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**Date:** 20th December 2019

**Town and Country Planning Act 1990 (as amended)**  
**Town and Country Planning (Development Management Procedure) (England)**  
**Order 2015 (as amended)**

Dear Sir

**Application No:** 19/02619/AOD

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

**Proposal:** Approval of details pursuant to Conditions 4 (Construction Phasing Plan) and 88 (Construction Environmental Management Plan (CEMP)) attached to planning permission 13/01228/FUL (Allowed on Appeal APP/G5750/W/15/3035673 dated 26th July 2016) (Third Submission)

The London Borough of Newham hereby gives notice with respect to your submission of details pursuant to planning permission 13/01228/FUL validated on 25<sup>th</sup> September 2019.

Conditions 4 and 88 are **APPROVED** subject to the details submitted and approved, and subject to the conditions and reasons stated within the accompanying report.

Please note that a number of inter-related submissions have been made in relation to planning permission 13/01228/FUL. In order to ensure consistency, the Council has issued Decision Notices simultaneously on the following:

Applications for Approvals of Details:

- 19/02559/AOD
- 19/02619/AOD

Application for a Non-Material Amendment:

- 19/02621/NONMAT

In relation to the Approvals of Details that are second or third submissions under 13/01228/FUL, to ensure effective monitoring, I would be grateful if you could inform the Airport Monitoring Officer which of the permissions are to be implemented.

**Signed:**

A handwritten signature in black ink, appearing to read 'Amanda Reid'.

**Amanda Reid**

Director of Planning and Development, Chief Planning Officer  
London Borough of Newham

# TOWN AND COUNTRY PLANNING ACT 1990

## Applicant's Rights following the Grant or Refusal of permission

### 1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- **Six months:** Full (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time, and prior approval applications.
- **12 weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- **8 weeks:** Advertisement consent applications.
- **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk) or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are exceptional/special circumstances.

The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

### 2. Subsequent Application Fees

No planning fee would be payable should a revised planning application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- the applicant is the same as the applicant of the original application
- site boundary is the same as the site boundary of the original application
- the nature of development remains the same.

### 3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council.

This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

### 4. Compensation

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

<b>Delegated Report</b>			
Application for approval of details reserved by condition.			
<b>Case Officer:</b>	Dave Whittaker	<b>Valid Date:</b>	25th September 2019
<b>Application Number:</b>	19/02619/AOD	<b>8-Week Date:</b>	19.11.2019
<b>Deemed Discharge Notice:</b>	No	<b>PEA Date:</b>	N/A
<b>Address:</b>	London City Airport Hartmann Road Silvertown London		
<b>Proposal:</b>	Approval of details pursuant to Conditions 4 (Construction Phasing Plan) and 88 (Construction Environmental Management Plan (CEMP)) attached to planning permission 13/01228/FUL (Allowed on Appeal APP/G5750/W/15/3035673 dated 26th July 2016) (Third Submission)		

**Assessment:**

<b>Condition 4</b>	<b>Construction Phasing Plan</b>
<p><b>4. Construction Phasing Plan</b>  No Development shall be Commenced unless and until a Construction Phasing Plan providing details of the phases and the order in which the Development shall be Commenced has been submitted to and approved in writing by the local planning authority. Thereafter the Development shall only be carried out in accordance with the approved Construction Phasing Plan.</p> <p><b>Reason:</b> To ensure that the development is constructed in accordance with the UES.</p>	
<b>Condition 88</b>	<b>Construction Environmental Management Plan (CEMP)</b>
<p><b>88. Construction Environmental Management Plan (CEMP)</b>  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.</p> <p><b>Reason:</b> To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.</p>	
<b>Details Submitted and APPROVED:</b>	<ul style="list-style-type: none"> <li>Report: London City Airport – City Airport Development Plan (CADP1) – Condition 4: Construction Phasing Plan – September 2019</li> <li>Report: London City Airport – City Airport Development Plan (CADP1) – Condition 88: Construction Environmental Management Plan – Version 2 - December 2019</li> </ul>
<b>Details submitted for information (Not approved):</b>	<ul style="list-style-type: none"> <li>Covering Letter</li> <li>Site Plan</li> </ul>
<b>Officer Assessment:</b>	<p>These are the third submissions of applications for Approvals of Detail for Conditions 4 and 88.</p> <p>Conditions 4 and 88 were previously approved separately.</p> <p>Condition 4 was first approved on 23rd March 2017 as 17/00500/AOD and for the second time on 13<sup>th</sup> July 2018 as 18/01290/AOD. Condition 88 was</p>

first approved on 4<sup>th</sup> July 2017 as 17/00624/AOD and for the second time on 13<sup>th</sup> July 2018 as 18/01312/AOD.

#### Condition 4

The applicant states that due to delays to the City Airport Development Programme (CADP) and an increase in passenger numbers higher than forecast, a 'resequencing' of the development programme is required. Essentially this comprises an extension of the programme by a further ten months to a forecast total of 90 months from commencement in October 2017, with a revised forecast completion date of April 2025. Within this period, the remaining unimplemented component stages of the development have been rearranged. No additional component stages are proposed.

A key issue in the programme in terms of the effect on amenity of nearby properties is the piling that is carried out overnight (Out Of Operational Hours' (OOOH). The submitted proposal would not result in an increase in permitted OOOH work would still be limited to a total of 32 weeks; the majority of this work is now complete.

#### Condition 88

The approval under 18/01312/AOD includes an indicative development timetable, which is proposed for amendment to be consistent with proposed amendments to the Condition 4 permission - 18/01290/AOD. Other than this and a number of other minor updates, the submitted report remains largely unchanged in relation to 18/01312/AOD.

#### Related Conditions

It is noted that should this application be approved, the resequencing also affects a number of other previously approved Conditions. Proposals for changes to these documents are the subject of a separate application as 19/02559/AOD.

#### Updated Environmental Statement – Statement of Conformity

As an additional check on the applicant's submitted Statement of Conformity with the approved Updated Environmental Statement (UES) attached to permission 13/01228/FUL, the Local Planning Authority commissioned a review from Temple, which comprised 3 x reports – available to view on LBN Public Access. Following the supply of additional information by the applicant, the Temple reports verify that the application is compliant with the UES.

The Temple reports also list a number of 'Points to Note' – suggested possible further actions by the applicant in addition to those included in the approved UES. The majority of these issues are considered by the case officer to be already covered, either in the submitted documentation, or in documentation related to 13/01228/FUL that has previously been approved. However, in order to ensure that monitoring of the programme is further improved, the applicant was requested to make a change to the original submitted version of the Construction Environmental Management Plan; this was done and resubmitted as Version 2.

#### Consultation

External consultation, as listed in Appendix 2 – No response, no objection or no comment. One Informative recommended and included as 'Informative 2' below.

Internal consultation, as listed in Appendix 2 – No response or no objection.

Discussions between the applicant and LBN officers on this matter took

	<p>place prior to the submission of the application.</p> <p><u>Conclusion</u></p> <p>The submission is consistent with all relevant Development Plan policies, as listed in Appendix 1.</p> <p>The submitted details comply with the requirements of Conditions 4 and 88 of permission 13/01228/FUL.</p>
<b>Officer Recommendation:</b>	<b>Approve</b>
<b>Conditions and Reasons:</b>	<p>The development shall be implemented in accordance with the <b>Details Submitted and APPROVED</b> listed above only.</p> <p><u>Condition 4:</u>  <b>Reason:</b> To ensure that the development is constructed in accordance with the UES.</p> <p><u>Condition 88:</u>  <b>Reason:</b> To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.</p>

<b>Officer Recommendation:</b>	To approve the details identified as Submitted and APPROVED listed above, pursuant to conditions 4 and 88 attached to planning permission 13/01228/FUL dated 26 <sup>th</sup> July 2016.
<b>Authorising officer Signature:</b>	
<b>Authorising officer</b>	James Bolt, Senior Development Manager
<b>Date:</b>	20 December 2019

## Appendix 1:

<p>The Council's decision in this instance arose following careful consideration of the relevant provisions of the Council's adopted development plan and of all other relevant material considerations, including the approved Updated Environmental Statement.</p> <p>Of particular relevance to this decision were the following Framework and Development Plan policies and UES documents:</p>	
National Planning Policy Framework (NPPF) (MHCLG, Feb 2019)	
The London Plan: Spatial Development Strategy for London (GLA, consolidated with alterations since 2011, published March 2016)	Policy 6.6 - Aviation
<p>The Mayor of London's Draft London Plan: The Spatial Development Strategy for Greater London (Consolidated changes version July 2019 incorporating Minor Suggested Changes – published in August 2018 and inclusive of Further Suggested Changes and Post Session Changes) is under Examination. Having regard to NPPF paragraph 48 the emerging document is a material consideration and appropriate weight will be given to its policies and suggested changes in decision-making, unless other material considerations indicate that it would not be reasonable to do so.</p>	
Draft London Plan - consolidated changes version July 2019	Policy T8 - Aviation
Joint Waste Development Plan for the East London Waste Authority Boroughs (adopted February 2012)	Not relevant
London Borough of Newham Local Plan 2018	<p>Policy S1 – Spatial Strategy and Strategic Framework</p> <p>Policy S3 – Royal Docks</p> <p>Policy SP1 – Borough-wide Place-making</p> <p>Policy SP2 – Healthy Neighbourhoods</p> <p>Policy SP3 – Quality Urban Design within Places</p> <p>Policy SP8 – Ensuring Neighbourly Development</p> <p>Policy INF2 – Strategic Transport</p> <p>Policy INF9 – Infrastructure Delivery</p>
EIA Approved Updated Environmental Statement	<p>Part 3 of the submitted report for Condition 4 comprises a Statement of Conformity with the Updated Environmental Statement.</p> <p>Appendix 2 of the submitted covering letter comprises A UES Conformity Statement for Condition 88. These are requirements of Condition 3 of planning permission 13/01228/FUL:</p> <p><b>3 Environmental Statement</b></p> <p>The Development shall be carried out in accordance with the environmental standards, mitigation measures, requirements, recommendations and methods of implementing the Development contained in the Updated Environmental Statement (UES) and revisions, February 2016.</p> <p><b>Reason:</b> To ensure that the Development is carried out in accordance with the UES, dated September 2015*, and the mitigation measures proposed therein.</p> <p>*NB – this is an error in the Decision Letter and should read 'dated February 2016'.</p>

## Appendix 2:

<b>Consultations:</b>		
<i>Consultee:</i>	<i>Date Consulted:</i>	<i>Summary of response:</i>
LBN Environmental Health - Pollution General	25th September 2019	No objection
LBN Transportation	25th September 2019	No response
Highways Team	25th September 2019	No response
Environment Agency	25th September 2019	No comment
London City Airport Consultative Committee	25th September 2019	No response
Greater London Authority	25th September 2019	No comment
Civil Aviation Authority	25th September 2019	No response
Transport For London	25th September 2019	No response
Crossrail Ltd	25th September 2019	No objection
DLR Planning Consultation	25th September 2019	No response
Adam Single- Historic England - GLASS	25th September 2019	No comment
Marine Management Organisation	25th September 2019	No objection. Informative recommended.
LBN Education	25th September 2019	No response
Highways Agency For A13 And A406	25th September 2019	No response
R O D M A	25th September 2019	No response

### Informative 1:

In dealing with this application, Newham Council has implemented the requirements of the National Planning Policy Framework and of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner. As with all applicants, we have made available detailed advice in the form of our statutory policies in the relevant constituent parts of the Local Plan and London Plan, Supplementary Planning documents, and all other Council guidance, as well as offering a full pre-application advice service, so as to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably.

### Informative 2:

#### Marine Management Organisation:

##### Marine Licensing

Activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence. You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in England and parts of Wales. The MMO is also the authority responsible for processing and determining harbour orders in England, and for some ports in Wales, and for granting consent under

various local Acts and orders regarding harbours. A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

## Environmental Impact Assessment

With respect to projects that require a marine licence the EIA Directive (codified in Directive 2011/92/EU) is transposed into UK law by the Marine Works (Environmental Impact Assessment) Regulations 2007 (the MWR), as amended. Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with these regulations.

In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations <http://www.legislation.gov.uk/ukxi/2017/571/contents/made> may be applicable.

If this consultation request relates to a project capable of falling within either set of EIA regulations then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately.

## Marine Planning

As the marine planning authority for England the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark. Marine plans will inform and guide decision makers on development in marine and coastal areas. On 2 April 2014 the East Inshore and Offshore marine plans were published, becoming a material consideration for public authorities with decision making functions. The East Inshore and East Offshore Marine Plans cover the coast and seas from Flamborough Head to Felixstowe. For further information on how to apply the East Inshore and Offshore Plans please visit our Marine Information System. The MMO is currently in the process of developing marine plans for the South Inshore and Offshore Plan Areas and has a requirement to develop plans for the remaining 7 marine plan areas by 2021.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. For marine and coastal areas where a marine plan is not currently in place, we advise local authorities to refer to the Marine Policy Statement for guidance on any planning activity that includes a section of coastline or tidal river. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service soundness self-assessment checklist.

If you require further guidance on the Marine Licencing process please follow the link <https://www.gov.uk/topic/planning-development/marine-licences>