feeder Park shall be provided at the Airport Companies' cost in accordance with the Bus and Taxi Access Scheme approved pursuant to paragraph 1.1 of this Schedule.

## **S106 Undertakings**

### **Public Access along Hartmann Road**

- 1 The Airport Companies covenant jointly and severally with the Council and TfL as follows:

- 1.1 The Airport Companies shall not Commence the part of the Development comprising the Eastern Terminal Extension unless and until they have submitted the Bus and Taxi Access Scheme to TfL for approval and TfL has provided such approval Provided That the scope of such approval is limited to operational and design details not already approved as part of the Planning Permission
- 1.2 The Eastern Access and the Taxi Feeder Park shall be provided at the Airport Companies' cost in accordance with the Bus and Taxi Access Scheme approved pursuant to paragraph 1.1 of this Schedule.
- 1.3 The Airport Companies shall:
  - (a) not Occupy or cause or permit Occupation of the Eastern Terminal Extension unless and until the Airport Companies have introduced temporary arrangements for use of the junction and access road comprised in the Eastern Access and for accommodating waiting London Taxis prior to entering the Taxi pick-up facility at the Airport in accordance with the Bus and Taxi Access Scheme approved under paragraph 1.1 of this Schedule
  - (b) prior to Occupation of the Eastern Terminal Extension provide to the Council and TfL a programme for the transition from the temporary arrangements provided in accordance with paragraph 1.3 (a) of this Schedule to the opening of the Eastern Access and the Taxi Feeder Park required under paragraph 1.2 of this Schedule and
  - (c) within six months of Occupation of the Eastern Terminal Extension provide an update to the Council and TfL on progress against the programme provided under paragraph 1.3(b) of this Schedule and use reasonable endeavours to complete and open the Eastern Access and Taxi Feeder Park in accordance with such programme, unless a revised programme is subsequently provided to (and consulted on with) TfL and the Council in which case the Airport Companies shall use reasonable endeavours to complete and open the Eastern Access and Taxi Feeder Park in accordance with such revised programme.
- 1.4
  - (a) Until such time as the Replacement Forecourt has been constructed and completed at the Airport Companies' cost in accordance with the Bus and Taxi Access Scheme approved under paragraph 1.1 of this Schedule and is open for use, the Airport Companies shall provide temporary bus stops bus stand and taxi rank facilities (subject to having first

consulted with TfL in relation to such temporary arrangements) to ensure continuity of provision; and

(b) Subject always to paragraph 1.4 (a):

(i) within two months of Occupation of the Eastern Terminal Extension, the Airport Companies shall provide to TfL a programme for the transition from the temporary arrangements provided in accordance with paragraph 1.4 (a) of this Schedule to the opening of the Replacement Forecourt; and

(ii) the Airport Companies shall use reasonable endeavours to complete and open the Replacement Forecourt in accordance with such programme, unless a revised programme is subsequently provided to (and consulted on with) TfL in which case the Airport Companies shall use reasonable endeavours to complete and open the Replacement Forecourt in accordance with such revised programme.

1.5 Until such time as the passenger and staff parking and car hire parking (forming part of the Dockside Works) have been constructed and completed and are open for use, the Airport Companies shall ensure that alternative provisions are put in place.

1.6 Once the Replacement Forecourt has been constructed and completed in accordance with the Bus and Taxi Access Scheme approved under paragraph 1.1 of this Schedule:

(a) subject to paragraph 1.8 of this Schedule London Taxis and London Buses shall be permitted to use (at no cost to TfL) the Replacement Forecourt; and

(b) the Replacement Forecourt shall be managed and maintained at the Airport Companies' cost in accordance with the Bus and Taxi Access Scheme approved under paragraph 1.1 of this Schedule.

1.7 With effect from the opening of the Eastern Access:

(a) subject to paragraphs 1.8 and 1.9 of this Schedule members of the public shall be permitted to pass and re-pass on foot and by vehicle along the Eastern Access and London Taxis and London Buses shall be permitted to pass and re-pass along the Eastern Access; and

- (b) the Eastern Access shall be managed and maintained at the Airport Companies' cost in accordance with the Bus and Taxi Access Scheme approved under paragraph 1.1 of this Schedule.
- 1.8 During the period when temporary arrangements are in place for use of the junction and access road comprised in the Eastern Access pursuant to paragraph 1.3(a) of this Schedule only London Taxis and London Buses and not members of the public shall be permitted to pass and re-pass through such junction and along the access road.
- 1.9 Nothing in paragraph 1.7 of this Schedule shall affect the application of the Airport Byelaws and nothing in paragraph 1.7 shall prevent temporary closure of Hartmann Road to all or any traffic and/or pedestrians where this is necessary for reasons relating to:
- (a) Security or emergency;
  - (b) Repair, maintenance, construction work, laying maintenance or replacement of services, health and safety or preventing public rights of way from being established
- subject to the Airport Companies giving TfL not less than three months prior notice of such closure and in the event of any closure the Airport Companies shall work with TfL to assist TfL in providing alternative routes, bus stops and taxi stands where such infrastructure is impacted by the closure of Hartmann Road to minimise as far as is reasonable practicable the disruption to the operation of London Buses and London Taxis
- 2 Nothing in this Schedule 3 shall be taken as any indication of the Airport Companies intention to dedicate as public highway any land within their ownership (or any other party's ownership) that forms part of the Eastern Access

## **Financial Contributions**

### **1 DLR Contributions**

The Airport Companies joint and severally covenant with the Council and TfL as follows:

- 1.1 To pay the DLR Contributions to TfL subject to the following conditions and in the following manner:

- (a) to the extent that it has not by then been paid by the Airport Companies pursuant to the 2009 Agreement they shall pay the DLR Contribution Balance (CPI-Indexed) to TfL within 30 days of the Commencement of Development
- PROVIDED THAT in the event of payment of the DLR Contribution Balance pursuant to this sub-paragraph the parties to this Agreement agree and declare that the Airport Companies shall not have any further or residual liability for payment of the DLR Service Enhancement Contribution (as defined in the 2009 Agreement) under paragraph 6 of the Sixth Schedule to the 2009 Agreement
- (b) To pay the CADP DLR Contribution (Index-Linked) within 30 days of the Commencement of Development.

## **2 DLR Station Management Contribution**

- 2.1 The Airport Companies jointly and severally covenant with the Council and TfL to pay the DLR Station Management Contribution to TfL subject to the following conditions and in the following manner:
- (a) Prior to Occupation of any part of the Development the Airport Companies shall pay to TfL £100,000 (one hundred thousand pounds) (Index Linked) of the DLR Station Management Contribution;
- (b) Within 7 days of any Annual Performance Report published after 31 December 2021 confirming that passenger numbers for the preceding year have exceeded 4.5 million the Airport Companies shall pay to TfL a further £100,000 (one hundred thousand pounds) (Index Linked) of the DLR Station Management Contribution;
- (c) On or before the anniversary of the payment of the instalment due pursuant to paragraph 2.1(b) of this Schedule, the Airport Companies shall pay to TfL the final £100,000 (one hundred thousand pounds) (Index Linked) of the DLR Station Management Contribution
- 2.2 Provided that the DLR Station Management Contribution is received by TfL in accordance with paragraph 2.1 TfL covenants with the Airport Companies to use reasonable endeavours to introduce the DLR Staff at the DLR Station within six months of receipt of the payment required by paragraph

- 2.1(a) of this Schedule and to retain the DLR Staff at the DLR Station for a minimum period of three years from the date of their introduction
- 2.3 On at least two occasions each year during the retention of DLR Staff at the DLR Station the first of which shall occur as soon as practicable following publication of the Summer flight schedule for the Airport and the second of which shall occur as soon as practicable following publication of the Winter flight schedule for the Airport, the Airport Companies and TfL shall agree training requirements and information dissemination protocols for the DLR Staff to fulfil a role as information sources for passengers arriving at or departing from the Airport and TfL shall require the DLR Staff to comply with the agreed requirements and protocols Provided That the reasonable and proper cost of providing the training agreed and undertaken by DLR Staff pursuant to this paragraph 2.3 during the period of three years from the date of their introduction at the DLR Station shall be paid by the Airport Companies
- 2.4 The Airport Companies and TfL shall meet monthly to discuss any operational issues associated with the DLR Station
- 3 Parking Improvement Contribution**
- 3.1 The Airport Companies jointly and severally covenant with the Council that if at any time during the period of 12 years from Commencement of Development the Council shall have served notice on the Airport Companies of an intention to investigate, design and/or implement a scheme of parking controls or other traffic management measures in the vicinity of the Land then they shall pay the Parking Improvement Contribution to the Council in the following manner:
- (a) at any time during such 12 year period the Council may demand in writing payment of any part of the Parking Improvement Contribution but subject to sub-paragraph 4.2 of this Schedule; and
- (b) subject to sub-paragraph 4.2 of this Schedule the Airport Companies shall pay such part of the Parking Improvement Contribution as may be specified in the Council's written demand within 30 days of receipt

- 3.2 the Airport Companies shall not be liable to pay any sum pursuant to sub-paragraph 4.1 if payment of such sum would cause the Airport Companies either to pay more than £180,000 Index-Linked of the Parking Improvement Contribution in any 12 month period or would cause the Airport Companies' aggregate liability under sub-paragraph 4.1 to exceed the amount of the Parking Improvement Contribution.
- 3.3 If any part of the Parking Improvement Contribution paid to the Council pursuant to paragraph 4.1 of this Schedule remains unspent after 15 years from the Commencement of Development the Council shall repay that part to the Airport Companies with Interest from the date of its receipt by the Council to the date of repayment to the Airport Companies

#### **4 Road Signage Contribution**

The Airport Companies jointly and severally covenant with the Council as follows:

- 4.1 to pay the Road Signage Contribution to the Council prior to Practical Completion of the Eastern Access.
- 4.2 not to use and/or Occupy or cause or permit the use and/or Occupation of the Eastern Terminal Extension or any part thereof unless and until the Road Signage Contribution has been paid to the Council.

#### **5 Walking and Cycling Contribution**

The Airport Companies jointly and severally covenant with the Council as follows:

- 5.1 to pay the Walking and Cycling Contribution to the Council on or before the use and/ or Occupation of any part of the Development
- 5.2 not to Use and/or Occupy or cause or permit the Use and/or Occupation of any part of the Development unless and until the Walking and Cycling Contribution has been paid to the Council.

#### **Transport Forum**

- 1.1 The Airport Companies shall continue to work with the Council and the Transport Forum to maintain the Airport Surface Access Strategy to serve the Airport.

- 1.2 The Airport Companies shall continue to operate the Transport Forum in accordance with:
- (a) the ATF Terms of Reference; and
  - (b) the UK Government's Aviation Policy Framework current at the date of this Agreement or any subsequent UK Government policy or guidance which may apply to the Transport Forum from time to time;
- and shall convene at least two meetings of the Transport Forum in each calendar year.
- 1.3 The Airport Companies shall use reasonable endeavours to ensure that:
- (a) There is a rolling annual programme of dates for meetings of the Transport Forum published on the Airport Website;
  - (b) Written notice of each meeting and the agenda for each meeting are circulated to Transport Forum members, including the Airport Monitoring Officer, at least two weeks in advance;
  - (c) Draft minutes of each meeting are circulated to Transport Forum members within two weeks of the meeting occurring;
  - (d) Except where there is a need to preserve confidentiality in relation to any matter under discussion by the Transport Forum procure that the agenda and minutes of each of the Transport Forum meetings are published including on the Airport Website.



# **Appendix C: Terms of Reference for the London City Airport Transport Forum**

**Issued to ATF December 2014**

## **1. Aim of the Forum**

Increasing the use of public transport and sustainable travel modes among air passengers, airport employees, and the local community, and integrating the airport's surface access requirements into future transport plans serving London's Royal Docks and East London.

## **2. Objectives of the Forum**

- a. Identifying short and long term targets for increasing the proportion of journeys made to the airport by public transport
- b. To assist in devising the Airport's Surface Access Strategy (ASAS) for meeting these targets
- c. To oversee the implementation of the ASAS through the production and delivery of travel action plans
- d. To monitor the progress of the ASAS and associated travel action plans
- e. To establish task specific Working Groups drawn from the Forum membership and other relevant transport organisations as maybe appropriate to the task. Specifically Working Groups will include consideration of:
  - Issue specific transport action plans such as Construction Travel Plan; Taxi Management Plan; Parking Management Plan
  - DLR Station and Service - monitoring passenger flows, identifying suitable platform management improvements and service improvements
  - Crossrail Connectivity – linking the airport to Customs House Crossrail Station and exploring the opportunities for a new Silvertown Crossrail Station
  - River transportation – exploring the feasibility and delivery of river transportation for passengers and supplies to the airport
  - Cycling and Walking Connections – proposing improvements to better connect the airport for cyclists and pedestrians
  - Overspill parking – creating a strategy that reduces the impacts on local roads from pick-up overspill parking
- f. To contribute to a programme of activity that enhances the sustainable transportation synergies between the Airport, East London and London's Royal Docks including engagement with the Canary Wharf Transport Forum, London Chamber of Commerce Transport Group and the Stratford Transport Infrastructure Group
- g. To promote the environmental and wider community benefits that increased use of sustainable transport modes delivers

## **3. Structure of the Forum**

- a. The Forum shall meet four times a year (or some other frequency as the Forum may agree is appropriate) to deliver the objectives of the Forum
- b. Held at the airport, meetings shall generally last 2 hours, with agenda and relevant documentation circulated in advance
- c. Working Groups shall be established as required (with the agreement of the Transport Forum Chair) and report back to the Forum on progress made in delivering the defined scopes and outputs
- d. Membership of the Forum will include the following organisations;
  - London City Airport (to include Infrastructure/Strategy, Communications and Operational representatives )(Forum Chair)
  - London Borough of Newham (Senior Transport Planner, Airport Monitoring Officer)
  - Transport for London (to include Strategy and Communications representatives, others invited as required, for example Bus, river access, etc)
  - Greater London Authority (Principal Policy Adviser)
  - London Chamber of Commerce (Policy Lead with responsibility for transport)
  - Transport Operator representation – DLR as primary mode, Crossrail to ensure awareness of ongoing activity, Airport Taxi Coordinator
  - LCACC Secretary
  - Airline representative
  - Local representative
- e. As appropriate other stakeholders will be invited to attend the Forum itself or to become involved in a Working Group

