

BIRMINGHAM
BRISTOL
CAMBRIDGE
CARDIFF
EDINBURGH
GLASGOW
KINGS HILL
LEEDS
LONDON
MANCHESTER
NEWCASTLE
READING
SOUTHAMPTON



bartonwillmore.co.uk
7 Soho Square
London
W1D 3QB
T/ 0207 446 6888

BY EMAIL: liam.mcfadden@newham.gov.uk

London Borough of Newham
Newham Dockside
1000 Dockside Road
London E16 2QU

21896/A3/IP/VB/ac

8 March 2023

Dear Sirs

LAND AT LONDON CITY AIRPORT, LB NEWHAM (LPA REF 22/03045/VAR)

We write on behalf of Barking Riverside Ltd (BRL), the owners and promoters of Barking Riverside to submit a formal representation to the above planning application.

Barking Riverside is located circa 3.5km to the east of London City Airport and is situated in the London Borough of Barking and Dagenham, falling within the London Riverside Opportunity Area. Barking Riverside has been identified as a large-scale regeneration project for many years, to establish a new community on the north of the Thames that will support the wider regeneration of the Opportunity Area. Planning permission was originally granted in 2007 for up to 10,800 new homes, schools, non-residential uses, parks and open space. There have been a number of subsequent minor variations to the planning permission, the latest being granted in 2018 (LPA ref 18/00940/FUL). To date, circa 3,500 homes have been completed or benefit from RMs approval. Notably, the Thames Clipper and London Overground Services are both now operational and together with the ELT bus services, offer a high-quality public transport service from the Site to Barking town centre, Canary Wharf and central London. Four schools have been provided on site, including the Riverside Campus.

The emerging local plan which has been submitted for examination identifies the site as making an increased contribution to the housing needs of the borough. In response, BRL is preparing a planning application which will increase the capacity of the site from 10,800 to circa 20,000 new homes. In addition to the provision of much needed housing, including affordable, this presents an opportunity to achieve a critical mass of population and market spend to deliver retail, health, leisure and social/community infrastructure on the site. This together with the forward delivery of transport connections to date (the Thames Clipper Service and Barking Riverside Overground Station) present the opportunity for Barking Riverside to be a destination and support the wider regeneration aims of the London Riverside Opportunity Area.

The London City Airport application is made pursuant to S73 of the Act and seeks to vary conditions attached to the City Airport Development Programme permission (LPA ref. 13/01228/FUL; the CADP1 Permission). The CADP1 Permission was approved by the Secretary of State in July 2016 as a recovered appeal following a public inquiry held in March 2016. The appeal followed a Mayor of London Direction to Refuse Planning permission citing one reason for refusal relating to concern that the proposal did not adequately mitigate and manage its adverse noise impacts.

The application proposes to vary a number of the original conditions imposed to control or limit operations including those relating to noise impacts. The S73 ES Non-Technical Summary December 2022 summarises the main changes at paragraph 1.3.1 as:

- An increase in the number of passengers able to use the airport each year, from 6.5 million currently permitted to 9 million per year (expected to be achieved by around 2031);
- An extension of operational hours on Saturday to allow flights to take place through the afternoon up to 18.30 hours and a further one-hour extension (to 19.30 during British Summer Time) for up to 12 arrivals, but only for use by new generation aircraft which are quieter and more fuel efficient;
- An increase in the number of flights permitted between 06:30 and 06:59 (from 6 to 9), but only for use by new generation aircraft; and
- Greater flexibility in the parking locations of the already permitted aircraft to allow for the wider wingspan of new generation aircraft.
- Minor changes to the terminal forecourt to reflect changes to surface access (transport) modal split assumptions since the plans were originally approved, and to the approved 'facilitating works' during the construction of the project.

Consideration under the Planning Acts:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 ('the Act') requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Aviation

London Plan Policy T8 Aviation which sets out the Mayor's policy approach to aviation and the consideration of associated planning applications. Of relevance are the following criteria:

A The Mayor supports the role of the airports serving London in enhancing the city's spatial growth, particularly within Opportunity Areas well connected to the airports by public transport and which can accommodate significant numbers of new homes and jobs. This should be reflected in relevant Development Plans and other area-based strategies.

B The environmental and health impacts of aviation must be fully acknowledged and aviation-related development proposals should include mitigation measures that fully meet their external and environmental costs, particularly in respect of noise, air quality and climate change. Any airport expansion scheme must be appropriately assessed and if required demonstrate that there is an overriding public interest or no suitable alternative solution with fewer environmental impacts.

E Development proposals that would lead to changes in airport operations or air traffic movements must take full account of their environmental impacts and the views of affected communities. Any changes to London's airspace must treat London's major airports equitably when airspace is allocated.

F Development proposals should make better use of existing airport capacity, underpinned by upgraded passenger and freight facilities and improved surface access links, in particular rail.

The proposed application seeks to provide for the expansion of the existing operation at London City Airport through increased passenger numbers and through an extension of flight take-off and landing times. These limits were previously tested at Public Inquiry and imposed as they were deemed necessary to control operations and limit impacts not least in respect of noise. Policy supports the role of airports insofar as it *serves* spatial growth, particularly in Opportunity Areas. There is therefore a policy imperative within Policy T8 that the wider growth objectives of Opportunity Areas are achieved. This includes London Riverside.

London Riverside Opportunity Area

Barking Riverside has been identified for a number of years as a priority area for major residential and employment-led regeneration. Firstly, as one of the original London Plan 2004 Opportunity Areas with indicative estimates of growth of 200 new jobs and 10,000 new homes (Table 5C.1, site known then as Barking Reach). Then the adopted Core Strategy DPD and Site Specific Allocations DPD which identified the site as a 'Key Regeneration Area and Significant Housing Site' (Site Reference: SSA SM1: Barking Riverside) for up to 10,800 new homes with associated employment, retail, leisure and community uses with supporting infrastructure.

The site has latterly been identified as falling part of the wider London Riverside Opportunity Area. The estimated capacity of the Opportunity Area has been periodically reviewed and increased. In September 2015 the Mayor adopted the London Riverside Opportunity Area Planning Framework (OAPF). The OAPF area is identified as having potential to accommodate a total of 26,500 new dwellings and 16,000 new jobs over an area of some 3,000 hectares. The OAPF identifies a site capacity of 10,800 new homes and 65,600 sqm of commercial uses. Barking Riverside forms a key part of the OAPF vision. These growth rates were reflected in the London Plan 2016 Consolidated with Alterations Since 2011.

The London Plan 2021 Table 2.1 increased the indicative capacity of London Riverside beyond that set out above and identifies an indicative capacity to 44,000 new homes and 29,000 new jobs at London Riverside. Policy SD1 Opportunity Areas identifies that the Mayor will ensure that Opportunity Areas fully realise their growth and regeneration potential. Paragraph 2.1.3 goes on to state that:

"The Mayor will provide the **support and leadership** to ensure Opportunity Areas deliver their growth potential for Londoners. He will promote and champion the areas as key locations for investment, and will intervene where required so that an ambitious, imaginative and inclusive approach is taken to accelerate and realise their growth and development. This approach should include understanding the existing character and context of an area, in accordance with Policy D1 London's form, character and capacity for growth."

In addition to the above, the emerging local plan that is currently subject to Examination is supportive of an uplift in capacity at Barking Riverside. A proposed LBBD modification to the emerging allocation recognising the potential for a further 8,000 new homes over and above that already permitted subject to further evidence and on-going pre-application discussions.

There is a stated policy imperative that the Mayor and decision makers should fully realise the growth and regeneration potential of Opportunity Areas. Moreover, Policy T8 Aviation supports airports in the context of serving growth. In this respect the growth aspirations of London Riverside have increased beyond that envisaged when the original CADP1 Permission that was granted in 2016. There is therefore a need for the proposed London City Airport S73 application to properly assess any impacts on the ability to achieve this increased growth potential of the London Riverside Opportunity Area and the public interest that this would serve, namely the provision of much needed new homes including affordable and the regeneration of the wider area. For example, the likely noise and air quality impacts of the proposed operational expansion in terms of achieving satisfactory levels of housing quality (internal and external) and placemaking objectives. Of note being paragraph 10.8.5 relating to Policy T8 which states that expansion should not 'result in significant numbers of new people being exposed to new or additional noise harm'. The increase in noise disturbance could serve to undermine

the regeneration of London Riverside and the Mayor's wider aspirations and policy priorities. In addition, testing whether the proposed expansion would impact on the achievement of housing numbers in terms of resultant building heights and construction thereof.

Whilst we will be undertaking a detailed review of the ES in respect of the impact on Barking Riverside and its associated contribution to the increased growth ambitions of London Riverside, we would welcome clarity as to whether LB Newham and/or the Mayor of London will be instructing a separate review of the ES and associated technical assessments and the scope of that review. If so, we assume that the results of that review will be published, not least through the publication of consultation responses and the Mayor's formal consideration?

The above should therefore be considered a holding response, pending a detailed review of the application documentation.

Yours faithfully



VICTORIA BULLOCK

Director

cc: BeFirst : Lewis Goodley
GLA: Scott Schimanski