

Mr Tim Halley  
London City Airport, Hartmann Road  
Silvertown  
LONDON  
E16 2PX

**Date:** 12th May 2017

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

Dear Mr. Halley

**Application No:** 17/00534/AOD

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

**Proposal:** Approval of details pursuant to Condition 60 (Use of the River Thames for Construction) attached to planning permission 13/01228/FUL, dated 26<sup>th</sup> July 2016.

The London Borough of Newham hereby gives notice with respect to your submission of details pursuant to planning permission 13/01228/FUL validated on 16<sup>th</sup> February 2017.

Condition 60 is **APPROVED** subject to the conditions and reasons stated within the accompanying report.

The Council has considered the provisions of the approved Updated Environmental Statement and does not consider this application to warrant the need for further Environmental Impact Assessment.

**Signed:**



**Deirdra Armsby**  
Director of Regeneration & Planning  
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.

Delegated Report			
Application for approval of details reserved by condition.			
Case Officer:	James Burton	Valid Date:	16th February 2017
Application Number:	17/00534/AOD	8-Week Date:	12.04.2017
Deemed Discharge Notice:	No	PEA Date:	N/A
Address:	London City Airport Hartmann Road Silvertown London		
Proposal:	Approval of details pursuant to Condition 60 (Use of the River Thames for Construction) attached to planning permission 13/01228/FUL, dated 26/7/2016.		

#### Assessment:

Condition 60	Use of the River Thames for Construction
<p><b>60 Use of the River Thames for Construction</b></p> <p>Development shall not commence until there has been submitted to the local planning authority for approval in writing a strategy that seeks to maximise the use of the River Thames and other waterways for the transport of construction and waste materials to and/or from the Airport.</p> <p>The approved strategy shall be implemented on Commencement of the Development.</p> <p><b>Reason:</b> To ensure that the Development accords with the aims and objectives of promoting the use of sustainable use of transport.</p>	
Details Submitted and APPROVED:	<ul style="list-style-type: none"> <li>Report: 'Condition 60 – Use of the River Thames for Construction – London City Airport Version 2 – May 2017'</li> </ul>
Details submitted for information (Not approved):	<ul style="list-style-type: none"> <li>Site Plan</li> <li>Covering letter including Appendix 2 – Statement of Conformity with the Updated Environmental Statement for Planning Permission 13/01228/FUL dated 26<sup>th</sup> July 2016. This is a requirement of Condition 3 of the Permission:</li> </ul> <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>
Officer Assessment:	<p>As set out in the Construction Phasing Plan submitted under Condition 4 of the Planning Permission, it is proposed to build the development over a continuous period of 5 years in two stages: the Interim Works and the Completed Works. This submission covers both stages.</p> <p>The submitted report sets out the measures to be taken to ensure that the maximum use of the River Thames is made for transporting materials to be used in construction, and for moving waste from the site. This is to be implemented primarily through the procurement process, to be incorporated into contractors' contracts, and through the written guidance</p>

	<p>covering the proposed barge routes, mooring points, types of material to transported, and other matters.</p> <p>External consultation on the original version of the report, as listed in Appendix 2 – no response.</p> <p>Internal consultation – LBN Waste Management – on the original version of the report – no response.</p> <p>Following comments made by LBN Transportation officers, the applicant has amended and resubmitted the report; there is no objection to Version 2.</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 Condition 60 of the Permission.</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><b>Reason:</b> To ensure that the Development accords with the aims and objectives of promoting the use of sustainable use of transport.</p>

<b>Officer Recommendation:</b>	Approve the details identified as Submitted and APPROVED listed above, pursuant to Condition 60 (Use of the River Thames for Construction) attached to planning permission 13/01228/FUL, dated 26 <sup>th</sup> July 2016.
<b>Authorising officer Signature:</b>	
<b>Authorising officer:</b>	Amanda Reid, Head of Planning and Development
<b>Date:</b>	12 <sup>th</sup> May 2017

## Appendix 1:

<p>The Council's decision to approve the submitted details 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 Environmental Statement.</p> <p>Of particular relevance to this decision were the following Framework and Development Plan policies and ES documents:</p>	
<p><i>National Planning Policy Framework (DCLG, March 2012)</i></p>	
<p><i>The London Plan: Spatial Development Strategy for London (GLA, consolidated with alterations since 2011, published March 2016)</i></p>	<p>At the date of assessment of original application:</p> <p>Policy 6.6 – Aviation</p>
<p><i>London Borough of Newham Local Plan: Core Strategy (adopted January 2012)</i></p>	<p>Policy INF1 – Strategic Transport Policy INF2 – Sustainable Transport Policy SP2 – Healthy Neighbourhoods</p>
<p><i>London Borough of Newham Local Plan: Detailed Sites and Policies Development Plan Document (adopted 20 October 2016)</i></p>	<p>Not applicable at the date of original application.</p>
<p><i>EIA Approved UES</i></p>	<p>The covering letter includes Appendix 2 – Statement of Conformity with the Updated Environmental Statement for Planning Permission 13/01228/FUL dated 26<sup>th</sup> July 2016. This is a requirement of Condition 3 of the Permission:</p> <p><b>3 Environmental Statement</b> 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>

## Appendix 2:

Consultations:		
<i>Consultee:</i>	<i>Date Consulted:</i>	<i>Summary of response to original submission (except where indicated):</i>
L City Airport Consultative Committee	22nd February 2017	No response
Greater London Authority	22nd February 2017	No response
Civil Aviation Authority	22nd February 2017	No response
R O D M A	22nd February 2017	No response

Port Of London Authority	22nd February 2017	No response
Marine Management Organisation	22nd February 2017	No objection; comment included below as Informative
Transport For London	22nd February 2017	No response
LBN Waste Management	22nd February 2017	No response
LBN Transportation	22nd February 2017	No objection to Version 2 of the submitted report

#### **Informative1:**

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:**

From the Marine Management Organisation:

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

#### **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.

#### **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](#).

### **Minerals and waste plans and local aggregate assessments**

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below:

- The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are becoming increasingly constrained.

If you wish to contact the MMO regarding our response please email [consultations@marinemanagement.org.uk](mailto:consultations@marinemanagement.org.uk) or telephone on 0300 123 1032