



Jane Custance
Director of Planning and Development
Newham Dockside
1st Floor, West Wing
Dockside Road
London, E16 2QU

Jane Stewart
Hartmann Road
Silvertown
London
E16 2PX

Date: 27th September 2022

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

Dear Sir/Madam,

Application No: 22/02035/AOD

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

Proposal: Approval of details pursuant to Condition 31 (Noise Management and Mitigation Strategy) attached to planning permission 13/01228/FUL (Allowed on Appeal APP/G5750/W/15/3035673 dated 26th July).

The London Borough of Newham hereby gives notice with respect to your submission of details pursuant to planning permission 13/01228/FUL (Allowed on Appeal APP/G5750/W/15/3035673) validated on 19.08.2022.

Condition 31 is **APPROVED** subject to the details submitted and approved, and subject to the conditions and reasons stated within the accompanying report.

Signed:

A handwritten signature in black ink, appearing to read "Jane Custance".

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:	Liam McFadden	Valid Date:	19.08.2022
Application Number:	22/02035/AOD	8-Week Date:	13.10.2022
Deemed Discharge Notice:	No	PEA Date:	N/A
Address:	London City Airport Hartmann Road Silvertown London		
Proposal:	Approval of details pursuant to Condition 31 (Noise Management and Mitigation Strategy) attached to planning permission 13/01228/FUL (Allowed on Appeal APP/G5750/W/15/3035673 dated 26th July).		

Assessment:

Condition 31	Noise Management and Mitigation Strategy
<p>Prior to the Commencement of Development a Noise Management and Mitigation Strategy (NOMMS) shall be submitted to the local planning authority for approval in writing.</p> <p>The NOMMS shall be implemented as approved and thereafter the Airport shall only operate in accordance with the approved NOMMS.</p> <p>Following implementation of the approved NOMMS, 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 compliance with the approved NOMMS during the previous 12 month period.</p> <p>The approved NOMMS shall be reviewed not later than the 5th year after approval and every 5th year thereafter. The reviews shall be submitted to the local planning authority within 3 months of such review dates for approval in writing, and implemented as so approved.</p> <p>The NOMMS shall include, but not be limited to:</p> <ul style="list-style-type: none"> • Combined Noise and Track Monitoring System; • Quiet Operating Procedures; • Penalties and Incentives; • Control of Ground Noise; • Airport Consultative Committee; • Annual Noise Contours; • Integrity of NOMMS; • Auxiliary Power Units; • Reverse Thrust; and • Sound Insulation Scheme. <p>Reason: In the interests of limiting noise and to protect the amenity of current and future occupants and neighbours 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:	<ul style="list-style-type: none"> • Noise Management and Mitigation Strategy (Dated August 2022) • Review of Noise Monitoring and Mitigation Strategy (Dated May 2022)

Details submitted for information (Not approved):	<ul style="list-style-type: none"> Cover Letter (Dated 18 August)
Officer Assessment:	<p>The NOMMS is a key document, comprising all the main means of aircraft noise control. The submitted report covers all the controls listed in Condition 31, as listed above. No additional controls are included, or required.</p> <p>The NOMMS was approved by the Council as 17/01002/AOD on 19th May 2017. was resubmitted in 2018 (ref 19/00825/AOD) to seek two changes to the details previously approved as follows:</p> <ul style="list-style-type: none"> i. A change to the penalty limits within the Incentives and Penalties Scheme (IPS) (Appendix C) to reflect the outcome of the 12-month review process with LBN; and ii. A change to the wording of the Sound Insulation Scheme (SIS) (Appendix J) to reflect some minor amendments agreed in principle with officers. The revised wording clarifies the temporary measures that are available in exceptional circumstances where SIS works have been accepted but not yet delivered. <p>In accordance with Condition 31, the NOMMS is required to be reviewed every five years. The applicants have undertaken a review of the NOMMS which was submitted to the Council in May 2022. This application seeks to replace the approved NOMMS with a revised NOMMS which takes account of the findings of the review.</p> <p>This has been assessed by the Council's Environmental Health team who raise no objections.</p> <p>The submission is consistent with all relevant Development Plan policies, as listed in Appendix 1. It should be noted that the list of LBN Local Plan policies in the Reason for Conditions has been superseded by the LBN Local Plan adopted in December 2018.</p> <p>The submitted details comply with the requirements of Condition 31 of permission 13/01228/FUL.</p>
Officer Recommendation:	Approve
Conditions and Reasons:	<p>The development shall be implemented in accordance with the Details Submitted and APPROVED listed above only.</p> <p>Reason: In the interests of limiting noise and to protect the amenity of current and future occupants and neighbours 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>
Officer Recommendation:	To approve the details identified as Submitted and APPROVED listed above, pursuant to condition 31 attached to 13/01228/FUL (Allowed on Appeal APP/G5750/W/15/3035673 dated 26th July).
Authorising officer Signature:	
Authorising officer	James Bolt, Senior Development Manager

Date:	27 September 2022
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Appendix 1:

<p>The Council's decision in this instance arose following careful consideration of the relevant provisions of the Council's adopted development plan and of all other relevant material considerations, including the approved Environmental Statement.</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 (MHCLG, July 2021)</i>	
<i>The London Plan (GLA, March 2021)</i>	SI 1 Improving Air Quality
<i>Newham Local Plan (December 2018)</i>	INF1 – Strategic Transport SP2 – Healthy Neighbourhoods SP8 – Ensuring Neighbourly Development
<i>EIA Approved ES</i>	<p>The covering letter includes Appendix 2 – Statement of Conformity with the Updated Environmental Statement for Planning Permission 13/01228/FUL dated 26th July 2017. This is a requirement of Condition 3 of the Permission:</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>Reason: To ensure that the Development is carried out in accordance with the UES, dated September 2015, and the mitigation measures proposed therein.</p>

Appendix 2:

Consultations:		
<i>Consultee:</i>	<i>Date Consulted:</i>	<i>Summary of response:</i>
LBN Environmental Health - Pollution General	7th September 2022	<i>In light of the information supplied and meetings held with the airport previously on this matter, I can support discharge of this AOD pursuant to Condition 31 (Noise Management and Mitigation Strategy), attached to planning permission 13/01228/FUL (Allowed on Appeal APP/G5750/W/15/3035673 dated 26th July).</i>
London City Airport	7th September 2022	<i>No response</i>

Informative:

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

