

# London City Airport

Local Planning Authority: Newham

Local Planning Authority reference 22/03045/VAR

**Strategic planning application stage 2 referral**

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

**The proposal**

Section 73 application to vary Conditions 2 (Approved documents) 8 (Aircraft Maintenance) 12 (Aircraft Stand Location) 17 (Aircraft Take-off and Land Times) 23, 25, 26 (Daily limits) 35 (Temporary Facilities) 42 (Terminal Opening Hours) 43 (Passengers) and 50 (Ground Running) to allow up to 9 million passengers per annum (currently limited to 6.5 million) arrivals and departures on Saturdays until 18.30 with up to 12 arrivals for a further hour during British Summer Time (currently allowed until 12.30), modifications to daily, weekend and other limits on flights and minor design changes, including to the forecourt and airfield layout attached to planning permission 13/01228/FUL allowed on appeal APP/G5750/W/15/3035673 dated 26th July 2016 which granted planning permission for;  
"Works to demolish existing buildings and structures and provide additional infrastructure and passenger facilities at London City Airport"

**The applicant**

The applicant is **London City Airport**

**Key dates**

**GLA pre-application meeting:** 10 June 2022 and 13 September 2022

**GLA stage 1 report:** 20 March 2023

**LPA Planning Committee decision:** 10 July 2023

**Strategic issues summary**

London Borough of Newham Council has resolved to refuse permission for this application. The Mayor must consider whether the application warrants a direction to take over determination of the application under Article 7 of the Mayor of London Order 2008 that the Mayor is to be the local planning authority.

Having regard to the details of the application, the matters set out in the Council's strategic development committee assessment report and the Council's draft decision notice there are no sound planning reasons for the Mayor to intervene in this particular case and therefore no basis to issue a direction under Article 7 of the Order 2008.

**The Council's decision**

In this instance Newham Council has resolved to refuse planning permission

**Recommendation**

That Newham Council be advised that the Mayor is content for the Council to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal, or direct that he is to be the local planning authority.

## Context

1. On 6 February 2023 the Mayor of London received documents from Newham Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under the following categories of the Schedule to the Order 2008:
  - Category 2C: 1a Transport infrastructure including an aircraft runway;2C 1c Transport infrastructure including an air passenger terminal at an airport
  - Category 2C(2): Development to alter an air passenger terminal to increase its capacity by more than 500,000.
2. On 20 March 2023 the Deputy Mayor for Planning, Regeneration and Skills, acting under delegated authority, considered planning report GLA/2023/0094/S1 link to report [here](#)<sup>1</sup> and subsequently advised Newham Council that London Plan policies on transport, air quality and sustainable development are relevant to this application. Whilst the existing land use is accepted, the Section 73 application does not currently comply with these policies, as summarised below:
  - **Land Use Principle:** The Section 73 application is to modify an existing consent on the site, as such the land use has been established and is considered appropriate for the site. Notwithstanding this, the application marks the most substantial proposed change to the airport's operations since it first opened 35 years ago.
  - **Transport:** GLA officers acknowledge the applicant's ambition regarding public transport mode share targets for the future and for the promotion of active travel. As required by Policy T8 of the London Plan, the applicant must demonstrate that all endeavours to achieve net zero carbon and tackling levels of air pollution have been investigated.
  - **Environment and Sustainability:** Concern is also raised with regards to the noise impacts of this change, including flights in a period which currently experiences no movements. The Council must ensure the impacts of additional flights in these particular periods are fully assessed and that the proposed modifications do not exacerbate impacts on public health and quality of life. The Mayor has declared a climate emergency and has set a target for London to achieve net zero carbon emissions by 2030. In order for London to achieve this, the aviation sector needs to play its part and not undermine collective efforts to rapidly decarbonise. It would be difficult to support the proposal without the Council being able to demonstrate how the proposed modifications are compatible with the Mayor's net zero carbon and wider environmental ambitions. It is particularly important assumptions about fleet mix are not used in the assessment to paint a misleading picture of the impacts, particularly with regard to noise, carbon and air quality.

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<sup>1</sup> <https://planning.london.gov.uk/pr/s/planning-application/a0i4J00000CGHqIQAX/20230094?tabset-c2f3b=2>

3. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.
4. On 10 July 2023 Newham Council decided that it was minded to refuse permission for the application, and on 11 July 2023 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged; direct Newham Council under Article 6 to refuse the application; or, issue a direction to Newham Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 24 July 2023 to notify the Council of his decision and to issue any direction.
5. Newham Council's draft decision notice includes the following reasons for refusal:
  - The proposal, by reason of the additional morning and Saturday flights, and reduction of the existing Saturday curfew would result in a new material noise impact which would result in significant harm to the residential amenity of nearby residential properties. This would be contrary to policies D13 and T8 of The London Plan (2021) and policies SP2 and SP8 of the Newham Local Plan (2018).
  - A Deed of Variation is required in order for the s106 agreement of the parent permission to apply to this permission to secure and update the obligations necessary to make the application acceptable. In the absence of such an agreement the application would fail to secure benefits, financial contributions including mitigations related to employment, transport, air quality, sustainability and residential amenity.
6. The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been taken into account in the consideration of this case.
7. The decision on this case, and the reasons, will be made available on the City Hall website: [www.london.gov.uk](http://www.london.gov.uk)

## **Response to neighbourhood consultation**

8. Newham Council publicised the application by sending 57,379 notifications to local addresses, and issuing site and press notices. The relevant statutory bodies were also consulted. Copies of all responses to public consultation, and any other representations made on the case, have been made available to the GLA.
9. Following the neighbourhood consultation process Newham Council received a total of 1721 responses (1646 in objection, 75 in support and 3 neutral). The reasons for objection and support raised as part of the neighbourhood consultation process are collectively summarised below.

### Neighbourhood objections

- Impact on climate change
- Air Quality
- Noise impacts
- Transport impacts
- Impacts on jobs and economy
- Public safety, well-being, privacy and light pollution
- Impacts on ecology including birds, wildlife and trees
- Lack of benefits nor investment in local community, lack of need (given primarily business flights), precedent, house prices
- Consultation process and engagement process inadequate

### Neighbourhood support

- Impacts are limited, airport is convenient, economic benefits and connectivity
- Price of flights and choice, jobs and amenities
- New aircraft and reduction in emissions requires investment

## **Responses from statutory bodies and other organisations**

### Port of London Authority

10. Strategy for the use of the river was approved for Condition 60 of the CADP1 permission and this will not change. More barge movements are shown which is welcomed. PLA welcome the Transport Assessment making reference to the riverbus services from Royal Wharf Pier. PLA welcome potential use of the river to aid supply chains.

### London Borough of Bexley

11. Object with respect to potential noise and air quality impacts.

### London Borough of Lewisham

12. Object to the proposal on the grounds of negative noise impacts associated with the reduction of the 24-hour curfew. Additionally, noise impacts from the additional morning flights will impact amenity of residents of Lewisham. Not enough evidence has been submitted to justify the flexibility of allowing more delayed departures and insufficient information has been provided to explain why the proposals would accelerate the adoption of quieter aircraft. Objections are also

raised on the impacts on air quality which would result from the large number of additional vehicle trips to the airport.

#### London Borough of Waltham Forest

13. Objection to the proposals on grounds of increased noise and disturbance. Increasing flights into the existing curfew and in the early morning will have significant negative impacts. Objection on impacts on health and wellbeing of residents. The proposals will negatively impact residents during sensitive parts of the day and potentially overnight. The airport should take account of the CAA programme to modernise airspace and routes. The justification for relaxing the curfew is to encourage new generation aircraft. However, this will occur anyway regardless of whether permission is granted. Objection on wider environmental impact. Emissions per passenger will fall by 2031 however total emissions will increase. This is contrary to wider regional and national objectives. Consider that the level of community engagement has been insufficient when accounting for the most affected communities.

#### London Borough of Redbridge

14. Objection to the proposal. The changes will result in noise an environmental impact to residents of Redbridge living below the flightpaths. There is a lack of evidence to support the claims that noise pollution, air quality and emissions will not be affected. Justification is that it will encourage airlines to use newer quieter aircraft. However, this will happen anyway with or without permission. Noise reduction from new aircraft will be negligible and offset by the increased numbers of aircraft. Flight path changes are proposed on a national level and this application is being submitted ahead of this, making impact from flight paths difficult to assess. Not enough consideration has been given to the combined impact of the Heathrow expansion. The environmental impacts should consider impacts in wider region including neighbouring boroughs. More information should be provided on how the proposals will bring jobs and benefits to residents of Redbridge.

#### London Borough of Southwark

15. Concerns over impact of flights on carbon emissions and climate emergency. Objection on noise impacts resulting from additional flights, noting that noise complaints are regularly received from resident's groups. Particularly by those affected by both LCY and Heathrow flightpaths. Noise metrics do not give enough consideration to benefits of the respite period currently enjoyed by residents. Concerns over significant impact in terms of increased traffic. Concerns over the impact of the development on local air quality.

#### Royal Borough of Greenwich

16. Will not support an intensification of use which would remove respite periods for residents impacted by aircraft noise. The proposal marks the most substantial change to the airport's operations since it was opened. 24-hour curfew was a key component of making the original application acceptable in planning terms and to

mitigate impacts to nearby residents. The argument that the application would encourage newer generation aircraft is short-sighted. This may be true in the long run but no substantial justification has been given on how this conclusion would be reached. Immediate consequences would be a significant increase in noise impacts. Applicant has failed to demonstrate how the upgrade to a newer fleet would not be possible without the application being approved. RB Greenwich officers argue it would be preferable to maintain existing operating hours and improve the fleet within these hours to maximise the benefits of quieter craft. Unclear why flexibility is sought for delayed flights. Insufficient information on any additional monitoring work to be carried out within Greenwich. Carbon emissions will rise as a result of the proposal. Impacts of additional flights and associated traffic movements would likewise have a detrimental impact on local air quality. No objections on transport grounds.

#### London Borough of Havering

17. LB Havering responded to LCY's consultation process in summer 2022 noting concerns to additional operating hours. The changes made do not go far enough to mitigate the impact on residents. Objections are made due to noise impacts of flights over the borough. Disagree with assessment that noise impacts are not significant. Number of people affected by weekend noise is expected to increase. Lack of information in the ES which demonstrates how noise impacts in Havering will be affected. Whilst encouraging newer generation aircraft is welcomed, this should be being encouraged anyway. Residents have been used to respite period for decades and the reduction of this is unacceptable. Early morning flights will disturb residents during sleep periods which is unacceptable. Disappointed by lack of consideration towards air quality impacts.

#### London Borough of Hackney

18. Strongly object on grounds of increased noise disturbance. Additional flights would disturb residents in afternoons and weekends. Curfew has been in place for decades. Concerns over transport impact and associated air quality impacts resulting from additional passengers. Increase in emissions is contrary to Hackney's policies on air quality.

#### London Borough of Tower Hamlets

19. Notes objection to the original permission. Concerns have been raised regarding the topics covered by and methodology used in the submitted ES. An objection is raised on the basis that the total air emissions would increase as a result of the proposal and this would be contrary to policies to protect air quality. Objection on the basis that additional flights into the existing curfew period would result in significant noise impacts and disturbance to residents. The noise reduction would be negligible and offset by the additional flights. Insufficient evidence had been given on how the cap has been used to date and why it needs to be expanded now. Concerns raised over the increase in vehicle traffic that would result from the proposal and the associated impacts on air quality and carbon emissions. Objection on the basis that the proposal would result in substantial emissions contrary to council policies regarding climate change and carbon emissions. The

Socio-Economic benefits are not considered to outweigh the substantial harm involved.

### Other

20. No comments or no objections were also received from TfL Crossrail safeguarding, LCY Safeguarding, Thames Water, London Legacy Development Corporation and Historic England.

### **Representations to the Mayor**

21. At the time of preparing this report, the Mayor has received 3 written representations objecting to the application. The issues raised in the representation can be summarised below:
- Air quality – AQMA readings indicate high level of pollutants.
  - Noise pollution – increasing an already problematic situation, loud, disrupts sleep, Saturday afternoon and Sunday morning only respite.
  - Climate change – fail to understand logic of only way to invest in technology is extending opening hours, should already be investing, reduce pollution by increasing pollution is contrary.
  - Does not align with London Plan Policies to reduce carbon emissions – including ULEZ and improvements to healthcare)
  - Should be reducing quantum of flights – any increase is greed, will set precedent, airlines supporting proposal indicates corporate greed.
  - Residential amenity – including impacts to health and well-being, location is surrounded by residential properties.
  - Lack of consultation.

### **Response to public consultation - conclusion**

22. Having had regard to the above comments and associated consideration within the Council's officer report, GLA officers are satisfied that those comments made by the statutory and non-statutory responses to the public consultation process do not raise any material planning issues of strategic importance that have not already been considered in this report, or in Stage I report.

### **Relevant policies and guidance**

23. Since consultation stage the following is now a material consideration:
- Air quality positive LPG; Air quality neutral LPG;

## **Article 7: Direction that the Mayor is to be the local planning authority**

24. The initial statutory test in Article 7(1) regarding the Mayor's power to take over and determine applications referred under categories 1 and 2 of the schedule to the Mayor of London Order 2008 is a decision about who should have jurisdiction over the application rather than whether planning permission should ultimately be granted or refused.
25. The test consists of the following three parts, all of which must be met in order for the Mayor to take over the application:
  - (a) significant impact on the implementation of the London Plan;
  - (b) significant effects on more than one borough; and
  - (c) sound planning reasons for issuing a direction.
26. Parts (a) and (b) of the test identify the impact an application would have on the Mayor's policies and the geographical extent of the impact, whilst part (c) deals with the reasons for the Mayor's intervention, having regard to the Council's draft decision on the application. These tests are intended to ensure that the Mayor can only intervene in the most important cases.
27. The application is for a Section 73 application to vary Conditions (2, 8, 12, 17, 23, 25, 26, 35, 42, 43 and 50) to allow up to 9 million passengers per annum (currently limited to 6.5 million) arrivals and departures on Saturdays until 18.30 with up to 12 arrivals for a further hour during British Summer Time (currently allowed until 12.30), modifications to daily, weekend and other limits on flights and minor design changes, including to the forecourt and airfield layout attached to planning permission 13/01228/FUL allowed on appeal APP/G5750/W/15/3035673 dated 26th July 2016 which granted planning permission for "Works to demolish existing buildings and structures and provide additional infrastructure and passenger facilities at London City Airport". As such, parts (a), (b) and (c) of the statutory test are engaged in respect of the present application.
28. This report considers the extent to which the statutory tests under Article 7(1) apply in this case and whether, therefore, the Mayor should direct that he is to be the local planning authority and apply the tests set out under Article 7(3) of the Order 2008.
29. Article 7(3) of the 2008 Order requires the Mayor, when considering whether to exercise his power to become local planning authority in respect of an application of potential strategic importance (PSI), to take account of certain matters.

### Statutory test 7(1)(a): Significant impact on the implementation of the London Plan

30. As identified at Stage I, the proposed Section 73 application, which sought the most substantial proposed change to the airport's operations since it first opened 35 years ago did not comply with London Plan Policies on transport, environment and sustainability, with the land use principle established. The proposals potentially impact public health, quality of life, the climate emergency and the

Mayor's net zero carbon aims. These proposals could therefore significantly impact the implementation of the London Plan.

#### Statutory test 7(1)(b): Significant impacts on more than one borough

31. As evidenced by the statutory responses, the proposed Section 73 application has the potential to cause significant impacts on more than one borough, with respect to environmental matters related to noise, air quality and emissions.

#### Statutory test 7(1)(c): Sound planning reasons for his intervention

32. Having regard to the details of the proposal, the Council's Strategic Development Committee assessment report (10 July 2023) and its draft reasons for refusal, matters the Mayor must take into account, as set out below, and the outstanding issues from Stage I also set out below, it is concluded that there are no sound planning reasons to intervene in this case and Statutory test 7(1)(c) has not been met.

#### Article 7(3)(b): Matters the Mayor must take into account in deciding whether to give a direction

33. The Mayor must consider, in the instance of all applications, the extent to which the council of the London Borough is achieving, and has achieved any other targets set out in the development plan which are relevant to the subject matter of the application.
34. In considering the scheme in its entirety, as outlined at Stage I, the land use principle is established and considered appropriate. The implementation of the Section 73 has the potential to impact London Borough of Newham and London wide targets relating to environment and sustainability including net zero carbon aims and climate change emergency.
35. However, as detailed above, the application would not meet all of the statutory tests to trigger the Mayor's power to take over and determine applications referred under Category 2 of the schedule to the Mayor of London Order 2008 (as it would fail to meet test 7(1)(c)). Consequently, there is no basis to issue a direction under Article 7.

#### Summary

36. For the Mayor to issue a direction that he is to be the local planning authority, all relevant tests must be met. As the test 7(1)(c) has not been met, there is no basis to issue a direction under Section 2A of the Town and Country Planning Act 1990 as set out in Article 7 of the 2008 Order.

#### **Outstanding matters**

37. Should the scheme be considered at appeal, or a revised application be submitted, the applicant should have regard to the matters set out in this report

and the comments set out within the Mayor's Stage I planning report of 20 March 2023 (reference GLA/2023/0094/S1/01).

### Land use principles

38. As reported at Stage I, the proposal relates to a Section 73 application to modify an existing consent on the site, as such, the land use have been established and is considered appropriate. Although the use of the site as an aviation facility is accepted, London Plan Policy T8 outlines the requirements for aviation activities within Greater London.
39. It remains the case that while the proposed modification might make better use of existing capacity, in line with Part F of London Plan Policy T8. However, the proposal has not demonstrated that all the requirements of Part B of London Plan Policy T8 can be met.

### Transport

40. Following Stage I, the applicant provided a response for GLA and Transport for London (TfL) officers, however, with the lack of a draft Section 106 Agreement with appropriate obligations to mitigate the additional impact resulting from the proposed additional hours of operation and proposed increase in passengers per annum, strategic transport objections remain. In the event of any appeal being upheld or a new application made this mitigation requirement remains.
41. Whilst the applicant's zero emissions target is welcomed, concerns remain that the means of achievement in respect of surface transport has yet to be fully evidenced. This includes the concerns in relation to car parking set out paragraph 29 of the Stage 1 report, albeit the application does not alter the car parking on site above the approved City Airport Development Programme (CADP) levels. The CADP permission, under the previous London Plan, enabled an increase in parking of almost 30% (not delivered to date) which is contrary to the car-free starting point of London Plan Policy T6.

### *Aviation demand context*

42. As raised at Stage I, there is particular concern raised by the treatment of the fleet mix, with an assumption that the transition to newer generation aircraft – which are higher capacity, more economic to run, quieter and with fewer emissions – will happen more quickly with the development. The applicant continues to state that the proposal is key to encouraging airlines to make transition to newer generation of aircraft assuming a quieter, lower-emission, higher capacity, more fuel-efficient aircraft. This assumption underpins the environmental assessment. The idea that airlines will be deterred from transitioning to newer aircraft without the extended operating hours is, however, highly implausible and raises concerns for GLA officers. The economics of these next generation aircraft, carrying greater numbers of passengers at a substantially lower cost-per-passenger ensures there is a strong commercial imperative for their introduction.
43. The applicant's response to the Stage I report includes that some airlines are already introducing new generation aircraft on their London City operations. The

applicant's persistence with its assumptions related to newer generation aircraft, to draw a substantial difference between the environmental impacts of the 'Do Something' and 'Do Minimum' scenarios, calls into question the validity of key elements of the environmental assessment it has presented.

## Sustainability and environment

### *Energy*

44. Following Stage I, the applicant submitted an updated energy statement, however this remains non-compliant with London Plan Policies SI2, SI3 and SI4, including:
- Be Lean – further clarification required on specification.
  - Be Clean – further clarification required on District Heat Network (DHN) connection, investigation with Eon and heat network correspondence. DHN drawings required and confirmation of heat network compatibility.
  - Be Green – demonstration that renewable energy has been maximised, including roof layouts showing the extent of PV provision and details of the proposed air source heat pumps.
  - Be Seen – in the absence of a draft Section 106 Agreement, 'Be Seen' wording has not been secured to confirm compliance.
45. The non-domestic reduction of 46% in carbon dioxide emissions compared to 2013 Building Regulations remains unchanged from Stage I. As such, the development falls short of the net zero-carbon target in Policy SI2 of the London Plan, although it meets the minimum 35% reduction on site required by policy. As such, a carbon offset payment is required to be secured.

### *Whole Life-cycle carbon (WLC)*

46. As requested at Stage I, the applicant submitted a WLC assessment, however concerns remain regarding:
- General compliance – operational modelling methodology, details/evidence of the cost review process and third-party verification methods.
  - Estimated WLC emissions.
  - Retention of existing buildings and structures.
  - Key actions and future opportunities to reduce WLC emissions.
  - Material quantity, assumptions and end-of-life scenarios.
47. On this basis, matters relating to WLC remain outstanding.

## *Noise*

48. It remains the case that this application marks the most substantial change to the airport's operations since it first opened 35 years ago. When the airport was built in inner London, important safeguards were put in place to lessen the impact on local communities, including the 24-hour closure of the airport every weekend and restrictions on early morning and late evening flights. The proposal seeks to fundamentally alter these restrictions. The targeted noise assessment to understand the environmental and public health impacts of the erosion of these safeguards, as proposed, has not been undertaken and what assessment has been done has been undertaken based on assumptions about newer generation aircraft fleet mix which does not resolve noise matters raised at Stage I.
49. It is noted that first refusal grounds by the Council relate to the new material noise impact, considering the application contrary to London Plan Policies D13 and T8, in addition to Local Plan Policies.

## *Air quality*

50. The air quality assessment remains based on assumptions about newer generation aircraft fleet mix rather than considering comparable fleet mix assumptions as requested at Stage I, this has not been addressed in the response.
51. The scheme increases emissions of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> to the atmosphere in comparison to the without-scheme cases, as outlined at Stage I. The post Stage I response makes the case that emissions released at height do not measurably contribute to concentrations at ground level due to dispersion at height, and therefore emissions are not a reasonable way to assess the impacts. While it is agreed that a proportion of the emissions will not reach ground level, the assessing schemes on their emissions rather than ambient concentrations is not novel with the air quality neutral methodology utilising this approach. The purpose of considering emissions rather than concentrations is to ensure that multiple small developments do not have the cumulative impact of increasing concentrations ("background creep"). As such, GLA officers maintain observation that increasing emissions is not a desirable situation and is one approach (of several) to assessing the air quality impact of a scheme.
52. A similar argument exists for not "trading off" an increase in emissions from landside activities with the decrease in emissions from airside activities, in the same way that air quality neutral does not allow building emissions to be traded off with transport emissions.
53. The additional information provided about the discussions regarding a NO<sub>x</sub> charging scheme and the Air Quality Management Strategy (AQMS) are welcomed. Considering the Section 73 Application, the measures included in the AQMS and the investigation into a charging scheme, it is agreed that the application does meet the requirements of the London Plan in terms of air quality positive.
54. In considering the London Plan Policy T8 (Aviation, Air Quality) comments raised at Stage I, relating to using future vehicle emissions, projected improvements in

emissions were taking account of wider policies that are reducing emissions, and the Policy specifically states that airport expansions should not benefit from these improvements. As such, a sensitivity assessment with static road traffic emissions was requested. The results from this assessment demonstrate that there are no significant impacts on predicted air quality concentrations, and therefore the proposal could demonstrate compliance with London Plan Policy T8 (Part B, in relation to air quality only).

55. In summary, GLA officers have considered the additional information supplied following Stage I and maintain the view that full compliance with London Plan Policy S11 has not been demonstrated due to the increase in emissions, in line with the spirit of the air quality neutral approach. However, that London Plan Policy T8 (Part B, in relation to air quality only) could be met and air quality positive are being met.

### *Climate emergency*

56. London and the world is facing a climate emergency. In order to meet national legislative targets, the Mayor has declared that London must achieve net zero emissions by 2030 and the aviation sector needs to play its part in securing this. The proposal has not demonstrated compatibility with the Mayor's net zero carbon and wider environmental ambitions. Moreover, it is further emphasised that any consideration must not rely on newer generation aircraft fleet mix, which GLA officers consider are not credible.

### **Legal considerations**

57. Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 7 to direct that he will become the local planning authority for the purposes of determining the application. The Mayor may also leave the decision to the local authority. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

### **Financial considerations**

58. Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the Council to do so) and determining any approval of details (unless the Council agrees to do so).

### **Conclusion**

59. Having regard to the details of the application, the matters set out in the Council's strategic development committee assessment report and Newham Council's draft decision notice there are no sound planning reasons for the Mayor to intervene in this particular case and therefore no basis to issue a direction under Article 7 of the Order 2008.

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We are committed to being anti-racist, planning for a diverse and inclusive London and engaging all communities in shaping their city.