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Date: 31 March 2023

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

Dear Sir/Madam,

Application No: 22/02830/AOD

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

Proposal: Approval of details pursuant to Condition 71 (Travel Plan) attached to planning permission 13/01228/FUL (Allowed on Appeal APP/G5750/W/15/3035673 dated 26th July).

The London Borough of Newham hereby gives notice with respect to your submission of details pursuant to planning permission 13/01228/FUL (Allowed on Appeal APP/G5750/W/15/3035673 dated 26th July) validated on 01.12.2022.

Condition 71 is **APPROVED** subject to the details submitted and approved, and subject to the conditions and reasons stated within the accompanying report.

Signed:

A handwritten signature in black ink, appearing to read "Jane Custance", written in a cursive style.

Jane Custance,
Director of Planning and Development
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 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.

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| Case Officer: | Liam McFadden | Valid Date: | 01.12.2022 |
| Application Number: | 22/02830/AOD | 8-Week Date: | 25.01.2023 |
| Deemed Discharge Notice: | Yes | PEA Date: | N/A |
| Address: | London City Airport Hartmann Road Silvertown London | | |
| Proposal: | Approval of details pursuant to Condition 71 (Travel Plan) attached to planning permission 13/01228/FUL (Allowed on Appeal APP/G5750/W/15/3035673 dated 26th July). | | |

Assessment:

| Condition 71 | Travel Plan |
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| <p><i>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.</i></p> <p><i>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.</i></p> <p><i>The Development shall be operated in accordance with both the approved Staff Travel Plan and Passenger Travel Plans thereafter.</i></p> <p>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).</p> | |
| Details Submitted: | <ul style="list-style-type: none"> London City Airport Travel Plan 2023-2025 V5 (Dated November 2022) |
| Officer Assessment: | <p>The applicant has provided a Travel Plan which sets out targets for managing impacts on the local road network and to encourage staff and passengers to use sustainable methods of transport. This has been assessed by TfL who consider the measures to be reasonable and effective. They support the discharge of this condition.</p> <p>Additionally, it has been assessed by Transport and Highways officers within LBN and no objections have been raised.</p> |
| Officer Recommendation: | Approve |
| Conditions and Reasons: | <p>The development shall be implemented in accordance with the Details Submitted and APPROVED listed above only.</p> <p>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).</p> |

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| Officer Recommendation: | To approve the details identified as Submitted and APPROVED listed above, pursuant to Condition 71 (Travel Plan) attached to planning permission 13/01228/FUL (Allowed on Appeal APP/G5750/W/15/3035673 dated 26th July). |
| Authorising officer Signature: | |

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| Authorising officer | James Bolt, Senior Development Manager |
| Date: | 31 March 2023 |

Appendix 1:

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 Environmental Statement.

Of particular relevance to this decision were the following Framework and Development Plan policies and ES documents:

National Planning Policy Framework (MHCLG, July 2021)

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| <i>The London Plan (GLA, March 2021)</i> | Policy T1 Strategic approach to transport Policy T4 Assessing and mitigating transport impacts |
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| <i>Newham Local Plan (December 2018)</i> | INF 2 Sustainable Transport |
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| <i>Supplementary Planning Guidance (SPG's)</i> | LBN Travel Plan Guidance (2022) |
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| <i>EIA Approved ES</i> | |
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Draft Newham Local Plan (Regulation 18) for Consultation December 2022

The Draft Newham Local Plan (Regulation 18) was approved at Cabinet on 6 December 2022 for consultation. Statutory public consultation under regulation 18 will commence on 9 January 2023. The weight which should be accorded to draft policies is guided by paragraph 48 of the National Planning Policy Framework (NPPF) 2021 and paragraph 049 of the Planning Practice Guidance (Local Plans). These state that a new Local Plan may be given weight according to the stage of preparation of the emerging local plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency between the relevant policies in the draft plan and the policies in the NPPF. As the draft Local Plan is at an early stage of development and has not yet been through statutory consultation, very limited weight can be placed on the policies in the Draft Local Plan, and the adopted Newham Local Plan 2018 and London Plan 2021 remain the key Development Plan documents used to determine applications.

Appendix 2:

Consultations:

| <i>Consultee:</i> | <i>Date Consulted:</i> | <i>Summary of response:</i> |
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| LBN Environmental Health - Pollution General | 15th December 2022 | No objection |
| Highways Team | 15th December 2022 | No objection |
| LBN Transportation | 15th December 2022 | No objection |
| DLR Planning Consultation | 15th December 2022 | No objection |
| Transport For London | 15th December 2022 | <p><i>TfL welcomes use of app to raise awareness and "close the information gap" by improving access to latest travel information to inform choice of modes available.</i></p> <p><i>TfL doesn't accept an earlier start to DLR services is a realistic prospect; the Airport Route is already a priority for launching slightly earlier than other DLR routes, and we wouldn't be looking to launch from depots any earlier post-New Train than today as it would cut into engineering hours and is unlikely to generate sufficient demand to be viable.</i></p> |

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| | | <p><i>We run night buses to the Airport, we are looking to provide bus link by Silvertown tunnel (page 8). We recommend considering recruiting along existing bus routes or discuss with TfL re-new links to North Greenwich. Some existing non-24 hours buses, run to about midnight and often start from 5 or 5.30am.</i></p> <p><i>We support LCY proposed intention to continually support local walking and cycling improvements and encourage maximum use of these routes.</i></p> <p><i>The key action targets for 2023-2025 are reasonable and acceptable.</i></p> <p><u><i>2025 targets for staff and passengers</i></u></p> <p><i>For passengers, target to achieve 75% use of public transport and sustainable transport by 2025 seems reasonable considering 2022 levels are at 62.5%, especially considering these results are still impacted by the COVID-19 pandemic. Furthermore, previous 2018 survey showed positive level of progression towards 2022 and 2025 before the COVID-19 pandemic with public transport and sustainable transport usage at 73% respectively. TfL find rationale for mode share 2025 targets, outlined in table 6.8, acceptable and believe if all are applied, would contribute to higher uptake of public and sustainable transport modes and a decrease in private vehicles usage.</i></p> <p><i>Staff mode share survey results (2022) suggest 40% of staff use public transport or a form of sustainable transport to get to LCY whilst 57% use car and only 1% drive with a passenger. The 2025 target to achieve 48% or fewer staff driving to work on their own would be a 9% decrease from 2022 results which seems slightly ambitious considering mode share has consistently remained around 56% & 57% between 2016, 2019, and 2022. However, considering previous impact of COVID-19 and existing and new public transport and active travel measures (including: improved accessibility and increased funding to DLR and Elizabeth line, increased bus</i></p> |
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| | | <p>accessibility, cycling infrastructure and provision, improved wayfinding strategy and local amenities for pedestrians, and maintain charges for short stay and long stay carparking) TfL accept proposed 2025 target.</p> <p>TfL find proposed 2025 target to increase staff mode share of public or sustainable transport to 52% from 40% also seems ambitious as it would mean a 12% increase over a 3-year period. However, considering staff mode share for public and sustainable transport has remained at 40% since 2016, even with COVID-19 impact, TfL find target acceptable and look forward to seeing how proposed measures outlined in table 6.8 contribute to 2025 targets. TfL notes this target is highly dependent DLR service extensions to accommodate for early morning flights and encourage LCY and Travel Plan Coordinator to continue discussions with TfL.</p> <p><u>Measures and initiatives:</u></p> <p>TfL support and welcome existing sustainable travel initiatives for staff and passengers.</p> <p>TfL accept and welcome proposed Travel Plan measures outlined in Table 7.1.</p> <p>TfL has no objections to the discharge of the condition.</p> |
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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.