



Amanda Reid
Director of Planning and Development, Chief
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Newham Dockside
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Dockside Road
London, E16 2QU

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

Date: 2 March 2020

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

Dear Sir

Application No: 20/00373/AOD

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

Proposal: Approval of details pursuant to Condition 47 (Auxiliary Power Units) 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 validated on 19th February 2020.

Condition 47 is **APPROVED** subject 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:

A handwritten signature in black ink that reads "Amanda Reid".

Amanda Reid
Director of Planning and Development, Chief Planning Officer
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:	Dave Whittaker	Valid Date:	19th February 2020
Application Number:	20/00373/AOD	8-Week Date:	14.04.2020
Deemed Discharge Notice:	No	PEA Date:	N/A
Address:	London City Airport Hartmann Road Silvertown London E16 2PX		
Proposal:	Approval of details pursuant to Condition 47 (Auxiliary Power Units) attached to planning permission 13/01228/FUL (Allowed on Appeal APP/G5750/W/15/3035673 dated 26th July).		

Assessment:

Condition 47	Auxiliary Power Units
<p>47 Auxiliary Power Units</p> <p>The use of any Phase shall not begin until an Auxiliary Power Unit Strategy for that Phase has been submitted to and approved in writing by the local planning authority and implemented as approved. The submitted strategy shall include but not be limited to provide details of the position, orientation and use of aircraft before and after landing and taking off including conditioning of the cabin and equipment. Except in cases of immediate emergency to persons on board an aircraft, or where fault occurs, no Auxiliary Power Unit shall be used other than for essential conditioning of aircraft cabins and equipment prior to departure limited to a maximum of 10 minutes before an aircraft's departure from the stand or 10 minutes after an aircraft's arrival on the stand.</p> <p>Annually on 1 June (or the first working day thereafter) in each year after the Commencement of Development and as a part of the Annual Performance Report, LCY shall provide a report containing details of the use of Auxiliary Power Units at the Airport in the previous calendar year.</p> <p>Reason: <i>In the interest of protecting environmental amenity from noise and pollution impacts.</i></p>	
Details Submitted and APPROVED:	<ul style="list-style-type: none"> Report: London City Airport – Condition 47 – Auxiliary Power Unit Strategy – Version 2 – February 2020
Details submitted for information (Not approved):	<ul style="list-style-type: none"> Covering Letter Site Location Plan London City Airport - Auxiliary Power Unit Strategy - June 2018
Officer Assessment:	<p><u>Report</u></p> <p>This application is submitted to meet the requirements of Condition 47 – Auxiliary Power Unit Strategy – attached to permission 13/01228/FUL.</p> <p>The applicant states that an Auxiliary Power Unit (APU) Strategy was previously effectively approved by the Council through a combination of:</p> <ol style="list-style-type: none"> permission 19/00835/AOD (Noise Monitoring and Management Strategy - NOMMS), approved on 23rd April 2019. The relevant section of the NOMMS has been updated and incorporated as a part of the APU Strategy report 2020 submitted for approval under Condition 47; and an APU Strategy receiving written agreement at LBN officer level on 2nd July 2018, as required by the London City Airport Air Quality Action Plan, approved through permission 16/03022/S106 on 3rd October 2016. The relevant sections of this APU Strategy have been updated and incorporated as a part of the APU Strategy report 2020 submitted for approval under Condition 47. <p>The 2018 Strategy has been submitted by the applicant for information.</p>

	<p>The case officer can confirm that the above information is correct.</p> <p>The relevant sections of these two documents have been combined and updated – only minor changes have been required - and form the core of the APU Strategy report submitted for approval under Condition 47.</p> <p>The case officer advised the applicant that a small number of minor amendments should be made to the original submitted report; this was done and resubmitted as Version 2.</p> <p><u>Consultation</u></p> <p>Given that the various elements of the Auxiliary Power Unit Strategy submitted for approval have already been approved by the Council, which included the appropriate external and internal consultees, with no objections received, consultation on the current submission has been limited to the LBN Pollution Control Team, who have stated that they have no comment.</p> <p><u>Conclusion</u></p> <p>The submission is consistent with all relevant Development Plan policies, as listed in Appendix 1.</p> <p>The submitted details comply with the requirements of Condition 47 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: <i>In the interest of protecting environmental amenity from noise and pollution impacts.</i></p>

Officer Recommendation:	To approve the details identified as Submitted and APPROVED listed above, pursuant to condition 47 attached to permission 13/01228/FUL.
Authorising officer Signature:	
Authorising officer	James Bolt, Senior Development Manager
Date:	2 March 2020

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 Updated Environmental Statement.</p> <p>Of particular relevance to this decision were the following Framework and Development Plan policies and ES documents:</p>	
National Planning Policy Framework (NPPF) (MHCLG, Feb 2019)	
The London Plan: Spatial Development Strategy for London (GLA, consolidated with alterations since 2011, published March 2016)	Policy 6.6 - Aviation
<p>The Mayor of London's Draft London Plan - Intend to Publish version December 2019 is under Examination. Having regard to NPPF paragraph 48 the emerging document is a material consideration and appropriate weight will be given to its policies and suggested changes in decision-making, unless other material considerations indicate that it would not be reasonable to do so.</p>	
Draft London Plan - Intend to Publish version December 2019	Policy T8 – Aviation
Joint Waste Development Plan for the East London Waste Authority Boroughs (adopted February 2012)	Not applicable
London Borough of Newham Local Plan 2018	<p>Policy INF 1 – Strategic Transport</p> <p>Policy SP 2 – Healthy Neighbourhoods</p> <p>Policy SP 8 – Ensuring Neighbourly Development</p>
EIA Approved Updated Environmental Statement	<p>The submitted covering letter includes Appendix 1 – UES Conformity Statement. This is a requirement of Condition 3 of planning permission 13/01228/FUL:</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: To ensure that the Development is carried out in accordance with the UES, dated September 2015*, and the mitigation measures proposed therein.</p> <p>*NB – this is an error in the Decision Letter and should read 'dated February 2016'.</p>

Appendix 2:

Consultations:		
Consultee:	Date Consulted:	Summary of response:
LBN Environmental Health - Pollution General	24th February 2020	No comment

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.