

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

Date: 17th June 2022

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

Dear Sir

Application No: 22/00807/AOD

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

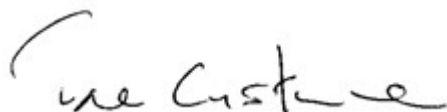
Proposal: Approval of details pursuant to Condition 18e (Aircraft Noise Categorisation Scheme) and Condition 19b (Review and Reporting on the Approved Aircraft Noise Categorisation Scheme) attached to Planning Consent 13/01228/FUL dated 26.07.2016.

The London Borough of Newham hereby gives notice with respect to your submission of details pursuant to planning permission 13/01228/FUL validated on 31st March 2022

Condition 18e and 19b is **APPROVED** to the details submitted and approved, and subject to the conditions and reasons stated within the accompanying report.

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

Signed:



Jane Custance
Director of Planning and Development
London Borough of Newham

TOWN AND COUNTRY PLANNING ACT 1990

Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

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

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

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

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

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

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

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

2. Subsequent Application Fees

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

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


3. Purchase Notices

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

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

4. Compensation

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

Delegated Report			
Application for approval of details reserved by condition.			
Case Officer:	Duncan Ayles	Valid Date:	31 st March 2022
Application Number:	22/00807/AOD	8-Week Date:	25 th May 2022
Deemed Discharge Notice:	No	PEA Date:	N/A
Address:	London City Airport Hartmann Road Silvertown London		
Proposal:	Approval of details pursuant to Condition 18e (Aircraft Noise Categorisation Scheme) and Condition 19b (Review and Reporting on the Approved Aircraft Noise Categorisation Scheme) attached to Planning Consent 13/01228/FUL dated 26.07.2016.		

Assessment:

Condition 18	Aircraft Noise Categorisation Scheme
<p>18 Aircraft Noise Categorisation Scheme</p> <p>a) Prior to the first beneficial use of the Development an Aircraft Noise Categorisation Scheme shall be submitted to and approved in writing by the local planning authority;</p> <p>b) such an Aircraft Noise Categorisation Scheme shall be implemented as approved and thereafter the Airport shall be operated in accordance with the approved Aircraft Noise Categorisation Scheme or any review thereof that has been approved in writing by the local planning authority;</p> <p>c) subsequent to implementation of the approved Aircraft Noise Categorisation Scheme (except in the case of immediate emergency to aircraft and/or persons on board), no aircraft shall land at or take-off from the Airport unless the type of aircraft has first been categorised in accordance with the approved Aircraft Noise Categorisation Scheme;</p> <p>d) the Aircraft Noise Categorisation Scheme shall be based on and include (but not be limited to):</p> <ul style="list-style-type: none"> i. a Quota Count System in use for night noise at other UK designated airports; ii. the use of the Integrated Federal Aviation Authority Integrated Noise Model Version 7 or later version adjusted for the specific characteristics of London City Airport; iii. a Quota Count classification in 1dB steps; iv. a programme of parallel operation with the Noise Factored Scheme; v. an overall Quota Count budget for each calendar year; vi. a maximum permitted noise level or Quota Count classification; and vii. the noise exposure permissible as a result of Quota Count Budget for annual Aircraft Movements, which shall be: <ul style="list-style-type: none"> • equivalent to 120,000 Noise Factored Movements per calendar year (as determined in accordance with the Noise Factored Scheme); • no worse than the airborne aircraft noise effects assessed in the UES; and • in accordance with Condition 33 (noise contour area); and <p>e) the approved Aircraft Noise Categorisation Scheme shall supersede the Noise Factored Movement Scheme immediately upon the written approval by the local planning authority of the review of the Aircraft Noise Categorisation Scheme after 12 months of its introduction in accordance with Condition 19, and subsequently the total realised Quota Count at the Airport shall not exceed the approved Quota Count Budget in any calendar year.</p> <p>Reason: <i>In the interests of limiting the number of aircraft movements in order to protect the amenity of current and future occupants and neighbours and with regard to saved policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policy 7.15 of the London Plan (consolidated with alterations since 2011 and</i></p>	

published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).

19 Review and Reporting on the Approved Aircraft Noise Categorisation Scheme


Following implementation of the Aircraft Noise Categorisation Scheme approved pursuant to Condition 18:

- a) a report shall be submitted to the local planning authority annually on 1 June or the first working day thereafter as part of the Annual Performance Report on the performance and/or compliance with the approved Aircraft Noise Categorisation Scheme during the previous calendar year; and
- b) the approved Aircraft Noise Categorisation Scheme shall be reviewed not later than the 1st and 4th year after its introduction and every 5th year thereafter. The reviews shall be submitted to the local planning authority within 3 months of such review dates for written approval and implemented in accordance with an approved timeframe and maintained thereafter.

***Reason:** In the interests of limiting the number of aircraft movements in order to protect the amenity of current and future occupants and neighbours, and with regard to saved policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policy 7.15 of the London Plan (consolidated with alterations since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

<p>Details Submitted and APPROVED:</p>	<p>LONDON CITY AIRPORT 2022 REVIEW OF AIRCRAFT NOISE CATEGORISATION SCHEME (ANCS) A11327_16_RP029_4.0 22 March 2022</p> <p>LONDON CITY AIRPORT AIRCRAFT NOISE CATEGORISATION SCHEME (ANCS) 2022 UPDATE</p>
<p>Details submitted for information (Not approved):</p>	<p>CONDITION 18 ANCS AND 19 EIA STATEMENT OF CONFORMITY 220331 Application Form</p> <p>The EIA statement of conformity is submitted pursuant to condition 3 of the CADP consent.</p> <p>3 Environmental Statement The Development shall be carried out in accordance with the environmental standards, mitigation measures, requirements, recommendations and methods of implementing the Development contained in the Updated Environmental Statement (UES) and revisions, February 2016.</p> <p><i>Reason: To ensure that the Development is carried out in accordance with the UES, dated September 2015, and the mitigation measures proposed therein.</i></p>
<p>Officer Assessment:</p>	<p>The application seeks to discharge the four year review of the ANCS Scheme pursuant to conditions 18 (e) and 19 of the CADP consent.</p> <p>The Council's noise and pollution manager was consulted on the</p>

	<p>application at pre-application and application stage. He has confirmed that the applicant has addressed all of the issues raised at pre-application stage in correspondence, so that he can now support the application.</p> <p>The review does not recommend changes to the noise modelling methodology, maximum permissible noise levels or overall QC budget. The review does propose changes to the procedure for determining the arrival QC values for jet aircraft, so that it includes consideration of certified noise levels. The review also recommends formalisation of the procedure to assign QC Values to light propeller aircraft.</p> <p>Based on the information submitted and consultation response received from the Council's noise manager, it is concluded that the proposed scheme is in line with relevant policy and guidance. The applicant has also provided a statement of conformity with the CADP Environmental Statement, demonstrating conformity with the original ES.</p> <p>A number of neighbouring authorities and the GLA have been consulted with respect to the application and have not responded. It is noted that the CADP Planning obligation comprised a requirement to consult the GLA on the ANCS, and provided a contribution from the airport to assist in the GLA's review of the ANCS. This obligation has been discharged and does not relate to the four year review.</p> <p>The next review of the ANCS will be in five years, in 2027 with a further review due in 2032.</p>
Officer Recommendation:	Approve
Conditions and Reasons:	The development shall be implemented in accordance with the Details Submitted and APPROVED listed above only.

Officer Recommendation:	To approve the details identified as Submitted and APPROVED listed above, pursuant to condition 18e and 19b attached to planning permission 13/01228/FUL dated 26 th July 2016.
Authorising officer Signature:	
Authorising officer	James Bolt, Senior Development Manager
Date:	17 June 2022

Appendix 1:

<p>The Council's decision to approve the submitted details in this instance arose following careful consideration of the relevant provisions of the Council's adopted development plan and of all other relevant material considerations, including the approved Environmental Statement.</p> <p>Of particular relevance to this decision were the following Framework and Development Plan policies and ES documents:</p>	
<i>National Planning Policy Framework</i>	
<i>London Plan 2021</i>	T8 Aviation
<i>London Borough of Newham Local Plan 2018</i>	SP2 Healthy Neighbourhoods
<i>EIA Approved UES</i>	<p>The application includes a statement of conformity demonstrating that the scheme is in accordance with the Original Environmental Statement submitted with the application.</p> <p>3 Environmental Statement</p> <p>The Development shall be carried out in accordance with the environmental standards, mitigation measures, requirements, recommendations and methods of implementing the Development contained in the Updated Environmental Statement (UES) and revisions, February 2016.</p> <p>Reason: <i>To ensure that the Development is carried out in accordance with the UES, dated September 2015, and the mitigation measures proposed therein.</i></p>

Appendix 2:

Consultations:		
<i>Consultee:</i>	<i>Date Consulted:</i>	<i>Summary of response:</i>
Greater London Authority	20th April 2022	No response
Civil Aviation Authority	20th April 2022	No response
Environment Agency	20th April 2022	No response
L City Airport Consultative Committee	20th April 2022	No response
LBN Environmental Health - Pollution General	20th April 2022	<p>As you are aware meetings and correspondence have taken place previously about the ANCS and a number of issues were raised in light of the submitted Annual Noise Monitoring Report. I attach to this email the correspondence referred to.</p> <p>The attached email provides explanation for the issues raised and in turn, justification for the amended ANCS under review within</p>

		<p>this AOD application. In light of previous discussions and the attached email I can support discharge of Condition 18e (Aircraft Noise Categorisation Scheme) and 19b (Review and Reporting on the Approved Aircraft Noise Categorisation Scheme), attached to planning permission 13/01228/FUL.</p> <p>Please do not hesitate to contact me should you wish to discuss this further.</p>
London Borough Of Redbridge	20th April 2022	No response
London Borough Of Tower Hamlets	20th April 2022	No response
London Wildlife Trust	20th April 2022	No comment
Royal Borough Of Greenwich	20 th April 2022	No objection
London Borough Of Waltham Forest	26 th May 2022	No comment
Head Of Planning London Borough Of Havering	26 th May 2022	No response
London Borough Of Barking & Dagenham	26 th May 2022	No response

Informative:

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