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Application Number: PA/23/00301
Your ref: 22/03045/VAR

Enquiries to: Fran Haines
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20 April, 2023

Dear Liam McFadden,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015**

OBSERVATIONS TO A NEIGHBOURING PLANNING AUTHORITY

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

Thank you for your letter requesting the observations of the London Borough Tower Hamlets on the above application. I would be grateful if you would take the observations set out above into consideration:-

1.

London City Airport has submitted an application to the London Borough of Newham (LBN) 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

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The London Borough of Tower Hamlets (LBTH) has been consulted as a statutory consultee. Please accept this letter and its contents as the Council's formal consultation on London City Airport's Section 73 application.

Application Site

The application site is located in the Royal Docks, between King George V Dock to the south and Royal Albert Dock to the north. The airport is approximately 3.2km east of Canary Wharf and is approximately 2km from the boundary of London Borough of Tower Hamlets. A large area of LBTH sits under the flight path of planes coming in to land at London City Airport.

Proposed Development

LBTH understands that the expansion to London City Airport includes proposals to:

- Increase the cap on annual passenger numbers from 6.5 million to 9 million passengers per annum;
- Extend the permitted hours for flight movements into Saturday afternoons and an additional 3 aircraft movements between 6am and 9am on Mondays to Saturdays.
- Extend aircraft take-off and land times on Saturdays to between 06:30 and 18:30 (previously until 12:30)
- Extend aircraft maintenance and repair/ground running times on Saturdays until 18:30 (previously 12:30)
- Extension of terminal opening hours on Saturdays from 13:00 closing time to 20:00

Previous Consultation

LBTH had previously commented on the 2013 application (LBN ref. 13/01228/FUL, allowed at appeal on 26th July 2016), which granted permission for passenger facilities and infrastructure including terminal extensions and new aircraft stands. LBTH raised objection on each round of consultation of the 2013 application.

This response incorporates advice from the Council's Environmental Health Noise and Air Quality officers, Highways and Transport officers and Environmental Impact Assessment Specialist.

The Environmental Statement (ES)

The ES states in Paragraph 3.3.20 that significant effects from the CAP1 scheme have been scoped out of the ES on the basis that they will remain unchanged from the 2015 ES. This approach is not in accordance with the EIA Regulations which requires the ES to assess the significant effects of the Proposed Development

sought for approval and must be valid at the time of determination. LBTH strongly advises the LBN to issue a Regulation 25 request, to ensure the likely significant effects that have been incorrectly scoped out are assessed in the ES as required by the EIA Regulations. It is noted that Chapter 13 of the ES, states the 2015 ES reported significant effects in relation to Townscape, and notes that other reported significant effects were mitigated by the measures briefly described in Chapter 13, albeit adverse effects would still remain.

The ES has scoped out assessment of Major Accidents and Disasters on the basis that risks will be managed by processes or protocols already in place, such as the airfield being governed by a rigorous safety regime and licensed by the CAA. However, it is not considered sufficient information has been provided regarding the existing protocols being relied upon, the ES should include a definition of the current systems in place to address impacts for these matters (and explain any changes that may be required to those current systems). Where significant effects are likely to occur, this should be assessed in the ES. In addition, there is no consideration to the potential effects of biosecurity or how this would be managed. It is relevant to note that Major Accidents and Disasters have been scoped into the ESs in relation to other airport expansions including Gatwick, Heathrow, and Luton Airports and therefore it cannot be assumed there would be no likely significant effects on the basis the Proposed Development is an airport project. LBN is advised to refer to the relevant Scoping Opinions issued by the Planning Inspectorate and issue a Regulation 25 request in this regard.

LBN is advised to consider whether the methodology adopted in the ES is appropriate and does not under or overstate the assessment of effects.

Paragraph 3.7.12 of the ES states that the whole of the Proposed Development has been assessed, in addition to assessing the difference between the Do Minimum (CADP1) Scenario and the Development Case (CADP1 plus the proposed amendments), as well as sensitivity tests of various options within these scenarios. However, it does not appear that the baseline without CADP1 has been established in the ES. Paragraph 3.4.6 of the ES also confirms that a without CADP1 scenario i.e. the baseline, has not been assessed. LBTH are therefore concerned the whole development which is subject to the EIA i.e. CADP1 plus the Proposed Amendments has not been assessed within the ES as required by the EIA Regulations. LBN is advised to issue a Regulation 25 request in this regard, to ensure the likely significant effects of the Proposed Development subject to the application are assessed in the ES.

The cumulative schemes scoped out of the assessment as per Appendix 14.1 should be reviewed. ID 65, Blackwall Reach, is not yet complete and operational, not all reserved matters applications have been submitted, and demolition has not yet commenced for Phase 3. ID 66, Wood Wharf, is not yet complete, construction has not commenced for all reserved matters applications. ID 71, South Quay Plaza, is not yet complete, in addition there is a Section 73 application (PA/21/02721) which is likely to be determined prior to the Proposed Development. In addition, the majority of cumulative schemes in LBTH are scoped out on the basis of distance, however the ES demonstrates that the Proposed Development would result in adverse effects in the locations of the majority of the schemes, so it is not agreed that there is not possibility of cumulative effects. It is however noted that the Noise and Vibration Chapter has assessed schemes that are listed as scoped out in

Appendix 14.1. LBN is advised to issue a Regulation 25 request in this regard.

LB Newham as the decision making authority must satisfy themselves that the ES is robust, meets the requirements of the EIA Regulations, and can be relied upon to make a decision.

Air Quality

The ES states that air emissions per passenger are predicted to fall by 2031. However, the total air emissions will increase from the existing levels with the proposed expansion. This overall increase is in conflict with local, regional and national air pollution targets on reducing air emissions. The proposals will worsen the local air quality and its exposure to residents.

Figure 9.4 of Chapter 9 – Air Quality, confirms that several receptors in LBTH have been assessed. However, the figure is not marked up with receptor ID from Appendix 9.2, and it's unclear what the receptors ID are for Aspen Way, Leamouth Road or Lower Lea Crossing, as none of these road names are listed. In addition, none of the grid references in Table 9.2.1 of Appendix 9.2 are locations in LBTH. It is therefore not clear if these roads have been assessed or what the air quality effects on LBTH are.

The assessment has concluded that the Greater London Authority Target of 10 µg/m³ will be exceeded in all scenarios, with the greatest change from the Proposed Development at 1%. This would also result in the exceedance of the Environmental Improvement Plan interim target of 12 µg/m³ by 2028 being exceeded. It is apparent that the Proposed Development contributes to this target not being met.

Table 9.4.14 of Appendix 9.4 confirms that the Proposed Development would result in increase to Nitrogen Dioxide Concentrations at all locations assessed.

Noise

In respect of the proposed increase in the number of flights from 6 to 12 between 06:30 and 06:59 and increasing the number of flights in the last half hour of each day, the resultant shift in operations would give rise to a fundamental increase in noise and disturbance levels, drastically exacerbating the current adverse impacts endured by residents. It is anticipated that 3dB noise reduction will be negligible, due to offset by a greater number of aircraft flying over the borough for longer hours. No evidence has been provided within the consultation document as to how the cap has been used to date or why there is a need for an extension given the cap should only be used in exceptional circumstances not as part of the general airport operation. The proposed extension of operational hours on Saturday to allow flights to take place throughout the afternoon and potentially into the evening would remove a significant period of respite from noise. LBTH Environmental Health Noise team objects to the proposed variation of conditions.

As confirmed in Figure 8.3.1 of Appendix 8.3, the study area for the assessment of air noise extends into LBTH. However, it is unclear why the road noise study area, is limited as per the description in Paragraph 8.3.16 of the ES. Whilst it is agreed that road noise is likely to be greater closer to the airport, it does not preclude adverse

and significant adverse effects occurring further than the study area assessed. It is considered that further justification should be given in relation to the traffic figures established, to confirm whether the study area should be extended, noting for example Lower Lea Valley Crossing (Westbound) experiences an increase of traffic of 10.3% in the PM peak hour. LBN is advised to issue a Regulation 25 request in this regard.

Chapter 8 states that in the 2025 and 2027 Development Case Scenarios, the increase in air traffic movements is offset to some extent by the use of quieter craft in the Development Case Scenario compared to the Do Minimum Scenario. Table 8.7 of the ES provides some detail of the aircraft assessed, and it is understood that the composition assessed is as per Figure 4.3 and 4.4 of the ES. The use and composition of quieter aircraft would need to be secured in any given consent, to ensure the effects are as reported in the ES.

The change to operating hours would result in increased noise and disturbance from aircraft affecting the health and wellbeing of residents. Tower Hamlets residents should expect to have some respite from the adverse impacts of the airport during the weekends.

Transport

The proposed extension of the airport and the hours of operation will result in an increase in motor vehicle traffic and public transport use. This will undoubtedly affect LBTH residents as the traffic will impact on the road network within the Borough, albeit mainly on the strategic roads as well as increasing through traffic from outside the Borough north, south and west. Although the proposals are for extending the flight hours over the weekend, when the roads are somewhat quieter, this will lead to an increase in congestion and pollution from vehicles, as will the number of flights themselves.

LBTH declared a climate emergency in 2019 and it is not considered that a proposal such as this can contribute towards that pledge. In terms of public transport, there will undoubtedly be a rise in trips on the DLR at times when it is mainly used for leisure purposes (as well as access to the London Stadium on event days) and runs less trains. LBTH urge TfL to assess whether the capacity on the public transport infrastructure will be compromised.

In terms of highways, the 50%+ rise in air traffic and the resultant impacts on the road and transport system is of significant concern and LBTH Highways Officers object to the proposal on the grounds of the Council's declared climate emergency.

Climate Change

In 2019, LBTH declared a climate emergency and the Council is now implementing a Net Zero Carbon Action Plan which sets out our goals and commitment to tackling the climate emergency.

Table 11-38 of the ES concludes that no effects will be significant from the resilience to climate change assessment, despite Moderate and Large adverse effects being concluded and no further mitigation measures proposed. Noting that Chapter 3 of the ES confirms moderate and major effects are significant. In

addition, Table 11.36 of the ES which presents the significance of effects matrix for the resilience to climate change assessment, is not in accordance with significance matrix set out in IEMA Environmental Impact Assessment Guide to Climate Change Resilience and Adaptation (2020) whereby a medium likelihood, and moderate consequence would result in a significant effect. The significance matrix and assessment should be amended in line with best practice guidance, as it currently underplays the likely significant effects. LBN is advised to issue a Regulation 25 request in this regard.

Adverse effects are reported from the Proposed Development in greenhouse gases and resilience to climate change. LBTH disagree that these effects should be regarded as insignificant, given the scale of the greenhouse gas emissions, and the issues with the methodology used in the resilience to climate change assessment as set out above.

Socio-economic issues

It is understood that LBTH forms part of the Local Area study area used in Chapter 7 - Socio-Economics of the ES. It is noted that the ES states the following significant effects would occur on the Local Area:

- Local Employment – Moderate beneficial effect in 2031
- Local Jobs – Moderate beneficial effect in 2031.

A moderate beneficial effect in 2027 and 2031 is also reported on the regional area on the wider socio-economic impacts of the Proposed Development. It is noted that the s106 will include a target of 70% of new recruits are residents from the Local Area. LBTH do not consider the socio-economic benefits of the scheme to outweigh the harm caused to residents of the borough.

Conclusion

Tower Hamlets objects to the proposed development on the basis that the proposals would lead to adverse effects on residents in terms of air quality, noise and disturbance, vibration, increase in traffic movements and greenhouse gas emissions. The amendments as proposed would only seek to worsen the effects of CADP1.

The environmental and amenity impacts of the proposals would not be outweighed by the minor social and economic benefits that may occur.

Furthermore, the ES is inadequate in accordance with the EIA Regulations 2017 (as amended), noting the recommended Regulation 25 points raised above. Where an ES does not meet the requirements of the EIA Regulations the applicant can only be refused until the Regulation 25 matters are addressed. LBTH advises LBN to request further information in accordance with Regulation 25 of the EIA Regulations.

On behalf of the Council, officers respectfully request the London Borough of Newham to refuse the application.

If you require any further information please contact the officer named at the top of this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jennifer Peters', written in a cursive style.

Jennifer Peters, Director Planning and Building Control