



# Agenda

## Strategic Development Committee

**Date** Monday 10th July 2023

**Time** 2.00 p.m.

**Venue** Main Hall, Old Town Hall, Stratford, E15 4BQ

**The meeting will be broadcast live (and continue to be available after the time/date of the meeting) on [www.youtube.com/LBNewham](https://www.youtube.com/LBNewham)**

**Please contact Shirley Fortune on 020 3373 1255 to learn about the arrangements in place for the meeting and guidelines on attendance. Note: Seating on the day of the meeting will be allocated strictly on a first come first seated basis**

**Contact:** Shirley Fortune, Principal Committees and Partnerships Officer  
Tel: 020 3373 1255; e-mail: [shirley.fortune@newham.gov.uk](mailto:shirley.fortune@newham.gov.uk)

Rokhsana Fiaz OBE  
Mayor of Newham

Colin Ansell  
Interim Chief Executive

<p><b>MEMBERSHIP</b></p> <p><b>Councillors (9):</b></p> <p>Rachel Tripp (Chair)      Forest Gate North; James Beckles              Custom House; John Morris                  Plaistow West and    Canning Town East; Musawwar Alam              East Ham South; Harvinder Singh Virdee      Boleyn; Charlene McLean              West Ham; Susan Masters                East Ham South; Madeleine Sarley-Pontin      Forest Gate South; Carleene Lee-Phakoe        Plaistow South;</p> <p><b>Substitute Members</b></p> <p>Cllr Tonii Wilson Cllr Mohammed Gani</p> <p><b>(Quorum: 3)</b></p>	<p><b>Officers usually in attendance:</b></p> <p>Jane Custance - Director of Planning and Development James Bolt - Development Manager Alexander Odwyer - Legal advisor Toby Johnson – Design Review Panel</p> <p><b>Planning Officers</b></p> <p>Liam McFadden</p>
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# Agenda

## Report

## Ward(s) Affected

### 1. **Declarations of Interest**

In accordance with the Members' Code of Conduct this is the time for Members to declare any disclosable pecuniary interests or non-pecuniary interests they may have in any matter being considered at this meeting having regard to the guidance attached to the agenda.

Members will also be asked whether or not, in light of the agenda, the interests declared are disclosable pecuniary interests.

### 2. **Determining Planning Applications**

Members are asked to note the following advice from the Head of Legal Services:

"When determining planning applications, by law, Members must have regard to the provisions of the development plan and to any other material considerations and must determine the application in accordance with the plan, unless material considerations indicate otherwise.

Reports submitted to Members of the Committee contain full details of the relevant issues for Members to consider when deciding whether or not to grant planning permission.

Applications for 'deemed' planning consent must be dealt with fairly by reference to the same criteria as the Committee would adopt for an application by a private developer.

Members should take account of the provisions of the Human Rights Act 1998 as they relate to each application and the conflicting interests of the applicant and any third party opposing the application in reaching the decision.

The provisions of the Act have been taken into account in the processing of all applications and preparation of reports."

### 3. **Announcements from the Chair**

**4. London City Airport Hartmann Road, Silvertown,  
London E16 2PX (Pages 11 - 84)**

**Royal Albert**

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"

This application is accompanied by an Environmental Statement for the purposes of Environmental Impact Assessment under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

Recommendation – REFUSAL

## **LONDON BOROUGH OF NEWHAM**

### **STRATEGIC DEVELOPMENT COMMITTEE**

#### **HOW DECISIONS ARE TAKEN AT THE MEETING**

In very straightforward cases where the recommendation is to approve, the Committee sometimes makes a decision based solely on the officer's report without an officer presentation or extensive debate. However, more complex matters under consideration are dealt with as follows:

- The Chair takes the item in the order listed on the agenda and announces its name and the nature of the proposal.
- Presentation from the applicant (if any) - 5 minutes
- The Committee may put questions to those who have spoken.
- Objectors- 5 minutes
- The Committee may put questions to those who have spoken.
- The planning officer (where necessary) briefly introduces the item. and confirms the recommendation
- The Committee may put questions to the officer.
- The Committee then debates the matter seeking to avoid repetition of issues already raised and does not hear any additional representations or comments, but may seek clarification from officers.

When the Chair considers that there has been sufficient debate, he/she will call for a decision. A vote may be taken on the recommendation in the report or on a motion moved by a Member of the Committee, altering the recommendation.

Where Members of the Strategic Development Committee are minded not to follow Officers recommendations to approve or refuse planning permission the matter will be automatically deferred and the matter brought back to Members with a new report.

*(This is an extract from the procedures adopted by the Committee on 3rd July 2002 and amended on 27<sup>th</sup> May 2010. A copy of the complete note is also available from the clerk).*

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**Use Classes**

<b>Use</b>	<b>Use class until 31 August 2020</b>	<b>Use class from 1 September 2020</b>
Shops	A1	E
Financial & Professional Services	A2	E
Food & Drink (mainly on the premises)	A3	E
Business (office, research and development and light industrial process)	B1	E
Non-residential institutions (medical or health services, crèches, day nurseries and centres)	D1	E
Assembly and Leisure (indoor sport, recreation or fitness, gyms)	D2	E
Non-residential institutions (education, art gallery, museum, public library, public exhibition hall, places of worship, law courts)	D1	F.1
Shop no larger than 280sqm (selling mostly essential goods and at least 1km from another similar shop); community hall, outdoor sport/recreation area, indoor or outdoor swimming pool, skating rink	A1	F.2
Public House, wine bar, drinking establishment	A4	Sui generis
Hot Food Takeaway	A5	Sui generis
Cinema, Concert Hall, Bingo Hall, Dance Hall, Live music venue	D2	Sui generis

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General Industry (Industrial process other than that falling within Class B1)	B2	Remains in B2 Class Use
Storage and Distribution	B8	Remains in B8 Class Use
Hotels (Hotels, boarding and guest houses (where no significant element of care is provided))	C1	Remains in C1 Class Use
Residential Institutions (Residential accommodation and care to people in need of care, residential schools, colleges or training centres, hospitals, nursing homes)	C2	Remains in C2 Class Use
Secure Residential Institutions (Prisons, young offenders' institutions, detention centres, secure training centres etc)	C2a	Remains in C2a Class Use
Dwelling houses (Uses as a dwellinghouse (whether or not as main residence) by: A single person or by people to be regarded as forming a single household. Not more than 6 residents)	C3	Remains in C3 Class Use
Small Houses in Multiple Occupation (small HMO up to 6 people)	C4	Remains in C4 Class Use
Large Houses in Multiple Occupation (more than 6 people sharing)	Sui generis	Remains Sui generis use

## **Members Attendance at Meetings - Statutory Requirements**

Section 85 of the Local Government Act 1972 provides that a Member (Councillor) of an authority must attend a meeting of the authority as a whole (i.e. Council) or a Committee, Sub-Committee or a Joint Committee at least once every six months. Attendance at a meeting of a Committee or Sub-Committee of Council listed below would count in lieu of a meeting of Council provided that the Councillor was an appointed member of that Committee or Sub-Committee

Standards Advisory Committee  
Local or Strategic Development Committee  
Licensing Committee  
Overview and Scrutiny Committee or a Scrutiny Commission  
Pensions Committee  
Chief Officers Appointment Committee  
Audit Committee  
Health & Wellbeing Board  
Corporate Parenting Board  
Standing Advisory Council on Religious Education (SACRE)

Members of the Executive (the Mayor and Cabinet Members) also need to attend a meeting of the Executive i.e. Cabinet at least once every six months.

If you have any queries with regard to this guidance you should contact:

Satish Mistry, Interim Director of Legal & Governance – 020 3373 2871  
(E-mail [Satish.Mistry@newham.gov.uk](mailto:Satish.Mistry@newham.gov.uk))

## **Members' Declarations of Interest**

### **Matters for Consideration Revised Guidance – February 2016**

The following is offered as a guide to Members. Further details are set out in the Members' Code of Conduct, attached as Part 5.1 of the Council's Constitution.

#### **1. Disclosable Pecuniary Interests**

Disclosable Pecuniary Interests (DPI) are covered in detail in the Localism Act 2011 and a list of DPIs is set out at the end of this document. Breaches of the law relating to these may be a criminal offence.

- 1.1 If you have a DPI in any item on the agenda, you must declare it and not speak or vote on that item. You are required by the Constitution to leave the room (including any public seating area). If you do so without a prior Dispensation (see below) you may be committing a criminal offence, as well as a Breach of the Code of Conduct. The Council's Constitution requires any Member declaring a DPI to leave the meeting during consideration of the matter.
- 1.2 Members will be asked at the start of the meeting if they have any declarations of interest. The Council's Code of Conduct requires you to make a verbal declaration of the fact and nature of any DPI. You are also required to declare any DPIs before the consideration of the matter, or as soon as the interest becomes apparent, if you were not aware of it at the start of the meeting.

#### **2. Non-Disclosable Pecuniary Interest or Non-Pecuniary Interest**

- 2.1 The Council's Code of Conduct requires you to make a verbal declaration of the existence and nature of any "Non-Disclosable Pecuniary Interest or Non-Pecuniary Interest". Any Member who does not declare these interests in any matter when they apply may be in breach of the Code of Conduct.
- 2.2 You may have a "Non-Disclosable Pecuniary Interest or Non-Pecuniary Interest" in an item of business where:
  - 2.2.1 A decision in relation to that business might reasonably be regarded as affecting your well-being or financial standing, or a member of your family, or a person with whom you have a close association with to a greater extent than it would affect the majority of the Council taxpayers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or
  - 2.2.2 It relates to interests which would be a DPI, but in relation to a member of your family or a person with whom you have a close association and that interest is not a DPI. If the matter concerns your spouse, your civil partner or someone you live with in a similar capacity, it is covered by the provisions relating to DPIs.
  - 2.2.3 It could also cover membership of organisations which you have listed on your Register of Interests (including appointments to outside bodies), where there is no well-being or financial benefit accruing to you but where your membership might be said to be relevant to your view of the public interest.
- 2.3 A person with whom you have a close association is someone who is more than an acquaintance, and is someone you are in contact with over a period of time, whether regularly or not. It is someone that a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter which affects

them and so covers friends, colleagues, business associates, or someone you know through social contact.

- 2.4 Family should be given a wide meaning. In relation to the family of both you and your partner, it would include the parents, parents-in-law, children and step children, brothers and sisters, grandparents, grandchildren, uncles and aunts, nephews or nieces, together with the partners of any of these persons
- 2.5 You should make a verbal declaration of any such interest in a matter to be considered at the meeting at the start of the meeting, or before the consideration of the item of business, or as soon as the interest becomes apparent if you are not aware at the start of the meeting of the interest.

### **3. Register of Members interests**

Members are required to complete the Register of Interests and to keep this register up to date by informing the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of their DPLs.

### **4. Dispensations**

In certain circumstances the Monitoring Officer is able to grant a dispensation to you which will enable you either to participate in the discussion on a matter, to vote on the matter, or both. Dispensations can only be granted in limited circumstances. If you believe that you are able to claim a dispensation you must seek advice as soon as possible from the Monitoring Officer, who will consider your request.

The Monitoring Officer, under Section 33(2) of the Localism Act, has granted the following general dispensations to all Members until the Annual Council meeting in 2022, on the grounds that the dispensation is in the interests of the inhabitants of Newham and/or it is appropriate to grant the dispensation to maintain a similar position as applied under the previous code of conduct. This means Members do not need to leave the meeting if their Disclosable Pecuniary Interest arises and is:

- An interest common to the majority of inhabitants in their ward.
- An interest so remote that it is not likely to prejudice their judgement of the public interest.
- Council housing unless related to their own particular tenancy.
- School meals and/or transport unless relating to their own child's school.
- Statutory sick pay for members.
- Members allowances.
- Setting Council Tax or precept.
- Agreeing any Local Council Tax Benefit Scheme.
- Interests arising from membership of an outside body to which the authority has appointed or proposes to appoint them.
- The Local Government Pension Scheme unless relating specifically to their own circumstances.

### **5. Bias and Predetermination**

If in relation to any decision, your outside connections may make it appear to a reasonable person that there is a real danger of bias, or predetermination you should seek advice as to whether it is appropriate for you to participate in any discussion about the matter and in the decision, regardless of whether or not you consider that you should declare an interest as defined above.

**For further advice about these matters please contact Satish Mistry 020 3373 2871 (E-mail [Satish.Mistry@newham.gov.uk](mailto:Satish.Mistry@newham.gov.uk))**



## LONDON BOROUGH OF NEWHAM

### STRATEGIC DEVELOPMENT COMMITTEE

10<sup>th</sup> July 2023

<b>Application Number:</b>	22/03045/VAR
<b>Validation Date:</b>	19th December 2022
<b>Location:</b>	London City Airport Hartmann Road Silvertown London E16 2PX
<b>Ward:</b>	Royal Albert
<b>Applicants:</b>	London City Airport Limited
<b>Agent:</b>	Quod

#### Purpose of Report / Proposal

The purpose of this report is to set out the Officer recommendations to Strategic Development Committee regarding an application for planning permission relating to the following 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"

This application is accompanied by an Environmental Statement for the purposes of Environmental Impact Assessment under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

## Recommendations

The Strategic Development Committee is asked to resolve to:

1. refuse planning permission for the reasons set out below.
  1. 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)
  2. 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.

Note to Applicant: This final reason for refusal could be overcome following the submission of an acceptable proposal and the completion of a S.106 legal agreement which address each of the above points.

**NAME OF LEAD OFFICER:** Jane Custance  
**POSITION:** Director of Planning and Development

Originator of report: Liam McFadden  
 Tel no: 020 337 34749  
 E-mail address: Liam.McFadden@newham.gov.uk

### Human Rights Act

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

### Equalities

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

### Environmental Impact Assessment

For the purposes of this application the Environmental Statement accompanying this application outlining the relevant issues have been identified and detailed in Section 7 'Assessment' of this report.

**Local Government (Access to Information) Act 1985**

**Background papers used in preparing this report:**

- Planning Application
- Statutory Register of Planning Decisions
- Correspondence with Adjoining Occupiers
- Correspondence with Statutory Bodies
- Correspondence with other Council Departments
- National Planning Policy Framework
- London Plan
- Local Plan
- Other relevant guidance

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PLANNING POLICIES AND GUIDANCE  
THE COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATIONS 2010 (AS AMENDED)  
ASSESSMENT

**PLANNING APPLICATION FACT SHEET**

<b>Site Information</b>	
Address	London City Airport, Hartmann Road, Silverton, E16 2PX
Ward	Royal Albert
Phased Development?	No
Ownership	Certificate C has been signed
Applicant	London City Airport Limited
Flood Risk Zone	Flood Zone 3 (benefiting from defences)

<b>Transportation</b>		
Public Transport	PTAL	3
	Closest Rail Station(s) / Distance (m)	London City Airport DLR (onsite)
	Bus Routes	473, 474

<b>Public Consultation</b>	
Number of properties consulted	57,379
Expiry of consultation period	19/03/2023
Number of responses	1719
Number in support	75
Number of objections	1633
Number of other representations (neither objecting or supporting)	3

## SITE & SURROUNDINGS

1. The application site is London City Airport, located in the southern part of the borough in the Royal Albert Ward.
2. The application site is a designated Employment Hub and is located within Flood Zone 3 (benefiting from defences).
3. The airport is approx. 1.5km from the A13, 2.9km from the North Circular and 15km from the M25. It is served by the DLR and bus routes 473, 474, and has a PTAL rating of 3.
4. The site has previously received permission for the City Airport Development Programme (CADP1). This was resolved for approval by LBN under reference 13/01228/FUL but subsequently the Mayor of London directed LBN to refuse the application. Permission was subsequently granted on appeal ref APP/G5750/W/15/3035673
5. Construction works commenced in November 2017 but were put on hold in 2020 due to the impacts of Covid.
6. To date, the following works have been completed:
  - Extension to the deck over the KGV Dock to create the parallel taxi lane, runway hold and eight new stands (four of which have been brought into operation);
  - Erection of a temporary noise barrier to the east of the existing East Pier where the four new stands have become operational;
  - Foundations and deck for the East Terminal Extension (ETE) and New East Pier (NEP);
  - The shell and core of the East Energy Centre (EEC) building.

## PROPOSAL

7. The application is Section 73 application seeking 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
8. Section 73 of the Town and Country Planning Act (1990) allows applicant to submit schemes which include alterations to the approved plans and conditions. Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and un-amended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.
9. Permission granted under section 73 should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect.
10. The proposed changes can be broadly summarised as:
  - An increase in the limit on passengers from 6.5 million passengers per annum (mppa) to 9 mppa
  - A proposed extension to operating hours on Saturday to allow take off and landing up until 18:30 and up until 19:30 during British Summer Time for up to 12 arrivals.
  - Changes to the daily limit of flights within the first half-hour (06:30-07:00) from 6 to 9
  - Changes to operational hours of the Terminal (to 20:00 on Saturdays), Ground Running and Aircraft Maintenance (until 18:30) to reflect the proposed extension to flight times.
  - Changes to the location of aircraft stands to allow greater flexibility due to increased wingspan of new generation aircraft and alterations to the amount of hardstanding.
  - Changes to the approved plans and documents to reflect the above changes and to incorporate changes to approved documents resulting from the passage of time since the granting of the parent permission.
11. To achieve the proposed changes, the application seeks 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) attached to the original permission.
12. In their Planning Statement, the applicant has provided a table which sets out how each condition is to be affected by the proposal:

Condition		Proposed Amendment
Condition 2	Approved Drawings and Documents	Changes to Approved Plans, ES and various strategies due to the passage of time and to reflect the proposed changes to the interim works and permanent forecourt.
Condition 8	Aircraft Maintenance	Extended hours to reflect longer operating times on Saturdays until 18.30.
Condition 10	Restriction on Development (Hard Surfaces)	Revised Plan P4 showing hard surfaces to be consistent with changes to Condition 12.
Condition 12	Aircraft Stand Location	Greater flexibility in the location of aircraft stands given increased wingspan of new generation aircraft (revised Plans P4). No changes to previously approved number of stands.
Condition 17	Aircraft Take-off and Land Times	Proposed extended hours on Saturday to allow the take off and landing of aircraft until 1830 (and an hour later for up to 12 arrivals during British Summer Time <sup>5</sup> ).
Conditions 23, 25 and 26	Daily Limits	Minor changes to daily limits, including increasing the number of flights permissible in the first half hour (06/30-06/59) from 6 to 9. No change to annual cap of 111,000 movements.
Condition 35	Temporary Facilities	Remove 5 year time limit for removal of Temporary Facilities and instead link to any revised phasing plan pursuant to Condition 4.
Condition 42	Terminal Opening Hours	Later opening until 20.00 on Saturdays.
Condition 43	Passengers	Uplift from existing limit of 6.5mppa to 9mppa.
Condition 50	Ground Running	Revised to allow until 18.30 on Saturdays.

13. For clarity, no changes are proposed to:

- The number of Air Transport Movements (ATMs) per year (which remains 111,000) and ATMs per hour (which remains 45), as approved under the CADP1 permission.
- The proposed uses, amount of floorspace or location, position or design of the previously approved terminal buildings and piers.
- The 8 hour night-time curfew midweek and the Sunday morning curfew (with no flights before 12.30).
- The number of aircraft stands, the runway, other infrastructure or the design and layout of the buildings as approved under the CADP1 permission and subsequently varied by several non-material amendment applications.

## RELEVANT HISTORY

### 14. Planning Application History

A summary of the relevant planning application history is set out in the table below:

Ref No.	Description	Status
13/01228/FUL	<p>Works to demolish existing buildings and structures and provide additional infrastructure and passenger facilities at London City Airport. Detailed planning permission is being sought for:</p> <ul style="list-style-type: none"> <li>a. Demolition of existing buildings and structures;</li> <li>b. Works to provide 4 no. upgraded aircraft stands and 7 new aircraft parking stands;</li> <li>c. The extension and modification of the existing airfield to include the creation of a taxi lane running parallel to the eastern part of the runway and connecting with the existing holding point;</li> <li>d. The creation of a vehicle access point over King George V dock for emergency vehicle access;</li> <li>e. Laying out of replacement landside Forecourt area to include vehicle circulation, pick up and drop off areas and hard and soft landscaping;</li> <li>f. The Eastern Extension to the existing Terminal building (including alteration works to the existing Terminal Building) to provide reconfigured and additional passenger facilities and circulation</li> </ul>	<p>Allowed on Appeal Ref APP/G5750/W/15/3035673 on 26 July 2016</p>

	<p>areas, landside and airside offices, immigration areas, security areas, landside and airside retail and catering areas, baggage handling facilities, storage and ancillary accommodation;</p> <p>g. The construction of a 3 storey Passenger Pier to the east of the existing Terminal building to serve the proposed passenger parking stands;</p> <p>h. Erection of a noise barrier at the eastern end of the proposed Pier;</p> <p>i. Erection of a temporary noise barrier along part the southern boundary of the Application Site to the north of Woodman Street;</p> <p>j. Western Extension and alterations to the existing Terminal to provide reconfigured additional passenger facilities and circulation areas, security areas, landside and airside offices, landside retail and catering areas and ancillary storage and accommodation;</p> <p>k. Western Energy Centre, storage, ancillary accommodation and landscaping to the west of the existing Terminal;</p> <p>l. Temporary Facilitation works including erection of a noise reduction wall to the south of 3 aircraft stand, a Coaching Facility and the extension to the outbound baggage area;</p> <p>m. Works to upgrade Hartmann Road;</p> <p>n. Landside passenger and staff parking, car hire parking and associated</p>	
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	facilities, taxi feeder park and ancillary and related work; o. Eastern Energy Centre; p. Dock Source Heat Exchange System and Fish Refugia within King George V Dock; and q. Ancillary and related works.	
22/03047/FUL	Retention and erection of Permitted Development Facilities at London City Airport for a period of up to 10 years, including the retention of the Temporary Goods-in Facility (GIF) Temporary Immigration Facility (TIF) Temporary Outbound Baggage Facility (TOBB) temporary decked car park, temporary car rental building and the erection of a Temporary Gate Room Facility and related works.	Granted on 21 April 2023

15. Planning Enforcement History

A search revealed there is no enforcement history relevant to the application site.

16. Planning Appeal History

17. A summary of the relevant planning appeal history is set out in the table below:

<b>Ref No.</b>	<b>Description</b>	<b>Status</b>
APP/G5750/W/15/3035673	Works to demolish existing buildings and structures and provide additional infrastructure and passenger facilities at London City Airport	Appeal allowed

## CONSULTATION

18. Application Publicity
19. 8 Site Notices were erected outside the site and outside nearby DLR stations on 27<sup>th</sup> January 2023, expiring on 27<sup>th</sup> February 2023.
20. Press Notice advertised in the Newham Recorder on 15<sup>th</sup> February 2023, expiring on 17<sup>th</sup> March 2023.
21. Additionally, copies of the press notice were published by the applicant in the following publications in the week commencing 13<sup>th</sup> February 2023:
- Docklands and East London Advertiser
  - Ilford and Woodford Recorder
  - Barking and Dagenham Post
  - Southwalk News
  - Greenwich and Lewisham Weekender
  - Bromley News Shopper
  - East London Guardian
  - South London Press
  - Wharf Life
22. The application was advertised as a major application accompanied by an Environmental Statement.
23. A total of 57,379 consultation letters were sent to properties within the local area regarding this application on 17<sup>th</sup> February. The public consultation period expired on 19<sup>th</sup> March 2023.
24. Neighbouring Properties

Number of Letters Sent	57,379
Number of Responses Received	1719
Number in Support	75
Number of Objections	1644
Number of other Representations (neither objecting or supporting)	3

25. A total of 1719 responses were received, comprising 75 in support and 1644 objecting to the application.
26. In summary the objections to the application relate to the following issues:
- Impact on climate change
  - Air quality

- Noise impacts
- Transport impacts
- Impact on jobs and economy

27. A summary of the responses received along with the Officer comments are set out below. The comments can be read in full online on the Council's website using the planning application reference number.

#### Objection Summary

<b>Noise and disturbance</b>	
Concerns over the impact of noise from planes taking off on nearby residences	<b>Noise impacts are assessed in paragraphs 130-187</b>
Quieter planes are not really quiet	
Sound insulation provided is inadequate	
Extending hours ruins quiet of Saturday evening	
Quiet time on weekends is valuable and was agreed with residents	
High winds cause loud, aborted landings	
A large amount of noise comes from planes taxiing and idling before take off	
New planes are only quieter at take-off but not for the rest of the flight	
City Hall is under the flightpath, noise likely to drive away investment	
Airport was supposed to be a small business airport	
Quieter planes are still years away, residents will have to deal with impacts in the meantime	
Noise already drowns out conversations and makes gardens unusable	
Not enough evidence of or commitment on how the changes will help the airport invest in quieter, cleaner vehicles	
Concern on impact on nearby nurseries and schools	
Noise penalties imposed on planes breaking dB limit are too low and should be raised in line with inflation	
There are quiet hours in the middle of the day. Flights should be directed	

here instead of evenings and weekends	
Catering to leisure flights as opposed to business does not match with Saturday flights. Tourists do not want to fly/arrive on Saturdays	
<b>Air Quality</b>	
Concerns over air pollution from flights	<b>Air Quality impacts are assessed in paragraphs 118-129</b>
Carbon neutral is not enough, flights should be zero-emission	
A lot more residential development is being built in Newham and therefore more people will be impacted by poor air quality	
Newham has highest pollutant deaths but low car ownership, air pollution impacts are therefore not from residents but from developments like the airport.	
The council charges a CO2 Tariff for owning a car, a similar approach should be taken with the airport	
Concerns over combined impact on air quality from the airport and Silvertown tunnel	
Impact of on health of people and knock-on effect on NHS	
The smell of fuel is already significant	
This is an attempt to raise profits at expense of the environment	
<b>Traffic and transportation</b>	
General concern over impacts of development on traffic	<b>Impacts on transport are assessed in paragraphs 188-204</b>
Concerns of impacts on parking in the local area	
Impact on local DLR and public transport	
<b>Climate Change</b>	
Contrary to climate change policies	<b>Impacts on Climate Change are assessed in paragraphs 205-248</b>
Flights are already half empty and inefficient	
London is served by other airports Elizabeth line already allows quick access to other airports	
ULEZ charges public to use cars on the basis of climate change and air quality. How does this interact with an airport.	

Runs contrary to net zero targets	
<b>Other Impacts on residential amenity</b>	
Concerns over impact on public safety	<b>Impacts on Residential Amenity are assessed in paragraphs 113-187</b>
This will impact people's mental health	
Loss of privacy of residents	
Light pollution at night	
<b>Ecology/Environment</b>	
Impact on birds and wildlife	<b>Ecological and Biodiversity impacts have been scoped out of this assessment as discussed in the main body of this report</b>
Impact on trees	
<b>Economic impacts</b>	
Only benefits those outside the borough	<b>Socio-economic impacts are assessed in paragraphs 89-105</b>
Noise will drive away residents which will impact local economy	
New jobs do not outweigh other negatives from application	
<b>Other concerns</b>	
Not enough benefits are given to locals	<b>Benefits of the application to locals or otherwise have been set out and assessed throughout the report.</b>
No specificity on how the airport will invest in local community	
Lack of support or funding for residents	
Cheap airlines can't fly from LCY so locals do not benefit from fares	
Working from home is more common and remote meetings make business flights redundant	<b>The requirement for flights (business or otherwise) have been assessed in the Needs section of the application</b>
No changes are proposed to flight paths	<b>Flight Paths are controlled and changed via legislation outside the planning process.</b>  <b>As such they are not a material consideration for this application</b>
This will set a precedent, further applications will be logged to further increase flights and capacity in future	<b>Each application is assessed on its own merit. In the event of approval, a future application would have to decide on its own</b>
Negative impact on house prices	<b>This is not a material Planning consideration</b>
A large number of responses to the consultation in support of the scheme are not from Newham	<b>Noted</b>

The consultation contained different consultation dates	<p><b>Several types of consultation (neighbour letters, press notice, site notice) were carried out. Each is required to indicate a minimum of 30 days to respond.</b></p> <p><b>As each of these types was carried out on different dates, the minimum 30 days noted on them was different. This has been in compliance with statutory requirements.</b></p>
Not enough people were consulted, letters were only sent in English	<p><b>Consultation was carried out in accordance with planning legislation and in accordance with Newham's Statement of Community Involvement</b></p>
No public meetings were held to explain the application	<p><b>The application documents can be read and understood from being publically available on the website.</b></p> <p><b>Planning Officers will also provide a presentation at committee.</b></p>
No simplified version of the documents is available members of the public will struggle to understand technical information.	<p><b>Officers note that documents can appear technical.</b></p> <p><b>Simplifying important documents can lead to misinterpretations.</b></p> <p><b>Notwithstanding this, the application is accompanied with a non-technical summary of the scheme and each chapter of the ES contains a non-technical summary which explains the details of the application in a simpler form.</b></p>
Consultation carried out by the airport in their engagement process was inadequate	<p><b>These comments refer to the Airport's community engagement process.</b></p>
Consultation by the airport was flawed, no option was given for no expansion	<p><b>These comments are noted, however LBN does not have direct input into this process</b></p>

### Support Summary

Noise impacts are limited and mitigated
The airport is conveniently located
The airport provides a boost to local jobs and businesses
More flights can mean more choice of destinations and cheaper fares
The visual design is good
If the airport was busier it would create more jobs and amenities in the local area
Newham already has City Hall, cable cars and Olympic grounds. A proper airport is a benefit to the borough
It would improve connectivity to other countries
New aircraft will contribute to reduction in emissions. This requires investment

28. Statutory and Non Statutory Consultation

29. The following consultations have been undertaken:

Royal Borough Of Greenwich  
London Borough Of Tower Hamlets  
London Borough Of Bexley  
London Borough Of Barking & Dagenham  
London Borough Of Havering  
London Borough Of Hackney  
London Borough Of Southwark  
London Borough Of Redbridge.  
British Transport Police  
Civil Aviation Authority  
Canal And River Trust  
Crossrail Ltd  
DLR Planning Consultation  
Historic England  
Historic England - GLAAS  
London Buses Services Ltd.  
London City Airport  
L City Airport Consultative Committee  
London Fire And Emergency Planning Authority  
LLDC (London Legacy Development Corporation)  
London Wildlife Trust  
Designing Out Crime Officer, Metropolitan Police Service  
Metropolitan Police Service  
Natural England

Port Of London Authority  
R O D M A  
Thames Water Authority  
Transport For London - London Underground  
Transport For London - Major Strategic Only  
Corporation Of London  
Friends Of The Earth  
LBN Environmental Health - Pollution General  
LBN Transportation  
London Borough Of Lewisham  
LBN Urban Design & Conservation  
Highways Team  
LBN Airport Monitoring Officer  
LBN Landscape Architects  
LBN Housing  
LBN CIL (Community Infrastructure Levy) Officer  
LBN Regeneration  
Christine Celejewski  
Beckton Community Forum  
East Ham Community Forum  
Manor Park Community Forum  
Forest Gate Community Forum  
SOCATACH Community Forum  
Royal Docks Community Forum  
Custom House And Canning Town Community Forum  
Cllr Ann Easter  
Cllr Shaban Mohammed  
Cllr Delphine Tohoua  
Cllr Stephen Brayshaw  
Cllr Anthony Mcalmon  
Cllr Patrick Murphy  
Cllr Susan Masters  
Cllr Quintin Peppiatt  
Cllr Lakmini Shah  
Cllr Daniel Blaney  
Cllr Zuber Gulamussen  
Cllr Firoza Nekiwala@newham.gov.uk  
Cllr John Whitworth  
Cllr John Gray  
Cllr Charlene Mclean  
Cllr Dr Rohit Dasgupta  
Cllr Alan Griffiths  
Cllr Belgica Guana

30. External Consultation

31. A summary of the consultation responses received along with the Officer comments are set out in the Table below.

<b>Consultee:</b>	TfL Crossrail Safeguarding
<b>Date received:</b>	10 <sup>th</sup> Feb 2023
<b>Summary of consultation response:</b> No comment on the application	
<b>Officer comments on consultation response:</b> Noted	

<b>Consultee:</b>	LCY Safeguarding
<b>Date received:</b>	10 <sup>th</sup> Feb 2023
<b>Summary of consultation response:</b> No conflict with airport safeguarding	
<b>Officer comments on consultation response:</b> Noted	

<b>Consultee:</b>	Thames Water
<b>Date received:</b>	9 <sup>th</sup> Feb 2023
<b>Summary of consultation response:</b> No comments to make at this time	
<b>Officer comments on consultation response:</b> Noted	

<b>Consultee:</b>	Port of London Authority (PLA)
<b>Date received:</b>	23 <sup>rd</sup> Feb 2023
<b>Summary of consultation response:</b> 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.	
<b>Officer comments on consultation response:</b> Noted	

<b>Consultee:</b>	LLDC (London Legacy Development Corporation)
<b>Date received:</b>	6 <sup>th</sup> March 2023
<b>Summary of consultation response:</b> No objections	
<b>Officer comments on consultation response:</b> Noted	

<b>Consultee:</b>	LB Lewisham (Environmental Health Team)
<b>Date received:</b>	13 <sup>th</sup> March 2023
<b>Summary of consultation response:</b>	
<p>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.</p> <p>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.</p> <p>Objections are also raised on the impacts on air quality which would result from the large number of additional vehicle trips to the airport.</p>	
<b>Officer comments on consultation response:</b>	
<p>Comments noted. The impacts raised in this response are addressed within the main body of the report.</p>	

<b>Consultee:</b>	LB Waltham Forest
<b>Date received:</b>	10 <sup>th</sup> March 2023
<b>Summary of consultation response:</b>	
<p>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.</p> <p>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.</p> <p>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.</p> <p>Consider that the level of community engagement has been insufficient when accounting for the most affected communities.</p>	
<b>Officer comments on consultation response:</b>	
<p>Comments noted. The impacts raised in this response are addressed within the main body of the report.</p>	

<b>Consultee:</b>	Historic England
<b>Date received:</b>	13 <sup>th</sup> Feb 2023
<b>Summary of consultation response:</b> Not offering advice on this application	
<b>Officer comments on consultation response:</b> Noted	

<b>Consultee:</b>	LB Redbridge
<b>Date received:</b>	14 <sup>th</sup> March 2023
<b>Summary of consultation response:</b> 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.	
<b>Officer comments on consultation response:</b> Comments noted. The impacts raised in this response are addressed within the main body of the report.	

<b>Consultee:</b>	LB Southwark
<b>Date received:</b>	14 <sup>th</sup> March 2023
<b>Summary of consultation response:</b>	

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

**Officer comments on consultation response:**

Comments noted. The impacts raised in this response are addressed within the main body of the report.

<b>Consultee:</b>	RB Greenwich
<b>Date received:</b>	16 <sup>th</sup> March 2023
<b>Summary of consultation response:</b>	
<p>RB Greenwich will not support an intensification of use which would remove respite periods for residents impacted by aircraft noise.</p> <p>The proposal marks the most substantial change to the airport's operations since it was opened.</p> <p>24 hour curfew was a key component of making the original application acceptable in planning terms and to mitigate impacts to nearby residents.</p> <p>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.</p> <p>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.</p> <p>Unclear why flexibility is sought for delayed flights. Insufficient information on any additional monitoring work to be carried out within Greenwich.</p>	

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.

**Officer comments on consultation response:**

Comments noted. The impacts raised in this response are addressed within the main body of the report.

<b>Consultee:</b>	LB Havering
<b>Date received:</b>	19 <sup>th</sup> March 2023
<b>Summary of consultation response:</b>	
<p>LB Havering responded to LCY's consultation process in summer 22 noting concerns to additional operating hours. The changes made do not go far enough to mitigate the impact on residents.</p> <p>Objections are made due to noise impacts of flights over the borough. Disagree with assessment that noise impacts are <i>not significant</i>.</p> <p>Number of people affected by weekend noise is expected to increase.</p> <p>Lack of information in the ES which demonstrates how noise impacts in Havering will be affected.</p> <p>Whilst encouraging newer generation aircraft is welcomed, this should be being encouraged anyway.</p> <p>Residents have been used to respite period for decades and the reduction of this is unacceptable.</p> <p>Early morning flights will disturb residents during sleep periods which is unacceptable.</p> <p>Disappointed by lack of consideration towards air quality impacts within LB Havering.</p>	
<b>Officer comments on consultation response:</b>	
<p>Comments noted. The impacts raised in this response are addressed within the main body of the report.</p>	
<b>Consultee:</b>	LB Hackney
<b>Date received:</b>	16 <sup>th</sup> March 2023

**Summary of consultation response:**

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.

**Officer comments on consultation response:**

Comments noted. The impacts raised in this response are addressed within the main body of the report.

<b>Consultee:</b>	LB Tower Hamlets
<b>Date received:</b>	20 <sup>th</sup> April 2023
<b>Summary of consultation response:</b>	
<p>Tower Hamlets notes that it objected to the original permission.</p> <p>Concerns have been raised regarding the topics covered by and methodology used in the submitted ES.</p> <p>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.</p> <p>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.</p> <p>Insufficient evidence had been given on how the cap has been used to date and why it needs to be expanded now.</p> <p>Concerns raised over the increase in vehicle traffic that would result from the proposal and the associated impacts on air quality and carbon emissions.</p> <p>Objection on the basis that the proposal would result in substantial emissions contrary to council policies regarding climate change and carbon emissions.</p> <p>The Socio-Economic benefits are not considered to outweigh the substantial harm involved.</p>	

**Officer comments on consultation response:**

Comments noted. The impacts raised in this response are addressed within the main body of the report.

The Concerns raised regarding the scope of the Environmental Statement have been noted, however LBN Officer's under advisement from their consultants consider that the submitted ES sufficiently covers the topics agreed in the approved Scoping Opinion.

32. Internal Consultation

33. A summary of the consultation responses received along with the Officer comments are set out in the Table below.

34. NOTE: some additional internal consultees were notified but fed their comments back directly into the ES assessment provided by LUC. Their comments are incorporated into the overall assessment in the main body of the report.

<b>Consultee:</b>	Transport and Highways
<b>Date received:</b>	5 <sup>th</sup> May 2023
<b>Summary of consultation response:</b>	
No objections to proposal subject to conditions and s106 obligations to secure transport changes and mitigations.	
<b>Officer comments on consultation response:</b>	
This is assessed in more detail in the Transport section of this report.	

<b>Consultee:</b>	Regeneration and Employment
<b>Date received:</b>	2 <sup>nd</sup> May 2023
<b>Summary of consultation response:</b>	
Additional benefits should be secured via updates to s106 obligations.	
<b>Officer comments on consultation response:</b>	
Acknowledged and addressed in the Employment section of the report.	

35. Development Control Members' Forum

36. The application was presented to DC Members Forum on 4<sup>th</sup> November 2022.

## PLANNING POLICIES AND GUIDANCE

37. The Local Development Plan comprises:
- The London Plan (GLA, March 2021)
  - the Newham Local Plan (2018)
  - the Newham Local Plan Policies Map (2018)
  - the Joint Waste Development Plan for the East London Waste Authority Boroughs (adopted 27th February 2012);
38. Material weight has been given to the National Planning Policy Framework (Feb 2019) and the National Planning Practice Guidance.
39. The following policies are relevant to the assessment of this application:
40. National Planning Policy Framework (MHCLG, July 2021):
41. Aviation Policy Framework (SoS for Transport, March 2013)
42. Jet Zero Strategy (Department for Transport July 2022)
43. Flightpath to the Future (Department for Transport 2022)
44. Airport National Policy Statement (Department for Transport 2018)
45. The London Plan (GLA, March 2021)

GG1 Building strong and inclusive communities

GG2 Making the best use of land

GG3 Creating a healthy city

GG5 Growing a good economy

GG6 Increasing efficiency and resilience

Policy D4 Delivering good design

Policy D5 Inclusive design

Policy D11 Safety, security and resilience to emergency

Policy D14 Noise

Policy E4 Land for industry, logistics and services to support London's economic function

Policy E11 Skills and opportunities for all

Policy G1 Green infrastructure

Policy G5 Urban greening

Policy G6 Biodiversity and access to nature

Policy G7 Trees and woodlands

Policy G9 Geodiversity

Policy SI 1 Improving air quality  
Policy SI 2 Minimising greenhouse gas emissions  
Policy SI 3 Energy infrastructure  
Policy SI 4 Managing heat risk  
Policy SI 12 Flood risk management  
Policy SI 13 Sustainable drainage

Policy T1 Strategic approach to transport  
Policy T2 Healthy Streets  
Policy T3 Transport capacity, connectivity and safeguarding  
Policy T4 Assessing and mitigating transport impacts  
Policy T5 Cycling  
Policy T6 Car parking  
Policy T7 Deliveries, servicing and construction  
Policy T8 Aviation  
Policy T9 Funding transport infrastructure through planning

Policy DF1 Delivery of the Plan and Planning Obligations

Policy M1 Monitoring

46. Newham Local Plan (2018)

S1 Spatial Strategy and Strategic Framework  
S3 Royal Docks

SP1 Borough-wide Place-making  
SP2 Healthy Neighbourhoods  
SP3 Quality Urban Design within Places  
SP8 Ensuring Neighbourly Development  
SP9 Cumulative Impact

J1 Business and Jobs Growth  
J2 Providing for Efficient Use of Employment Land  
J3 Skills and Access to Employment

SC1 Environmental Resilience  
SC2 Energy and Zero Carbon  
SC3 Flood Risk and Drainage  
SC4 Biodiversity  
SC5 Air Quality

INF1 Strategic Transport  
INF2 Sustainable Transport  
INF4 Utilities Infrastructure

47. Draft Local Plan

48. 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.

## THE COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATIONS 2010 (AS AMENDED)

49. From 1<sup>st</sup> of April 2019 Mayoral CIL2 (Permissions granted on or after 1 April 2019).
50. The Mayor has adopted a new Charging Schedule MCIL2, which came into effect 1st of April 2019. Like MCIL1, MCIL2 will be charged on all development except for education and health.
51. The Mayoral rate for Newham has increased within Band 3 to £25 per sqm from £20 per sqm.
52. The Mayoral CIL Charging Schedule (MCIL1) (adopted 2012) and the Section 106 Crossrail Funding from Planning Obligations Supplementary Planning Guidance (adopted 2016) is superseded by the revised MCIL Charging Schedule.
53. The Newham Community Infrastructure Levy is chargeable in line with the Newham CIL Charging Schedule, which came into effect on 1st January 2014.
54. The Newham Community Infrastructure Levy was adopted by full Council on 30th September 2013, which came into effect on 1st January 2014. The Newham CIL Charging Schedule per gross internal sq. m is as follows:

Use Class	Charging Zone1 – Post codes E15 (exclusive of the LLDC area), E16 and E3 (part)	Charging Zone 2 – Post codes E6, E7, E12, E13 and IG11 (part)
Residential	£80	£40
Retail	£30	£30
Office	£0	£0
Hotel	£120	£120
Industrial	£0	£0
Student Accommodation	£130	£130

55. Amendments to the Community Infrastructure Levy Regulations came into effect in September 2019 which changed the previous relationship between the non-discretionary CIL charging regime and the negotiated planning obligations secured by the Local Planning Authority; this has removed the restriction on funding infrastructure from both of these two separate forms of developer contributions.
56. The Community Infrastructure Levy remains a development cost associated with relevant planning applications including whether any reliefs or exemption may apply. The amount payable and how the instalment policy applies to cash flow will be considered if viability is a material consideration with this application.

57. The Authority is now obliged to publish an Infrastructure List annually to set out the types of infrastructure which may be funded by CIL and/or planning obligations – Newham is currently working on this, this will refer to the Development Plan, the borough's Infrastructure Delivery Plan and other corporate plans including, but not limited to, the Corporate Plan and Capital Strategy.

## ASSESSMENT

58. The key issues relevant to this application are:
- Principle of Development (58);
  - Employment/Socio-Economics (88)
  - Design (104)
  - Impact upon amenity (111)
  - Transport and Travel (169)
  - Energy Strategy, Carbon Emissions and Climate Change (186)
  - Other Issues (222)
  - Environmental Impact Assessment (226)
  - Environmental Statement Chapter Summaries (235)
  - Overall Conclusions and recommendation (273)
  - Reasons for refusal (283)
59. Principle of Development
60. *Acceptability under s73 of the Town and Country Planning Act*
61. As noted in earlier in the report, there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.
62. The proposed changes to the scheme were summarised as:
- An increase in the limit on passengers from 6.5 million passengers per annum (mppa) to 9 mppa
  - A proposed extension to operating hours to allow take-off and landing on Saturday from the existing limit of 12:30 up to 18:30 and up until 19:30 during British Summer Time for up to 12 arrivals.
  - Changes to the daily limit of flights (Monday to Saturday) within the first half-hour (06:30-07:00) from 6 to 9 and between 06:30 and 06:45 from 2 to 4
  - An increase in the maximum number of ATMs per day on Saturday from 100 to 230 and from 280 to 400 on any consecutive Saturday and Sunday
  - Changes to operational hours of the Terminal (to 20:00 on Saturdays), Ground Running and Aircraft Maintenance (until 18:30) to reflect the proposed extension to flight times.
  - Changes to the location of aircraft stands to allow greater flexibility due to increased wingspan of new generation aircraft and alterations to the amount of hardstanding.
  - Changes to the approved plans and documents to reflect the above changes and to incorporate changes to approved documents resulting from the passage of time since the granting of the parent permission.

63. The proposed changes are not considered to result in a development which is substantially different to the extant CADP1 permission approved under application reference 13/01228/FUL allowed on appeal (APP/G5750/W/15/3035673) and as subsequently amended. This application is referred to as the 'parent permission' within this report.
64. It is considered that the proposed amendments would fall within the scope of changes allowed by s73 of the act.
65. In the interests of clarity, the purpose of this application is to assess only the proposed changes, and their impacts, compared to the parent permission. This application does not re-assess or override the principles or acceptability of that application and that permission remains an extant and material consideration.
66. As such, the remainder of this report only assesses the changes specifically applied for under this application.
67. *Principle of Development*
68. The NPPF (2018) emphasises a presumption in favour of sustainable development. No specific guidance is given towards airports other than to acknowledge that such facilities should be developed through collaboration between policy-making authorities and other relevant bodies.
69. In addition, the Aviation Policy Framework (APF) (2013) is relevant to this application. Paragraph 1.67 of which states:
70. *'...the Government supports in principle any reasonable, non-discriminatory steps that airport operators may wish to take to limit access to smaller aircraft, where appropriate. Such measures could help our busiest airports to maximise passenger throughput'*
71. Policy T8 of the London Plan states that 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.
72. Policy INF1 of the Local Plan supports proposals to optimise airport capacity.
73. *Need case*
74. To support the application, the applicant has submitted a Need case which sets out the applicant's case for requiring extended opening hours and greater flexibility. This was assessed by LBN's Aviation Consultant who provided an assessment of this case. For this application LBN's Aviation Consultant is Dr

Chris Smith (Chris Smith Aviation Consultancy Limited). Dr Chris Smith is a leading expert on aviation matters having advised clients worldwide for more than 45 years. During his career he has worked frequently on questions relating to the development of the London airports system, including advising LBN on CADD (2015/16) and LCY's Draft Masterplan.

75. The Need Case notes that the airport currently suffers inefficiencies due to the requirement for aircraft to park for 24 hours over a weekend or to position away from LCY in order to comply with restricted hours. The applicants make the case that the extended hours will be key to speeding up the modernisation of the aircraft fleet and to achieve benefits of cleaner, quieter aircraft as it will act as an incentive for airlines to update fleets to more modern craft, which would therefore have a positive knock-on effect on noise and air quality within the local area.
76. In relation to the above, it has been noted that the importance of repositioning flights is over-emphasised and that LCY has a lower proportion of such flights compared to other airports. However, it is agreed that by making use of additional hours, the proposal would serve to increase efficiency of the airport itself. It should be noted that this is not an agreement that such benefits are enough to outweigh the other concerns raised in this report.
77. LBN's consultant does note that such an argument is broad in nature, and whilst not disagreed with, could be used to justify future expansion at the airport into Sundays or other times.
78. Whilst each application must be assessed on its own merits, this comment is acknowledged.
79. The statement includes demand forecasts which state that with development the airport could reach 9mppa by 2031. It states that allowing growth at LCY would be meeting underlying passenger demand. By 2031, the statement indicates that with development aircraft movements forecasts would be at the level of the current annual cap.
80. LBN's consultant has reviewed these forecasts and there is some disagreement between the consultant and the conclusions drawn by the applicant. While the aircraft movement forecasts with development are reasonable relative to the number of passengers forecast, these passenger forecasts are considered to be optimistic. The applicant's approach to forecasting is consistent with the approach used by the Department for Transport in producing its national forecasts and uses many of the assumptions used by the DfT in its March 2022 forecasts, though the applicant's forecasts used whenever possible more recent economic forecasts. However, in a number of aspects, these are considered

optimistic. For example, many of the input assumptions used pre-date the Russian invasion of Ukraine. Whilst the methodology used by the airport is considered to be reasonable and that some growth is probable, LBN's consultant considers it likely that demand will not grow as fast as forecast by the applicant. (It should also be noted that the Department for Transport issued new forecasts in March 2023 which are materially lower than its forecasts of the previous year.) However, the overall conclusion that there is a growth in demand is acknowledged and it is likewise acknowledged that the proposal would be one way to address this demand.

81. The Need Case also includes an assessment of capacity and demand in the wider London Area. The need case identifies that 'As the overall market recovers to 2019 levels [...] Heathrow, Gatwick and Luton Airports will be essentially full again' The case concludes that there would be a shortfall of approximately 5 mppa in London Airport capacity by 2031 if permission were refused.
82. This has been disputed by LBN's Aviation Consultant who firstly notes that this argument appears to exclude Stansted and ignores the planning application to expand Luton. It is noted that there is a strong likelihood of passenger capacity growth at Heathrow and Gatwick and in addition, Luton has stated an intention to expand capacity from 18 mppa to 32 mppa whilst Stansted was granted permission to expand to 43 mppa. The consultant refers to recent Department for Transport forecasts (published in March 2023) which show that airport capacity in the London Area exceeds demand until and including 2031.
83. As such, it is concluded that existing airports have sufficient capacity within the timeframes of the application and that the relaxing of conditions would not be necessary in order to meet this regional demand.
84. LBN's consultant also identified that the maximum size of aircraft allowed at LCY is limited (for physical reasons) compared to other, larger airports. To illustrate impacts on carbon emissions, the consultant has used an example of flights to Palma Mallorca. Whilst smaller aircraft used at LCY would produce less emissions, larger aircraft serving other airports will carry many more passengers and are therefore materially more efficient on a per passenger basis. The impact of emissions is assessed elsewhere in this report.
85. The Need case notes that the economic benefits associated with expansion will be linked to an increase in the number of passengers per annum. Under the proposed scheme, the increase in passengers will occur more rapidly than with the currently consented scheme, therefore bringing forward the economic benefits.

86. This is noted. Whilst economic benefits of the proposal are an important consideration; they are not strictly a justification for the need for development but are a justification of the benefits of the scheme. Therefore, the economic benefits of the scheme are assessed within the relevant section of this report.
87. In summary, whilst there is some dispute regarding how fast demand at the airport would grow, it is agreed that growth is expected and that the proposal would be a method of meeting this demand. Similarly, it is acknowledged that the expansion of flights into Saturday afternoon would enable the airport to make more efficient use of existing infrastructure and runways.
88. However, it is considered that existing airports within the wider London area have sufficient capacity to meet demand within the timeframe of the application and would be able to do so with larger aircraft in a more sustainable matter. For the reasons outlined above LBN officers attach limited weight to the need case.
89. Employment/Socio-Economics
90. Policy T8 of The London Plan states that 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.
91. Policy J1 of the Local Plan states the need to attract investment in growth sectors and support the existing business base, maximising quality employment potential and creating a dynamic business environment by selective protection and development of quality premises and places.
92. Policy J1 of the Local Plan requires all major development to address convergence objectives through an Employment Strategy that details commitments to work with the Council's Our Newham Work organisation to maximise local employment opportunities, including appropriate lead-in times in relation to training and provision. Development which incorporates employment floorspace on SIL and/or employment hubs are required to submit an Employment Strategy that details;
- phasing of new permanent employment-generating floorspace in such a way that maximises the likelihood of beneficial use considering deployment of temporary uses where appropriate;
  - marketing/demand testing and occupier commitments in relation to the proposed mix of unit type, scale and tenure, recognising the identified shortages and surpluses identified by the Newham ELR Part 2 and subsequent updates; and,

- commitments to work with the Council's Workplace organisation to maximise local employment opportunities, including appropriate lead-in times in relation to training provision.
93. Local Plan Policy J3 states that all major developments will be required to help ensure that more Newham residents access work and share in the increasing wealth associated with the expanding local and London-wide economy. More specifically, it states the promotion of local labour agreements to enable Newham residents to develop skills and secure employment arising from the regeneration of the borough. The Local Plan defines this by indicating technical criteria which amongst other criteria note that all major development will be required to help to ensure that more Newham residents access work through seeking to secure that they occupy 35% of all construction phase jobs, and 50% of all post construction (end user) phase jobs typically through a tariff based contribution and an Employment Strategy as per Policy J1, cognisant of proposed construction methods and sectoral specialisms.
94. Chapter 7 of the submitted ES assesses the Socio-Economic effects of the proposal. This sets out the potential impacts of the proposal in terms of wider economic benefits. This includes quantitative assessments of direct employment benefits achieved during construction and during operation. It also analyses the impacts on the local and wider economy.
95. The submitted ES concludes that the overall socio-economic impacts of the proposal would be long-term and beneficial. This chapter has been assessed by LUC who have concurred with these conclusions.
96. In addition to the above analysis, it should be noted that the parent permission is subject to a s106 agreement which secures several economic benefits including:
- Financial contributions towards employment and education
  - To ensure that of recruits for jobs advertised at the airport, 70% are from the local area and 40% are from LB Newham.
  - To ensure that recruits for jobs advertised by operators at the airport, 70% are from the local area and 50% are from LB Newham.
  - Seek opportunities for supply chains from local Newham businesses
  - The creation of a Local Employment Partnership Board

97. These obligations would carry over to the current permission and as such, the benefits secured would likewise be secured as part of this proposal.
98. LBN's Employment and Skills Officer has reviewed these existing obligations and considers that these should be reviewed and potentially updated to provide:
- 35% local labour during the construction phase
  - 1 apprentice per £5m build cost
  - 50% of all new employees to be Newham residents
  - 1 internship for a minimum period of 3-6 months per year of the build
  - Supporting young people (as detailed in the Heads of Terms under Young People)
  - Commitment to paying the London Living Wage as a minimum
99. It was also noted that the financial contributions secured with the original permission were based partially on the number of passengers per annum. As the application seeks to increase this number, scope exists to revisit these financial contributions and increase them proportionally. Had the application otherwise been acceptable, this would have been secured as part of the heads of terms.
100. Taking into consideration the conclusions of the ES and the above mentioned s106 obligations, it is considered that the proposal would result in a benefit to the local area in terms of employment, skills and socio-economic benefits. As such, it would comply with the relevant policies and is acceptable in this regard.
101. Notwithstanding the above, it is noted from monitoring that some of the targets, particularly those relating to recruitment within LBN regarding employment have not historically been met:

Compliance Criteria	S106 Target	2019	2020	2021	2022
Jobs recruited across the site (non-construction) –LBN residents	40%	29%	20%	19%	39%
Jobs recruited across the site (non-construction) –Local Area Residents	70%	65%	43%	50%	79%
Jobs recruited to LCA – LBN residents	50%	28%	25%	29%	39%

Jobs recruited to LCA – Local Area residents	70%	66%	69%	72%	83%
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102. Improvements in 2022 are noted and acknowledged. In their reporting, the airport has providing reasonable justification for why these targets are not being met. These include the difficulty in carrying out background checks, driving licence requirements and employability skills. It is acknowledged that the s106 obligations require the airport to make ‘reasonable endeavours’ to meet these targets and the evidence provided indicates that the obligations are being met.
103. Whilst there is no suggestion that the airport is not meeting its legal obligations, the fact that there are difficulties in reaching employment targets lessens the weight that can be given to these considerations.
104. In the event that the application was approved, the Local Planning Authority would seek to strengthen these legal requirements in order to ensure that LCY is able to more closely align with the benefits the policy strives for.
105. Taking into consideration all of the above, the local employment and economic benefits of the proposal are considered to be overall beneficial and weigh in favour of this application. However, as assessed in the overall conclusion, they are not considered to outweigh the substantial harm identified elsewhere in this assessment.
106. Design
107. The NPPF highlights that good design is a key aspect of sustainable development, creating better places in which to live and work and helping to make development acceptable to communities. Section 12 further indicates that planning decisions should aim to ensure that developments function well and add to the overall quality of an area not just for the short term, but over the lifetime of the development. Considerations regarding the appearance and the architecture of individual buildings should go beyond aesthetic considerations,

giving consideration to the connections between people and places and the integration of new development into the natural, built and historic environment.

108. Insert Policy D3 of the London Plan requires that development must make the best use of land by following a design-led approach that optimises the capacity of sites. This is also reiterated in Policy D4 which seeks using masterplans and design codes to help bring forward development and ensure it delivers high quality design and place-making, and Policy D5 which seeks to deliver an inclusive environment and meet the needs of all Londoners.
109. At local level, Policy SP1 of the Local Plan states that high quality development will be expected, which respects, takes advantage of, and enhances the positive elements and distinctive features of the borough, contributing to a well-connected and integrated series of successful and distinctive places, that together help to transform the borough and its attractiveness as somewhere to live, work and stay. Policy SP3 further states that the borough aims to secure a high quality of urban design in new buildings and spaces, contributing to safe, sociable and inclusive mixed and balanced communities.
110. The overall design and appearance of the airport and its related structures would not be materially changed compared to those approved under the parent CADP1 permission.
111. The only physical changes to be made are alterations to the layout of the forecourt. These proposed changes are intended to accommodate the revised passenger numbers and their impacts on public transport. These changes include realignment of kerb lines and paint markings to accommodate additional drop-off and pick up areas, as well as additional bays for buses and shuttles.
112. These changes would have a negligible impact on the appearance of the site as a whole or in the context of the approved development. These changes are therefore considered acceptable in terms of design.
113. Impact upon amenity
114. Paragraph 3.3 of the APF states that

115. [The Government] want[s] to strike a fair balance between the negative impacts of noise (on health, amenity (quality of life) and productivity) and the positive economic impacts of flights. As a general principle, the Government therefore expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities. This means that the industry must continue to reduce and mitigate noise as airport capacity grows. As noise levels fall with technology improvements the aviation industry should be expected to share the benefits from these improvements'
116. Policy T8 of The London Plan emphasises that the environmental and health impacts of aviation must be fully acknowledged and assessed, particularly in relation to noise and air quality and must take full account of the views of affected communities. Any airport expansion scheme must demonstrate that there is an overriding public interest or no suitable alternative solution with fewer environmental impacts.
117. Policy SP2 of the Newham Local Plan seeks to ensure that development contributes to the health and well-being of residents. Policy SP8 also states that developments should avoid unacceptable exposure to odour, dust, noise, disturbance vibration and other amenity or health impacting pollutants.
118. *Air Quality*
119. The submitted ES includes assessments from the operational impacts of the development (in comparison to the parent permission) including emissions of associated road traffic and from aircraft during the landing take off cycle. Road and air traffic pollutants include nitrogen oxides (NO<sub>x</sub>), nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). In addition, assessments on odour were included. The ES includes this information within Chapter 9: Air Quality but it should be noted that air quality impacts are also assessed within Chapter 12: Public Health.
120. LBN's consultant has noted some issues with the air quality assessment of these impacts and notes that some requested information such as modelling

files was not provided. The consultant notes that there is a lack of confidence in some of the information provided to assess the baseline air quality due to the lack of this information. Had the application otherwise been acceptable, the additional information would have been sought.

121. Notwithstanding this, the consultant considers that sufficient information has been provided in order to conclude that the overall air quality impacts would not be significant when compared to the parent permission. The additional information noted above, whilst important, is not considered to materially alter the overall conclusion of the assessment.
122. Similarly, LBN's consultants disagree with some of the methodology used to assess the air quality impacts on public health. As an example, the ES does not account for potential impacts on passengers using the airport. However, they do consider that the overall conclusion of the Air Quality section of the Public Health chapter is generally appropriate. Officers therefore consider that impacts on air quality would not amount to a reason for refusal.
123. During the course of the application, the LBN's consultants requested that the submitted ES take account of potential impacts of Ultra-Fine Particles (UFPs) on local air quality.
124. The applicant's response notes that there are currently limitations in measuring UFPs and assessing their impacts and considers that the ES regulations do not require a full assessment of UFPs. Only high level information on UFPs has been provided.
125. It is also noted that the Air Quality chapter does not assess UFPs qualitatively but the Public Health chapter does so.
126. LBN's consultants consider that there is sufficient data available to allow the applicant to provide a qualitative assessment of UFPs. They note that other airports have begun monitoring UFPs and there is sufficient evidence that UFPs play a significant impact on public health and are directly related to aviation (particularly from fuels).

127. Again, notwithstanding this, LBN's consultants agree that the overall conclusion of the ES, that UFPs would result in only a minor adverse impact, is not an unreasonable conclusion. However, these impacts would require further monitoring and mitigation where necessary. As such, had the application otherwise been acceptable, Condition 57 (Air Quality Monitoring) of the parent permission would be amended to include a monitoring scheme of UFPS within 6 months of implementation, to be monitored and reported on an annual basis to ensure that UFP impacts remain within acceptable limits.
128. The submitted information shows that odour impacts would reduce during the timeframe of the application. This conclusion has been concurred with by LBN's consultants.
129. Overall, there are some noted disagreements in methodology and information between the applicants and LBN's consultants. However, the overall conclusions that the impacts on air quality would be harmful but limited are agreed with. Additionally, a condition to monitor UFPs is considered to be sufficient to address concerns around this point. As such, officers consider that the air quality impacts would not be materially greater than those considered acceptable in the parent permission and on balance would be acceptable.

*Noise and vibration*

130. *Paragraph 17 of the APF states:*
131. *'[The Government's] overall objective on noise is to limit and where possible reduce the number of people in the UK significantly affected by aircraft noise. The document makes clear that the acceptability of growth in aviation depends to a large extent on the industry continuing to tackle its noise impact and confirms that the Government expects the industry at all levels to continue to address noise.'*
132. Chapter 8 of the submitted ES covers the noise and vibration impacts of the development. This chapter includes an assessment of direct impacts (such as from aircraft movements) and from indirect effects (such as ground noise).

133. In terms of vibration, the ES notes that there would be no additional construction works resulting from this proposal than was approved in the parent permission. As such, there would be no additional vibration impacts from construction works, this conclusion is agreed. In terms of vibrations from aircraft the ES has scoped this out on the basis that there would be no likely impacts from vibration of aircraft.
134. This has been assessed by the Council's Noise Consultant. For this application LBN has employed the services of Rupert Taylor Ltd. Rupert Taylor is an expert in the field of noise and vibrations with relevant experience having advised London Docklands Development Corporation on the original application for the airport in the 1980s and more recently LBN during the parent permission at LCY.
135. They note that vibration impacts from aircraft have been identified in other airports such as Heathrow. However, in these instances the vibrations were noticeable only in lightweight structures close to the airport. Additionally, the aircraft in question were of a larger size than those that are able to use London City Airport. There are no reports of such issues on nearby residences. It is therefore considered that in this context, and in the context of the existing permission, additional vibration impacts are unlikely and it is reasonable that they have been scoped out of the assessment.
136. In concluding the impact on noise, the ES states that the proposal would not result in additional noise impacts resulting from construction. This has been assessed by the Council's Noise consultant. Considering that this application would not result in any additional construction compared to the parent permission, this conclusion is agreed with.
137. With regards to noise from Aircraft, the proposal seeks to increase the limit on daily flights within the first half-hour from 6 to 9 and to extend Saturday flight times from 12:30 to 18:30 (19:30 during British Summertime) with an increase in maximum number of flights on Saturdays from 100 to 230.
138. The ES concludes that the amendments would only result in minor adverse effects for residents around the airport and that the proposal would result in a

quicker up-take on quieter aircraft than would occur without permission. It considers that the existing mitigation measures and sound insulation scheme will be expanded and would effectively mitigate the negative impacts.

139. This chapter of the ES has been assessed by the Noise consultant who notes that London City Airport is subject to very specific and unconventional restrictions (i.e. the Saturday to Sunday curfew) due to its location within a relatively dense residential area. Officers note that conditions enforcing a Saturday curfew been in place since at least 1999. This condition was always applied with the intention to limit the impacts of the development on neighbouring amenity and to offer a respite period to nearby residents over the weekend.
140. A large number of objections have been received to this application, of which a significant amount have been received from residents living in a nearby vicinity to the airport. Many objections have emphasised the importance of this respite period, particularly in summer months when residents intend to enjoy their gardens or need to open windows for ventilation.
141. In addition to these objections, it is noted the applicants have submitted a Statement of Community Involvement (SCI) which provides details of surveys and public engagement carried out by the Airport prior to the submission of this application.
142. It acknowledges that many responses to the community engagement process raised concerns around additional flights into Saturday afternoon and in particular with regards to noise impacts during this time and of those in the early morning. During the consultation process, the proposed curfew was 22:00. In response to this feedback, the final submission altered this to 18:00 (19:00 during summer months). Whilst this is an improvement, it is still a material impact and significant incursion into this existing curfew.
143. In their response to the GLA Stage 1 report, the applicant noted that precedent exists for flights on Saturdays within the airport's history. Between 1987 and 1998 flights were allowed on Saturday between 09:00 and 22:00.

144. Whilst this is acknowledged, it should be noted that during this period the maximum number of number of flights was restricted to 50 flights per Saturday. This number is substantially below the maximum of 230 as is being applied for. Additionally, these were for smaller planes than are currently being used. Notwithstanding this, the current curfew has been in place for approximately 24 years, as such it has become a reasonable expectation of nearby residents to receive the benefits of this curfew period. Therefore, whilst the precedent of Saturday flights within the airport's history is acknowledged, officers give it minimal weight in the justification of the proposals.
145. The proposal has potential to result in an additional 130 flights on Saturdays. The applicants have not applied to amend the existing hourly cap of 45 flights per hour and as such the number of additional flights within this curfew period would be substantial and would result in a material noise impact which does not currently exist.
146. In their assessment, the Noise consultant advising LBN on this application refers to a study *'Respite from aircraft noise: high-level overview of journey on building our knowledge'* by Nicole Porter, Andy Knowles, Robin Monaghan and Richard Norman (InterNoise 2022, Glasgow) which defines Respite as *'a break from or a reduction in aircraft noise'* and notes that:
- 'Predictable respite is generally viewed as of benefit and considered helpful as a mitigation measure to reduce the impacts of noise. It might be concluded that managed respite is effective – it is (genuinely) valued by residents, when they are informed of it – and they certainly don't want it removed.'*
147. As noted, the curfew has been in place since for a significant amount of time. Officers afford substantial weight to the benefits of the curfew and consider it provides substantial benefits to neighbouring amenity. Any loss or reduction of the curfew would need to be significantly outweighed by other benefits of the scheme and properly mitigated against.

148. Many other airports feature respite periods. Heathrow for example alternates runways in order to give respite periods to residences located close to these runways. The consultant notes that the loss of the respite period could be considered a significant effect contrary to the conclusions of the ES. A local social survey in affected areas could be a way of measuring and assessing whether affected residents would accept the relaxing of the curfew.
149. The proposed extension of flight times is not as severe as the 22:00 initially suggested at the public engagement by the airport. However, no follow-up survey or assessment appears to have been undertaken which suggests that the new curfew of 18:00 would address residents' concerns, or be more acceptable.
150. Based on the response from the consultation process undertaken as part of this application, it would appear that this remains a clear concern for residents, councillors and other neighbouring boroughs.
151. Overall, it is considered that insufficient emphasis has been given to this curfew period and the benefits experienced by residents from this respite period. As such, officers consider the loss of this curfew and new noise impacts amount to significant harm to residential amenity. In such circumstances, the loss of amenity needs to be either sufficiently mitigated against or otherwise outweighed by other, substantial public benefits from the proposal.
152. In addition to the impacts resulting from the Saturday afternoon flights, the proposal includes additional flights during the first half hour of the day.
153. The standard UK night period is considered to be 23:00-07:00. As such, greater emphasis on protecting this period is given in order to prevent sleep disturbance and similar impacts. The ES has assessed this period and comes to the conclusion that there would be a 'negligible to minor adverse' impact during this period.
154. Some flights already occur within this timeframe and as such, it is acknowledged that residents will have some degree of tolerance to such flights. However, as

noted above, there would be some degree of impact. As noted by LBN's noise consultant, these flights would be at the very least noticeable. As such, they must also be effectively mitigated against or otherwise justified.

155. The applicants have noted that an existing scheme is in place to help nearby residents install sound insulation measures to mitigate against the noise impacts of aircraft, additionally the airport would improve their contribution to the Community Fund to target investment in amenity areas close to the airport. Whilst these changes are acknowledged and are considered to be beneficial, insulation schemes can only help with noise impacts within residences and will not mitigate impacts for residents using their gardens, balconies or other public and private amenity spaces. It is considered reasonable to conclude that residents will be more likely to use these spaces at the weekend, particularly during summer months. It is also noted from comments from residents that the sound insulation provided often required windows to remain closed and as such residents raise the issue that in summer months they need to open windows to provide ventilation, lessening the benefits of this scheme.
156. The sound insulation scheme, while recognised as a positive is not considered to fully mitigate the noise impacts of the proposal on neighbouring amenity.
157. As part of the airport's justifications for the relaxing of the curfew, they state that flights during these additional hours will be restricted only to newer generation aircraft which would be quieter and cleaner. They contend that this would serve as a strong incentive for airlines to re-fleet. The flexibility offered by the proposal would allow a quicker uptake of newer generation aircraft and as such would speed up the process of minimising noise impacts.
158. This argument is noted and officers agree that incentivising airlines to re-fleet to quieter, cleaner aircraft is positive. However, the Government's Jet Zero Strategy already sets out targets for airlines to use newer generation aircraft. The GLA in their Stage 1 response note that:

*44. Given the centrality of this assumption, it needs careful consideration. In particular, for an aircraft category which carries more passengers and does so more economically, it is reasonable to assume*

*that airlines would make the switch in relatively short timeframes regardless of the development.*

*45. Indeed, the airport and airlines do not exist in a vacuum. The financial pressure on airlines of operating in a competitive market and the carbon measures likely to be introduced by Governments – as well as consumer pressure on this front – could all serve to push airlines to introduce the next generation aircraft on a more timely basis.*

159. The applicants have provided a response to the GLA stage 1 report and in this they state that the proposal will result in a materially faster transition to newer aircraft and that without the flexibility of the proposal *‘airlines would simply have no incentive to re-fleet any earlier than the ‘natural’ cycle and the large scale introduction of newer generation aircraft types would necessarily be later in the Do Minimum Case.’*
160. LBN officers concur with the GLA that airlines are already incentivised to re-fleet to newer generation aircraft and it is reasonable to expect that airlines serving the airport will re-fleet in due course.
161. The applicant’s argument that this would happen faster with the permission is acknowledged and officers do consider that a quicker transition to newer generation aircraft is a beneficial aspect of the scheme in a broader sense. However, it is not agreed that airlines would have ‘no incentive’ as other pressures have been identified.
162. In any case, this benefit is directly reliant on the relaxing of the curfew, which is also the cause of the substantial harm identified.
163. An objection from HACAN East has been received which makes note that the newer aircraft would only be 3dB quieter on take-off and 5dB quieter on landing. They also note that the CAA consider a change of 3dB as being barely perceptible to the human ear. As such the objection considers that the newer aircraft are not substantially quieter than existing aircraft. The differences are considered less when measured at locations further away from airports.
164. The ES contains a section which addresses this issue. It identifies that the newer aircraft would be 5dB quieter on departure and 3dB quieter on arrival. 5dB

is considered to be a clearly perceptible change. This conclusion has been concurred with by LBN's noise consultant. HACAN's comments on noise impacts further away from airports are acknowledged. However, the formal way to assess noise impacts places greater emphasis on impacts closer to airports. Additionally, it is noted by the consultant that aircraft thrust settings and airframe aerodynamic noise creates greater differences in noise impacts at these distances.

165. Regardless of how much quieter newer aircraft would be, LBN officers consider that the benefits of this fall away when taking into account the large number of new flights occurring during respite periods where no such impact currently exist. Even if 5dB quieter than current generation aircraft, the additional flights would create a new and substantial noise impact.
166. Whilst the applicants state that the new timeslots will be restricted to only the newer aircraft even if such a restriction were proposed, the council would not be able to force airlines to re-fleet within in any given timeframe and as such the perceived benefits would be minimal. Similarly, although the proposed changes would incentivise re-fleeting, an incentive is not a guarantee that re-fleeting would take place as this is ultimately a decision for airlines.
167. As part of their objection HACAN East refer to a reported phenomenon of 'Whale Noise' which has been associated with some newer versions of the Embraer aircraft. This is noted, however the Council's Noise consultant notes that there is currently no data which would enable the annoyance effect of such a phenomenon to be quantified and therefore properly analysed. As such, this has not formed part of the reason for refusal.
168. Similarly, several objections have been received which reference the low flight paths used by planes using the airport. Whilst this is acknowledged, flightpaths fall under the jurisdiction of the Civil Aviation Authority and as such the Council has no powers to alter these routes as part of this planning application. Newham Council has been engaging separately with London City Airport, the CAA and others through the Airspace Change Organising Group (ACOG), which aims to improve the flight paths for London City Airport and other airports in the south-

east of England to mitigate against environmental impact including noise, air quality and carbon emissions. However, the timescales and outcome of this process is unknown at this stage.

169. In conclusion, officers acknowledge that these proposals would provide benefits in terms of incentives to re-fleet to newer generation aircraft and would provide additional benefits in the form of financial contributions and an expansion of the insulation scheme. Additionally, officers acknowledge the overall socio-economic benefits of the scheme.
170. However, it is considered that insufficient weight has been placed on the benefits to amenity that residents enjoy as a result of the existing respite period. The introduction of additional flights within these sensitive period would result in a materially new and substantial harm to residential amenity which does not exist at present or under the parent permission. Officers consider that the application relies heavily on the above benefits which officers have concluded are insufficient to outweigh the identified harm and the proposed mitigation measures likewise are insufficient to protect the residential amenity of nearby residents.
171. As noted, during the course of the application, a substantial number of objections (more than 1600) were received. A significant amount of which objected to impacts of the proposal including noise impacts. Objections were also raised by local Councillors representing their constituents.
172. As well as objections from residents, objections were received from Member of Parliament in their capacity to represent the views of their constituents.
173. Apsana Begum MP for Poplar and Limehouse objected to the proposal on the basis that the additional noise impacts would result in an adverse impact on the quality of life of nearby residents. The objection also raised concerns of the proposal on air quality impacts.
174. Mathew Pennycook MP for Greenwich and Woolwich representing his constituents in Greenwich, Woolwich and Charlton. The objection was made in specific reference to the additional morning flights and the reduction of the

curfew. The objection raised concerns over the noise impacts on residential amenity, particularly during the summer months when residents will want to maximise their enjoyment of outdoor spaces. Concerns were also raised regarding air quality impacts that would result from additional flights as well as the increase in road traffic generated by the airport as a result of the scheme. The objection overall concluded that the justifications and mitigations given by the applicant were insufficient to overcome the harm resulting from the loss of the respite period.

175. Stephen Timms MP for East Ham raised an objection noting that while the significant benefits of the airport to the local economy and as a job provider are acknowledged, the existing respite period was a fundamental benefit and mitigation negotiated as part of the airport's original consent.
176. Janet Daby MP for Lewisham East objected to the additional flights on Saturday noting that the respite was put in place due to the close proximity of the nearby residences and schools. She also noted the noise problems resulting from the existing flightpaths. An objection was also raised against flights in the morning which would result in negative impacts during a particularly sensitive part of the day.
177. In addition to objections from MPs, objections were received from several neighbouring Councils which were notified as part of the application process.
178. The London Borough of Southwark noted in their objection that noise complaints are regularly made by residents currently affected by flights to LCY and to other London Airports. They consider that the methodology used to assess noise impacts does not give sufficient weight to the enjoyment of respite periods received by residents. It notes that the applicants case is largely based on the incentives to up-take cleaner and quieter aircraft but considers that this should be being encouraged by the airport regardless. Concerns were raised regarding the impact of the proposal on local air quality and increase in traffic generated by the site.

179. The London Borough of Lewisham in their objection consider that the respite period which has been in place for approximately four decades would be lost which is a substantial dis-benefit to residents. They consider that the applicant has failed to demonstrate how the scheme would encourage cleaner and quieter aircraft and raise significant concerns over how the proposal would impact local air quality.
180. The London Borough of Redbridge objected on the basis that there would be a profound noise and environmental impact resulting from the proposals on residents of Redbridge. They consider that the applicant has failed to provide substantial evidence to support the claims that noise pollution and air quality impacts will remain acceptable. They consider that any noise reduction from quieter craft would be offset by the increased number of flights over the borough during increased operating hours. Concerns are also raised that this application is submitted ahead of the intended revision to flightpaths which may have an impact on noise issues from flights. More information is needed on how the proposal would benefit neighbouring boroughs such as Redbridge in terms of economic or job impacts.
181. London Borough of Havering noted in their response that they lodged an objection to the proposal which was presented during the Applicant's community engagement process. They objected to a curfew of 22:00 and note that the reduction since then to 18:00 does not go far enough to address these concerns. They note that morning flights have a high probability to impact the sleep period of residents which is viewed as unacceptable. They note that residents in Havering have increasingly complained about noise resulting from the airport due to the low flightpaths taken over the borough. They consider that the adoption of newer generation aircraft is not sufficient grounds to ignore the significant noise impacts which would occur as a result of an approval of this permission.
182. The Royal Borough of Greenwich note in their objection that the 24 hour curfew was a key component of making the airport acceptable and in mitigating the impacts of flights on residents. They note that no details have been given on the composition of flights within the new relaxed operating hours. They also note that

the noise reduction received by newer generation aircraft would only be felt within close distance to the airport and as such these benefits would not benefit those affected by noise in neighbouring boroughs away from the airport itself. They consider that the submitted documents do not sufficiently assess the psychoacoustic impacts of the increase in aviation movements. Additionally Greenwich object to the potential impacts on air quality and emissions which would result from the proposal.

183. The London Borough of Hackney note that the curfew has been in place for decades and the removal of this is objectionable. Particularly during evenings and weekends. They also raise concerns that the proposal would result in an increase in emissions which would be harmful to local air quality.
184. In their response the London Borough of Waltham Forest note that the borough is already a significantly overflowed borough and that any expansion of operating hours would be wholly objectionable. They consider that the shift in operations would result in a fundamental increase in noise and disturbance exacerbating existing adverse impacts to residents. They consider that the proposal would result in additional noise impacts during particularly sensitive time periods such as early morning and at the weekend. They note that a shift to newer generation aircraft will occur without the application being granted and is not within the control of the Airport to deliver. Additionally, they consider that any noise reduction would be offset by the greater number of aircraft flying over the borough for longer hours.
185. The London Borough of Tower Hamlets have raised objections to the proposal on the basis that the loss of curfew period would result in a fundamental increase in noise and disturbance levels to residents within the borough. They consider that the noise reduction achieved from newer aircraft would be offset by the additional flights. Additionally, concerns are raised regarding the impact of the proposal on local air quality as a result of emissions.
186. Officers have given serious consideration to the substantive response and concerns received from residents living in the area and their representatives in conjunction with the substantial harm identified.

187. For this reason, the noise impacts of the proposal on residential amenity form a reason for refusal.
188. Transport and Travel
189. The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. In particular, it offers encouragement to developments which support reductions in greenhouse gas emissions and those which reduce congestion.
190. The NPPF also outlines that developments which generate significant vehicle movements should be located where the need to travel will be minimised and the use of sustainable transport options can be maximised. It is also expected that new development will not give rise to the creation of conflicts between vehicular traffic and pedestrians.
191. London Plan Policy T1 (Strategic approach to transport) sets out a strategic target that 80% of all trips in London to be made by foot, cycle or public transport by 2041. In order to achieve this, Policy T2 (Healthy Streets) requires development plans to deliver patterns of land use that facilitate shorter trips by walking and cycling. Promoting the Healthy Streets Approach is a key aspect of this.
192. London Plan Policy T4 (Assessing and mitigating transport impacts) requires that, mitigation, either through direct provision of public transport, walking and cycling facilities and highways improvements will be required to address adverse transport impacts that are identified.
193. London Plan Policy T5 (Cycling) requires development plans and development to help remove barriers to cycling and create a health environment in which people choose to cycle. This is supported in Policy T6 (Car parking) which states that car-free development should be the starting point for all development

proposals in places that are well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking.

194. London Plan Policy T8 (Aviation) states that All airport expansion development proposals that would impact on passenger movements through London should demonstrate how public transport and other surface access networks would accommodate resulting increases in demand alongside forecast background growth; this should include credible plans by the airport for funding and delivery of the required infrastructure. Airport operators should work closely with airlines, Transport for London and other transport providers and stakeholders to ensure straightforward, seamless and integrated connectivity and to improve facilities and inclusive access. They should also increase the proportion of journeys passengers and staff make by sustainable means such as rail, bus and cycling, and minimise the environmental impacts of airport servicing and onward freight transport.
195. Local Plan Policy INF2 (Sustainable Transport) requires sustainable patterns of movement to be secured, maximising the efficiency and accessibility of the borough's transport network on foot, cycle and public transport, maximising positive health benefits. Reducing the dominance of motor-vehicular traffic in the public realm and making space for other modes is a key requirement of INF2. Local Plan Policy SP8 (Ensuring Neighbourly Development) seeks to encourage sustainable modes of transport including through achieving high standards of access, egress and circulation for all, providing cycle storage facilities and minimising parking stress.
196. Chapter 10 of the ES 'Surface Access' deals with transport to and from the airport (excluding travel via airplanes). In support of this, the applicant has submitted a Transport Assessment.
197. LUC have assessed the ES and consider that the methodologies used in Chapter 10 are reasonable and the conclusions generally supported.

198. In addition to this, LBN's Transport Officer and TfL (within the GLA Stage 1 response) have assessed the application and Transport Assessment with a focus on local impacts. Initially objections were received from both parties regarding concerns over potential impacts of the development on the local transport network. Whilst overall goals for sustainable modes of transport were considered to be in line with policies, concerns were raised on lack of detail provided in the Transport Assessment on mitigation measures and lack of ambition to reduce parking at the site. Additional concerns were raised regarding potential impacts on Canning Town Station.
199. In response, the applicants provided a technical note (dated 25<sup>th</sup> April) which sought to address these comments.
200. In response, both LBN Transport and TfL have acknowledged that while concerns still remain, these could be reasonably addressed via the use of conditions or s106 obligations.
201. LBN Transport consider that the proposal could be effectively mitigated via the use of updated conditions relating to Deliver and Servicing, Construction Logistics and Travel Plans. In addition, s106 agreements would be sought to secure contributions towards highways and junction improvements to mitigate the impacts of additional car journeys from increased passenger numbers, contributions towards walking and cycle route improvements and the provision of an airport shuttle from Custom House and the airport.
202. TfL note that the modal shift of the proposal would be more in line with policy than the parent permissions and that the airport is working towards measures to support zero-carbon flights. They therefore consider that:

*'strategic transport issues could be resolved if permission is granted through s106, planning controls linked to mode shift, conditions and through collaborative working as suggested through a revitalised Airport Transport Forum. The latter needs to be supported by clear commitments on specific aspects pertinent to TfL and DLR, (station upgrades and wayfinding, bus links*

*to the Airport, zero carbon taxis) and appropriate defined controls to allocate funding in a coherent and defined process'*

203. As part of the proposal, the Airport has committed to the funding of a Sustainable Travel Fund (STF) which would provide a minimum of £2m per year to go towards the funding of sustainable travel projects within the area in consultation with TfL and LBN. It is considered that this would allow for a flexible and tangible approach to improving the local environment in terms of transport and is desirable.
204. Had the application otherwise been acceptable, the obligations and conditions suggested by LBN Transport and TfL would have been attached to the decision.
205. Energy Strategy, Carbon Emissions and Climate Change
206. Policy GG6 of The London Plan sets an objective for London to become a zero-carbon city by 2050. Policy SI 2 states that major development should be net zero-carbon and should include a detailed energy strategy. A minimum on-site carbon reduction of 35% beyond Building Regulations. Development proposals referable to the Mayor should calculate whole life-cycle carbon cycle emissions through a nationally recognised Whole Life-Cycle Carbon Assessment. Policy SI 3 and SI4 emphasise that development should consider energy strategies in addressing climate change and heating.
207. Policy T8 also emphasises that aviation related development proposals should include mitigation measures that fully meet their external and environmental costs, particularly in respect of climate change. The supporting text for policy T8 also states that emissions from aviation activities on climate change must be compatible with national and international obligations to tackle climate change.
208. Policy SC2 of the Newham Local Plan supports the above by requiring all development to minimise and reduce carbon emissions and to meet London Plan Zero Carbon targets. It also requires all major development proposals to be accompanied by an Energy Strategy which conforms to the latest GLA guidance.

209. The submitted ES sets out Green House Gas Emissions (GHG) including carbon emissions resulting from the parent permission and that of the current proposal. It notes that the proposal would result in less emissions per passenger due to the use of larger, more efficient aircraft.
210. Non-aviation impacts associated with the development include those that derive from operations, decommissioning and from surface access.
211. Operational emissions from the airport itself are broadly considered to be minor in nature and unlikely to result in significant impacts on local carbon emissions. LBN's consultants note that the submitted ES does not provide direct assessments of the consumption of food and beverages by the additional passengers and the associated emissions impacts that would result. Nonetheless, it is considered that such information could be reasonable addressed via a condition requiring the submission and approval of a management plan.
212. The emissions associated with surface access have been taken into consideration within the transport section of this report. In that section LBN Transport Officers and TfL concluded that the transport impacts of the proposal could have been suitably addressed by an appropriate condition and legal obligations.
213. GHG impacts can result from the decommissioning phases. LBN's consultant has considered that this could be addressed by an appropriately worded condition requiring the submission of an operator management plan to ensure zero-carbon decommissioning methods are used to address this.
214. The submitted ES includes tables setting out the total amount of GHG emissions from the 'Do minimum' scenario vs the 'Development Case' Scenarios:

Table 11-13 DM Scenario Greenhouse Gas Emissions

Scope	GHG Emissions Source	CO <sub>2</sub> e (Tonnes)		
		2027	2031	2050
Scope 1 & 2	Airport: Operational	1,634	0	0
Scope 3	Airport: Other	264	207	74
	Airport: Ground Transport	12,597	10,604	5,336
<b>Airport: Total</b>		<b>14,495</b>	<b>10,812</b>	<b>5,410</b>
Scope 3	Aircraft	314,326 <i>(Of which domestic: 41,127)</i>	301,683 <i>(Of which domestic: 39,366)</i>	24,772 <i>(Of which domestic: 3,232)</i>
<b>Total All Sources</b>		<b>328,821</b>	<b>312,494</b>	<b>30,183</b>

Table 11-19 DC Scenario Greenhouse Gas Emissions and Net Change vs DM Scenario

Scope	GHG Emissions Sources	DC Scenario (CO <sub>2</sub> e Tonnes)			Net Change DC vs DM (Tonnes CO <sub>2</sub> e)		
		2027	2031	2050	2027	2031	2050
Scope 1 & 2	Airport: Operational	1,911	0	0	276	0	0
Scope 3	Airport: Other	321	265	100	57	58	25
	Airport: Ground Transport	15,851	14,527	7,258	3,254	3,922	1,922
<b>Airport: Total (excluding construction)</b>		<b>18,082</b>	<b>14,792</b>	<b>7,357</b>	<b>3,587</b>	<b>3,980</b>	<b>1,947</b>
Scope 3	Aircraft	344,090 <i>(Of which domestic: 41,252)</i>	374,727 <i>(Of which domestic: 41,804)</i>	34,381 <i>(Of which domestic: 3,836)</i>	29,763	73,045	9,609
<b>Total All Sources</b>		<b>362,172</b>	<b>389,519</b>	<b>41,739</b>	<b>33,350</b>	<b>77,024</b>	<b>11,556</b>

215. This indicates that there would be an increase of GHG emissions from aircraft by the following amounts:

216.

2027	2031	2050
10.14%	24.64%	38.38%

217. It is noted that these increases are significant amount over the approved permission. However, Paragraph 5.82 of the Airports National Policy Statement (ANPS) states:

*'Any increase in carbon emissions alone is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the project is so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets, including carbon budgets.'*

218. Additionally, paragraph 188 of the NPPF states that:

*'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.'*

219. Firstly, it is acknowledged that the increase for 2050, although significant would remain an overall reduction in emissions compared to previous years due to the expected adoption of zero-carbon flights.
220. Additionally, the ES has assessed these increases in the context of the national Carbon budget.
221. Carbon Budget period represents legal restrictions on the amount of GHGs the UK can emit over a 5 year period. The applicant has submitted details of the emissions of the airport and aircraft during the 4<sup>th</sup> (2023-2027), 5<sup>th</sup> (2028-2032) and 6<sup>th</sup> (2033-2037) carbon budgets.
222. The ES concludes that net aircraft emissions would represent 0.04% of the 4<sup>th</sup> Carbon budget, 0.14% of the 5<sup>th</sup> and 0.03% of the 6<sup>th</sup>. Emissions from the airport would represent 0.008% of the 4<sup>th</sup> and 5<sup>th</sup> carbon budgets and 0.004% of the 6<sup>th</sup>.
223. It is therefore considered that the proposal would result in a further increase in GHG emissions from aircraft when compared to that of the parent permission, at least initially. However, as noted above the percentages of the carbon budget are all very low and it would not be reasonable to conclude that these impacts would materially impact the ability of government to meet its carbon reduction targets.
224. Relevant to the above is the application at Bristol Airport which was granted on appeal (Reference: APP/D0121/W/20/3259234). This was subsequently challenged in court under reference *Bristol Airport Action Network Co-ordinating*

*Committee v Secretary of State for Levelling Up, Housing and Communities [2023] EWHC 171 (Admin)*. This legal challenge was subsequently dismissed.

225. In making that decision, specific regard was given to the impacts of development on carbon emissions and climate change and to what extent this could be taken into account when deciding if permission should be granted.
226. It was noted at paragraph 82 of the High Court decision that:
227. *‘.. aviation emissions, which can occur at any point in an aircraft’s journey to and from Bristol Airport, are of a different character from, for example, carbon emissions that can be addressed by reducing energy demand through good design of buildings in the area of [North Somerset Council]’*
228. At paragraph 93 it was observed:
229. *‘...emissions become relevant for the purposes of the development plan if, and only if, they are likely to be such as to have a material impact on the Secretary of State’s ability to meet his obligations under the CCA, including by means of carbon budgets. Since the Panel found this was not the position, and given that ground-based emissions could be addressed in the way described in DL216, this meant that granting permission for the development would not be contrary to the development plan. It also meant that aviation emissions were not otherwise a material consideration pointing to a dismissal of BAL’s appeal.’*
230. Both the appeal decision and subsequent high court decisions are material considerations in the assessment of this application.
231. Overall, carbon emissions from non-aviation sources are not considered to be significant in comparison to the extant permission. However, emissions from aircraft would be notable.
232. Such an increase in emissions would be undesirable and would run contrary to the Council’s aims and objectives to address the climate emergency.

233. Notwithstanding this, as noted above, case law indicates that land use planning decisions are not the appropriate regulatory function by which carbon emissions from the aviation industry are managed. As such, in coming to the recommendation in the report, officers cannot assign weight to the impacts of additional flights nor cleaner aircraft on local or national carbon targets.
234. *Energy Strategy*
235. The applicant has submitted an Energy Strategy as part of the proposal. This notes that the proposal would achieve a carbon saving of 46% which is above the 35% required by policy and an 11% betterment over the previously approved permission.
236. This has also been assessed by the GLA who considered that the submitted strategy does not comply with polices SI2, SI3 and SI4 of The London Plan. They note that further information on justification of modelling assumptions would be needed in addition to further details on District Heating Networks and a demonstration that renewable energy has been maximised.
237. In response to this, the applicant provided further clarification on the intended energy strategy including info on the 'Be Lean', 'be Clean' and 'Be Green' Principles.
238. In addition, the applicants have provided further clarification on the Whole Life-Cycle Carbon impacts associated with the proposal.
239. At the time of writing this report, the GLA have not confirmed that the information provided is now sufficient. However, the GLA has confirmed that this does not form an objection to the proposal. Based on the information provided by the applicant to date, it is considered that any further information could reasonably be secured via an appropriately worded condition for assessment in conjunction with the GLA.
240. Had the application otherwise been acceptable, such a condition would have been added to the decision.

241. Other

242. Airports are required to maintain a series of safeguarding controls around the airport which impact on the use and development of surrounding land. Two of the most significant controls include Public Safety Zones ('PSZ'), which are triangular shaped areas of land on either side of the runway where development is strictly limited to control the number of people at risk of death or injury should an accident on take-off or landing, and Obstacle Limitation Surfaces ('OLS') which are the defined surfaces around an airport that need to be kept free of physical obstacles.
243. The impact of the CADP application on the size of the PSZ was considered at length during the determination of the CADP application, as at that time the size and shape of airport PSZs were determined through a risk based approach based on the amount and type of air traffic using an airport, meaning that an application to expand an airport or increase flight numbers could lead to an enlarged PSZ, reducing the development potential of neighbouring sites. In the event, Newham Council and the Secretary of State determined that the expert advice demonstrated the application would not materially alter the PSZ. Since the determination of the CADP application, national policy relating to PSZs changed in 2021 with the adoption of a standardised Public Safety Zone for airports. London City Airport have advised that the standard PSZ set out in national policy is being modified to take account of the airport's dockside location and steep approach, but not the type of air traffic using the airport. Therefore the current planning application is unlikely to alter the size and shape of the PSZ in a way that could impact on the development potential of neighbouring sites in the Royal Docks, such as Silvertown Quays.
244. London City Airport have also been working with the CAA to amend its OLS, in order to support the utilisation of larger aircraft such as the Embraer E195 E-2, and the installation of an Engineered Material Arrestor System ('EMAS') which is a safety feature that stops runway excursions. Limited information has been provided within the planning statement in relation to OLS changes.

245. Although it is considered that the proposed application is unlikely to change the defined safeguarding criteria, insufficient information has been provided in relation to the final outcome of the PSZ and OLS changes, including confirmation that these processes are fully independent of the section 73 application, and whether the changes to the PSZ and OLS have been fully adopted and implemented. In the event that the application was supported by officers, further information would be requested from the airport in respect of these matters.
246. Some objections have made reference to the Mayor's proposed Ultra-Low Emissions Zone (ULEZ) policy which charges car users for emissions in order to help combat climate change. Whilst these objections are noted, this policy sits outside the scope and remit of the Planning process. As such, comparisons to this policy are not a material consideration within the decision making process.
247. The proposed amendments to condition 2 would involve updating relevant plans and documents to be consistent with other minor changes which have been approved since the parent permission was granted. There is no objection to this.
248. The application seeks to amend Condition 35 to remove the 5 year time limit from the temporary facilities to instead link to any revised phasing plans submitted in accordance with Condition 4. Given the nature of the proposal and the recent granting of separate permission for these facilities (22/03047/FUL), this change would be acceptable.
249. Environmental Impact Assessment
250. The CADP1 parent permission was subject to an Environmental Statement (ES) in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations'). This application is required to demonstrate that the environmental impacts that may result from the proposed changes would remain acceptable. This is achieved via the submission of an updated ES.

251. Prior to the submission of this application, the Council undertook and offered a formal Scoping Opinion (ref 22/01859/SCOPE). This set out the topics that the council expected to be covered in the updated ES. As such the submitted ES does not cover the same topics as that submitted with the CADP1 application.
252. The applicant submitted an amended ES with the application and the Council instructed an external review team lead by LUC to provide a critical review of the ES.
253. In respect of decision making, the ES together with any other information which is relevant to the decision, and any comments and representations made on it, must be taken into account by the local planning authority and/or the Secretary of State in deciding whether or not to grant consent for the development.
254. In advising the Council, the review team undertook a criteria-based approach, developed by the Institute of Environmental Management and Assessment (IEMA) hereafter referred to as 'the IEMA criteria'. The IEMA criteria were used to undertake the review. The criteria include general criteria looking at the information contained in the ES, including the presentation of the results and the non-technical summary. Issue-specific criteria address:
- the baseline conditions;
  - assessment of impacts; and
  - mitigation measures and management.
255. The Submitted ES consists of the following volumes/chapters:
- **Volume 1: Main ES**
    - Chapter 1 – Introduction
    - Chapter 2 – Site Description
    - Chapter 3 – EIA Methodology
    - Chapter 4 – Aviation Forecasts
    - Chapter 5 – Planning Consent
    - Chapter 6 – Construction Programme

- Chapter 7 – Socio-Economics, recreation and community
  - Chapter 8 – Noise
  - Chapter 9 – Air Quality
  - Chapter 10 – Surface-Access
  - Chapter 11 - Carbon Emissions and Climate Change
  - Chapter 12 – Public Health & Well Being
  - Chapter 13 – Other Environmental Topics
  - Chapter 14 – Cumulative Effects
  - Chapter 15 – Mitigation and Summary
- **Volume 2: Appendices**  
Includes appendices to the above topics
  - **Volume 3: Need Case**
  - **Volume 4: Transport Assessment**
  - **Non-Technical Summary (NTS)**

256. During the scoping process it was agreed with the Council that the following topics would be ‘scoped out’ of the ES as it was considered that the proposal would not result in significant effects on these topics: Water Resources and Flood Risk; Townscape and Visual Effects; Ecology and Biodiversity; Archaeology and Built Heritage; Ground Conditions and Contamination; Waste; Major Accidents and Disasters.
257. The review of the ES was carried out in two main stages which included an initial review of the ES as submitted; this review identified a number of clarifications and potential Regulation 25 requests and suggested planning conditions for each topic within the ES. These clarifications, potential Regulation 25 requests and suggested planning conditions were reported back to the Applicant with the opportunity to respond and provide further clarity/information as required to provide the external review team with sufficient information to assess compliance with the EIA Regulations. The Applicant provided the clarifications/information to the Council/review team which was further

assessed and reported back to the Council within a Final Review Report (FRR).

258. **Environmental Statement Chapter Summaries**

Note: several chapters refer to different scenarios of development. These are Do Minimum (DM) and Development Case (DC). The DM case represents the situation where passenger numbers remain capped at 6.5mmpa. The DC case represents the approved permission which includes a maximum of 9.5mmpa and the extended hours.

**Chapter 4: Aviation Forecasts**

259. This chapter sets out the previous forecasts for passenger numbers as assessed in CADP1 and provides updated forecasts.
260. CADP1 projected that passenger numbers could reach 6-6.5 million passengers per annum (mmpa) by 2025. Prior to Covid 19, the airport was on track to reach with target with 5 million passengers handled in 2019. The airport now anticipates being back to pre-pandemic passenger levels between 2024-2025.
261. The current forecast shows growth from 2023 onwards with a prediction of 7 mmpa by 2027 and 9 mmpa by 2031.
262. This chapter has been assessed by the Council's Aviation Consultant who considers the forecasts to be generally reasonable but considers passenger forecasts to be optimistic.

**Chapter 5: Planning Context**

263. This chapter sets out an overview of policies which are relevant to the assessment of the proposal and provides a planning history of the site and existing planning conditions.
264. The policies identified in this chapter are considered to be relevant and are acceptable.

## **Chapter 6: Construction Programme**

265. This chapter considers the key activities that will take place on site during construction works and provides an updated construction programme for the CADP project. An update was necessary as Covid 19 caused construction works to be paused and delayed.
266. The chapter outlines all work undertaken so far under the parent permission and sets out how this programme has changed since permission was granted.

## **Chapter 7: Socio-Economics, recreation and community**

267. This chapter analyses the effect on socio-economic conditions associated with the proposal. In particular, an assessment is made on the Employment and Gross Value Added (GVA) impact during construction; Employment and GVA impacts during operation; The impact on the local jobs market; Operational impact on the local community; and wider socio-economic impacts.
268. This has been assessed by LBN officers including from the Employment and Skills team who have recognised the benefits and have made suggestions to alter s106 obligations to ensure that previously secured benefits remain proportional to the overall application.

## **Chapter 8: Noise**

269. This chapter assesses the likely significant effects of the development in terms of noise. This includes noise from, flights into and out of the airport (air noise); Aircraft operations at the airport (ground noise); Road traffic movements related to the airport (road traffic noise); and Construction of the remaining elements of the CADP1 permission (Construction noise). Additionally, operational noise is assessed for baseline year 2019 and for future years under DM and DC scenarios. Additionally, details of the proposed mitigation measures are included.

270. The ES concludes that the effects would be minor adverse impacts. For the reasons discussed in the main body of the report, this conclusion is not concurred with.

### **Chapter 9: Air Quality**

271. This chapter looks at effects of the development in relation to air quality both during the construction and operational phases. It establishes a baseline of monitoring and identifies potential receptors to air quality impacts.
272. The overall conclusion of this chapter is that the air quality impacts would not be significant when assessed against those impacts considered acceptable in the parent permission.
273. LBN's consultants have reviewed this section. Whilst they disagree with some of the methodology used, the overall conclusions are agreed with and it is considered that concerns around UFPs can be addressed with an appropriate condition.

### **Chapter 10: Surface Access**

274. This chapter assessed the impacts of the proposal on the local surface access network. This includes impacts on the local transport network including the DRL and bus networks. Additionally, impacts on parking are assessed.
275. This has been assessed by LUC who note that the methodology used in the assessment is robust and acceptable. Conclusions that impacts of the development on Pedestrian and cycle delay; pedestrian amenity; accidents and safety; and pedestrian fear would be neutral to slight negative significance to be reasonable conclusions.
276. Impacts on the DLR and Elizabeth Line were considered to be negligible and this is also supported by LUC.

## **Chapter 11: Carbon Emissions and Climate Change**

277. This chapter looks at potential impacts on carbon emissions and in particular on the impacts on climate change.
278. The assessment identifies activities contributing to Green House Gases (GHG) in the following categories:
- Scope 1: These include emissions from activities owned or controlled by the airport that release GHG emissions into the atmosphere. They are known as direct emissions and can be controlled by the airport.
  - Scope 2: These include emissions released into the atmosphere associated with the airport's consumption of purchased electricity, heat, steam and cooling. These are indirect emissions that are a consequence of the airport's activities. Whilst the airport does not directly emit these emissions it can control them through its energy management and purchasing decisions.
  - Scope 3: These include emissions that are associated with the airport but occur from sources which are not owned or controlled by the airport and are not classed as Scope 2 emissions. These are indirect emissions; the airport can influence these emissions but not control them.
279. Additionally, sources of GHG resulting from the construction phase have been assessed.
280. The ES notes that emissions from the operational phase of the airport would be negligible compared to the parent permission. LBN's consultants note a lack of information regarding the impact of consumable resulting from additional passengers but consider that this can be adequately addressed via a condition.
281. Emissions from aircraft are considered, based on case law, to sit outside the scope of a planning application assessed at the local level.

## **Chapter 12: Public Health & Well Being**

282. This chapter assesses the population health effects resulting from the proposed development. This includes physical and mental health outcomes, assesses the potential for health inequalities to vulnerable groups and considers opportunities to improve population health.
283. This assessment primarily focusses on the impacts on air quality and noise which have been assessed under those headings in the main body of the report.
284. Overall, the conclusion that the impacts on public health are not significant is generally agreed with. However, LBN's consultants note that information on UFPs is lacking and this should be addressed with an appropriate monitoring condition.

### **Chapter 13: Other Environmental Topics**

285. This chapter covers those topics which were scoped out of the assessment as agreed in the previously issued Scoping Opinion.
286. The topics covered are:
- Townscape (including visual impacts);
  - Water Resources and Flood Risk;
  - Ecology and Biodiversity;
  - Land and Soil (including contamination);
  - Cultural Heritage (including archaeology and built heritage assets);
  - Waste; and
  - Major Accidents and/or Disasters.
287. These topics were scoped out of the ES during the scoping opinion on the assessment that the impacts to these topics, when compared with the parent permission would be unlikely to be materially impacted and would not give rise to new or materially different impacts from those identified in the previous application.

288. The chapter establishes the baseline context, the impacts identified in the CADP1 application and the controls provided by the airport. Each section provides an assessment of the proposal on these topics and concludes in each case that the proposal would not introduce any material impacts over the approved permission or materially worsens those assessed impacts.
289. This has been reviewed and the conclusions agreed with. Officers are satisfied that those scoped out topics will not be materially affected and this is therefore acceptable.

#### **Chapter 14: Cumulative Effects**

290. This chapter assesses the impacts of the cumulative impact of development in combination with major developments in the area. These have been considered in the context of Inter-Project effect (the combined effects from the proposed development with other existing and/or approved developments) and intra-project effects (the combined effects on different types of impact on receptors around the site)
291. **ES Review Conclusion**
292. LUC provided an initial Draft Review Report (DRR) on 4<sup>th</sup> of April 2023. This assessed each chapter and identified any areas in which clarifications or further information was required. It also identified any potential Regulation 25 requests.
293. The applicant provided a detailed response to this during the course of the application.
294. The Final Review Report (FRR) concluded that the Applicant had sufficiently responded to all clarifications and potential Regulation 25 requests and that no further information was required to assess the ES. The ES was considered to provide a thorough and robust assessment of the baseline conditions and enabled a rigorous assessment of the likely significant environmental effects of the development.

295. Notwithstanding the acceptability of the proposal, the Environmental Statement is considered to meet the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations').
296. Overall Conclusions and recommendation
297. Contrary to the findings of the ES, officers have identified significant harm to residential amenity in the form of the noise impacts resulting from the reduction of the existing curfew period. This weights significantly against the proposal.
298. Officers have also given due consideration to the high volume of objections received from residents, MPs and neighbouring Councils regarding the negative impacts of the application on residential amenity.
299. In favour of the application, the applicant has referred to benefits in terms of economic benefits, contributions towards sustainable transport and the faster adoption of cleaner, quieter aircraft.
300. As assessed above, the economic benefits are acknowledged. However, it has been noted that previous targets for employment contributions have failed to achieve targets. As such, moderate weight is assigned in favour of the application with this regards.
301. Proposed contributions to transport are considered to also weigh in favour of the proposal and would help contribute towards sustainable travel methods and help mitigate impacts on the local transport network arising from the increase in passengers. This likewise weighs in favour of the application.
302. One of the key arguments made by the applicant is that the application is key to incentivising aircraft to adopt cleaner, quieter aircraft at a faster rate than would be possible under the existing permission.
303. As discussed in the main body of the report, officers consider that incentives already exist for airlines to re-fleet to newer generation aircraft. Additionally, this

would not outweigh the harm caused by the flights into the curfew which introduce new, material noise impacts to nearby residents.

304. As noted in the carbon/climate change section of the report, case law indicates that land use planning decisions are not the appropriate regulatory function by which carbon emissions from the aviation industry are managed. As such, in coming to the recommendation in the report, officers cannot assign weight to the benefits of cleaner, more efficient aircraft with regards to carbon emissions.
305. Overall, it is considered by officers that benefits of the scheme fail to adequately mitigate or address the substantial harm identified. The noise impacts of the loss of the curfew would result in negative impacts to residential amenity of residents. This would be contrary to the NPPF, London Plan and Local Plan.
306. The application is therefore recommended for refusal.

307. Reasons for Refusal

308. 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)
309. 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.

Note to Applicant: This final reason for refusal could be overcome following the submission of an acceptable proposal and the completion of a S.106 legal agreement which address each of the above points.