

Mr Tim Halley
City Aviation House, Hartmann Road
Silvertown
London
E16 2PB

Date: 13th July 2018

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

Dear Sir

Application No: 18/00671/AOD

Location: City Aviation House
Hartmann Road
Silvertown
London
E16 2PB

Proposal: Approval of details pursuant to Conditions 39 (Contamination) 55 (Ground Noise Study) 62 (Archaeology Scheme of Investigation and List of Historic Buildings) and 70 (Waste Management Strategy) (Second Submission) and 68 (Artificial Fish Refugia) (First Submission) attached to planning permission 13/01228/FUL dated 26th July 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 13th March 2018.

Conditions 55, 62, 68 and 70 are **APPROVED** subject to the details submitted and approved, and subject to the conditions and reasons stated within the accompanying report.

Condition 39 is **PARTIALLY APPROVED** – parts a) and b) only - 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.

Please note that a number of inter-related submissions have been made in relation to planning permission 13/01228/FUL. In order to ensure consistency, the Council has issued Decision Notices simultaneously on the following:

Applications for Approvals of Details:

- 18/01391/AOD
- 18/00557/AOD
- 18/00576/AOD
- 18/00578/AOD
- 18/00671/AOD
- 18/00741/AOD

- 18/00761/AOD
- 18/00846/AOD
- 18/00994/AOD
- 18/01029/AOD
- 18/01290/AOD
- 18/01312/AOD

Application for a Non-Material Amendment:

- 18/01001/NONMAT

Application for Deed of Variation to S106 Agreement Attached to 13/01228/FUL

- 18/01637/S106

In relation to the Approvals of Details that are second submissions under 13/01228/FUL, to ensure effective monitoring, I would be grateful if you could inform the Airport Monitoring Officer which of the permissions are to be implemented.

Signed:

A handwritten signature in black ink, appearing to read 'Amanda Reid', with a stylized flourish at the end.

Amanda Reid

Head 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

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| Delegated Report | | |  |
| Application for approval of details reserved by condition. | | | |
| Case Officer: | Mr David Whittaker | Valid Date: | 13th March 2018 |
| Application Number: | 18/00671/AOD | 8-Week Date: | 07.05.2018 |
| Deemed Discharge Notice: | No | PEA Date: | N/A |
| Address: | City Aviation House Hartmann Road Silvertown London E16 2PB | | |
| Proposal: | Approval of details pursuant to Conditions 39 (Contamination) 55 (Ground Noise Study) 62 (Archaeology Scheme of Investigation and List of Historic Buildings) and 70 (Waste Management Strategy) (Second Submission) and 68 (Artificial Fish Refugia) (First Submission) attached to planning permission 13/01228/FUL dated 26th July 2016 | | |

Assessment:

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| Conditions 39,55,62,68 and 70 | <p>39 Contamination</p> <p>a) Prior to the Commencement of the relevant Phase, an investigation into ground conditions of that Phase shall be undertaken in accordance with the Model Procedures for the Management of Land Contamination, Environment Agency, Contaminated Land Report 11.</p> <p>b) The report of the investigation together with a detailed remediation strategy for dealing with any identified contamination in respect of that Phase shall be submitted to the local planning authority for approval in writing.</p> <p>c) Upon Commencement of the Phase the approved remediation strategy for that Phase shall be implemented.</p> <p>d) If, during the Development of a Phase, contamination not previously identified is found to be present within that Phase then no further Development in the areas where contamination is identified shall be carried out until a further remediation strategy has been submitted to the local planning authority for approval in writing, detailing how this unsuspected contamination shall be dealt with.</p> <p>e) The further remediation strategy shall be implemented as approved.</p> <p>f) As soon as reasonably practicable, and before the occupation of any remediated area forming part of a Phase, a validation report shall be submitted to the local planning authority for approval in writing, stating what works were undertaken and that the remedial scheme was completed in accordance with the approved remediation strategy for that Phase.</p> <p>Reasons: <i>To safeguard the public, the environment and surface and ground water, as this site may have or is known to have been used in the past for activities that are likely to have resulted in it being contaminated with material that is potentially harmful to humans or the environment.</i></p> <p>55 Ground Noise Study</p> <p>No Phase of the Development shall Commence until a Ground Noise Study has been submitted to and approved in writing by the local planning authority in respect of that Phase.</p> <p>Noise mitigation measures identified as being necessary in each Ground Noise Study as approved by the local planning authority shall be provided within six months of obtaining any necessary consents for these identified mitigation measures. 31</p> <p>Thereafter ground noise studies shall be undertaken at intervals of not less than three years from the date of approval of the first Ground Noise Study. Such additional ground noise studies shall be submitted to the local</p> |
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| | <p>planning authority within 30 days of their completion. Any necessary mitigation measures identified within those studies shall be implemented as approved.</p> <p>Reason: <i>In the interests of protecting environmental amenity from noise impacts.</i></p> <p>62 Archaeology Scheme of Investigation and List of Historic Buildings No Phase of the Development shall Commence other than demolition to existing ground level unless and until there has been secured the implementation of a programme of archaeological evaluation in relation to that Phase in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the local planning authority. Such a submitted Scheme shall include details of a programme for investigating and recording archaeological assets, works and historic structures that might be found during Development of that Phase; and lists all historic buildings at the Airport. The Phase shall be implemented in accordance with the relevant approved Scheme.</p> <p>Reason: <i>To secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given by the local planning authority, English Heritage and in the NPPF, as the site has archaeological potential in terms of heritage assets of archaeological interest.</i></p> <p>68 Artificial Fish Refugia (Habitat) The relevant Phase of the Development shall not be Commenced until a form of wire mesh sheeting (artificial fish refugia habitat) has been installed in King George V Dock in accordance with the Artificial Fish Refugia Details. The Artificial Fish Refugia shall thereafter be retained.</p> <p>Reason: <i>To improve aquatic ecology in King George V Dock and compensate for the loss of dock wall habitat arising from the development.</i></p> <p>70 Waste Management Strategy No Phase of the Development shall Commence until a Waste Management Strategy for that Phase has been submitted to and approved in writing by the local planning authority. Each Waste Management Strategy shall seek to maximise the use of the River Thames and other waterways for the transport of waste materials from the Airport and shall be implemented on Commencement of the Development of the relevant Phase.</p> <p>Reason: <i>To ensure that the development accords with the aims and objectives of promoting the use of sustainable transport.</i></p> |
| <p>Details Submitted and APPROVED:</p> | <ul style="list-style-type: none"> • Reports: • Condition 39 – Contamination – March 2018 • Condition 55 – Ground Noise Study – March 2018 • Condition 62 - Archaeology Scheme of Investigation and List of Historic Buildings – March 2018 • Condition 70 – Waste Management Strategy – March 2018 (NB – Condition 68 – Artificial Fish Refugia – does not require the submission of a report) |
| <p>Details submitted for information</p> | <ul style="list-style-type: none"> • Cover Letter • Site Location Plan |

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| (Not approved): | |
| Officer Assessment: | <p>Three of four of the Conditions are second submissions of Approval of Details; Condition 68 is a first submission.</p> <p>The resubmissions are primarily a consequence of the applicant's proposed revised timetable for CADP1, which includes the removal of the Interim and Completion phases and their replacement with a single phase. The proposed revised timetable has been submitted separately as the Construction Phasing Plan (Condition 4).</p> <p>An approval by the Council in relation to minor changes to permission 13/01228/FUL has been given since the permissions listed below, namely 17/02865/NONMAT, which have been incorporated where relevant into the submission under consideration.</p> <p><u>Condition 39</u></p> <p>Condition 39 was previously submitted and partially approved as 17/00975/AOD.</p> <p>The submitted report:</p> <p>a) includes the results of ground conditions: it concludes that 'the potential risk to human health receptors from potential contaminants of concern sourced from the site is considered to be low'; and that 'the potential for concentrations of contaminants of concern sourced from the site to pose a potentially significant risk to groundwater receptors is considered to be low.'; and</p> <p>b) includes a remediation strategy to address the findings of the above.</p> <p>The requirements under parts c) – f) of the Condition cannot be completed at this stage. However, the report includes proposed procedures for monitoring works and reporting to the Council in order to be able to address these issues at the appropriate point.</p> <p>Additional sampling work and analysis have been carried out since approval of 17/00975/AOD.</p> <p><u>Condition 55</u></p> <p>Condition 55 was previously submitted and approved as 17/00229/AOD.</p> <p>'Ground noise' from aircraft includes engine running on the apron and stand, taxiing, manoeuvring, and holding on the apron and runway. It excludes sources such as landing and departure, and testing and maintenance, which are covered elsewhere.</p> <p>In summary, the Ground Noise Study comprises the means for measuring noise levels; the results of the study carried out in 2016; a comparison with the results of the 2013 Study; and a comparison with the noise levels forecast in the approved UES. The conclusions are that noise levels have not changed significantly since 2013 when the impact on residential properties was found to be 'acceptable'; no additional mitigation measures are therefore required.</p> <p>The submitted report is essentially the same as that approved under 17/00229/AOD, with a small number of minor changes.</p> <p><u>Condition 62</u></p> <p>Condition 62 was previously submitted and approved as 17/00508/AOD.</p> <p>In summary, the report sets out a Written Scheme of Investigation, which details existing local heritage assets, results of previous site investigations,</p> |

and lists a number of proposed actions to be taken during construction works in order to be able to record existing assets in more detail and investigate and record any further archaeological evidence that is found. Standard procedures in use by Historic England have been included. Responsibilities and procedures for monitoring and reporting are also covered.

Prior to the submission of 17/00508/AOD, extensive discussions were held between the Airport's consultants and the Greater London Archaeology Advisory Service (GLAAS) whose have also been incorporated into the submitted report.

The submitted report is essentially the same as that approved under 17/00508/AOD, with a number of minor changes.

Condition 70

Condition 70 was previously submitted and approved as 17/00507/AOD.

In summary, the submitted report outlines the proposed measures for managing waste during the Interim Works stage of the construction works. This will be achieved through a Site Waste Management Plan (SWMP), which will evolve as the works progress. The Strategy sets out the relevant statutory and non-statutory requirements and guidance, lists the core principles that will be applied to the SWMP, and includes an example of an SWMP template.

The submitted report also specifies targets for the management and recycling of the main forms of waste. The main stakeholders and their responsibilities are listed.

The submitted report is essentially the same as that approved under 17/00507/AOD, with a small number of minor changes.

Condition 68

A separate report is not required for this AOD. The applicant has confirmed that the artificial fish refugia have been installed and the case officer confirmed this during a site visit carried out on 20th March 2018.

External consultation (All Conditions), as listed in Appendix 2 – either: no response or no comment.

Internal consultation (All Conditions), as listed in Appendix 2 – no response or no objection.

The submission is consistent with all relevant Development Plan policies, as listed in Appendix 1.

The submitted details fully comply with the requirements of Conditions 55, 62, 68 and 70 of the permission, and partially comply with the requirements of Condition 39 of the permission. For the avoidance of doubt, compliance with the following sections of Condition 39 has been achieved:

a) Prior to the Commencement of the relevant Phase, an investigation into ground conditions of that Phase shall be undertaken in accordance with the Model Procedures for the Management of Land Contamination, Environment Agency, Contaminated Land Report 11.

b) The report of the investigation together with a detailed remediation strategy for dealing with any identified contamination in respect of that

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| | <p>Phase shall be submitted to the local planning authority for approval in writing</p> <p>For the avoidance of doubt, compliance with the following sections of Condition 39 has not been achieved:</p> <p>c) Upon Commencement of the Phase the approved remediation strategy for that Phase shall be implemented.</p> <p>d) If, during the Development of a Phase, contamination not previously identified is found to be present within that Phase then no further Development in the areas where contamination is identified shall be carried out until a further remediation strategy has been submitted to the local planning authority for approval in writing, detailing how this unsuspected contamination shall be dealt with.</p> <p>e) The further remediation strategy shall be implemented as approved.</p> <p>f) As soon as reasonably practicable, and before the occupation of any remediated area forming part of a Phase, a validation report shall be submitted to the local planning authority for approval in writing, stating what works were undertaken and that the remedial scheme was completed in accordance with the approved remediation strategy for that Phase.</p> |
| <p>Officer Recommendation:</p> | <p>Approve</p> |
| <p>Conditions and Reasons:</p> | <p>The development shall be implemented in accordance with the Details Submitted and APPROVED listed above only.</p> <p>Condition 39:</p> <p><i>Reasons: To safeguard the public, the environment and surface and ground water, as this site may have or is known to have been used in the past for activities that are likely to have resulted in it being contaminated with material that is potentially harmful to humans or the environment.</i></p> <p>Condition 55:</p> <p><i>Reason: In the interests of protecting environmental amenity from noise impacts.</i></p> <p>Condition 62:</p> <p><i>Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given by the local planning authority, English Heritage and in the NPPF, as the site has archaeological potential in terms of heritage assets of archaeological interest.</i></p> <p>Condition 68:</p> <p><i>Reason: To improve aquatic ecology in King George V Dock and compensate for the loss of dock wall habitat arising from the development.</i></p> <p>Condition 70:</p> <p><i>Reason: To ensure that the development accords with the aims and objectives of promoting the use of sustainable transport.</i></p> |
| <p>Officer Recommendation:</p> | <p>To approve the details identified as Submitted and APPROVED listed above, pursuant to conditions 39, 55, 62, 68 and 70, attached to permission 13/01228/FUL dated 26th July 2016.</p> |

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| Authorising officer Signature: |  |
| Authorising officer | James Bolt, Senior Development Manager |
| Date: | 13 th July 2018 |

Appendix 1:

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| <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> | |
| <p><i>National Planning Policy Framework (DCLG, March 2012)</i></p> | |
| <p><i>The London Plan: Spatial Development Strategy for London (GLA, consolidated with alterations since 2011, published March 2016)</i></p> | <p>At the date of assessment of original application: Policy 6.6 – Aviation</p> |
| <p>The Mayor of London's Draft <i>London Plan: The Spatial Development Strategy for Greater London (Draft for public consultation DECEMBER 2017)</i> is at an "early" stage of preparation. Having regard to NPPF paragraph 216 the emerging document is now a material consideration and <u>limited</u> weight will be given to the emerging document in decision-making, unless other material considerations indicate that it would not be reasonable to do so.</p> | |
| <p><i>The London Plan: The Spatial Development Strategy for Greater London (Draft for public consultation DECEMBER 2017)</i></p> | <p>Not applicable</p> |
| <p><i>Joint Waste Development Plan for the East London Waste Authority Boroughs (adopted February 2012)</i></p> | <p>Not applicable</p> |
| <p><i>The Submission Draft Local Plan is now at an "advanced" stage of preparation, having regard to NPPF paragraph 216, following submission to the Secretary of State for independent examination. As a result, the document is now a material consideration and substantial weight will be given to the Plan in decision-making, unless other material considerations indicate that it would not be reasonable to do so. The Plan will not gain full weight until it is adopted by the Council, however it is not anticipated that there will be further material amendments to the document.</i></p> | |
| <p><i>Local Plan (February 2018) Secretary of State Submission Version</i></p> | <p>Not applicable</p> |
| <p><i>London Borough of Newham Local Plan: Core Strategy (adopted January 2012)</i></p> | <p>Policy INF1 – Strategic Transport Policy INF1 – Strategic Transport Policy SP5 - Heritage and other Successful Place-making Assets Policy INF2 – Sustainable Transport Policy INF3 – Waste and Recycling Policy SP2 – Healthy Neighbourhoods Policy SC4 - Biodiversity</p> |
| <p><i>London Borough of Newham Local Plan: Detailed Sites and Policies Development Plan Document (adopted 20 October 2016)</i></p> | <p>Not applicable at the date of original application:</p> <p>Updated Archaeological Priority Areas (produced in conjunction with GLAAS) can be found in: Policy SP5a - Areas of Townscape Value and Archaeological Priority Areas</p> |
| <p><i>EIA Approved Updated Environmental Statement</i></p> | <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</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</p> |

in accordance with the UES, dated September 2015, and the mitigation measures proposed therein.

Appendix 2:

| Consultations: | | |
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| <i>Consultee:</i> | <i>Date Consulted:</i> | <i>Summary of response:</i> |
| Environment Agency | 16th March 2018 | No response |
| Mr Gregor Mc Niven | 16th March 2018 | No response |
| R O D M A | 16th March 2018 | No response |
| Transport For London | 16th March 2018 | No comment |
| TfL London Underground | 16th March 2018 | No comment |
| Highways Agency For A13 And A406 | 16th March 2018 | No response |
| Port Of London Authority | 16th March 2018 | No response |
| LBN Transportation | 16th March 2018 | No response |
| LBN Environmental Health - Pollution General | 13th March 2018 | No objection |
| LBN Airport Monitoring Officer (AMO) | 13th March 2018 | Not applicable – AMO is case officer |
| LBN Urban Design & Conservation | 13th March 2018 | No response |
| L City Airport Consultative Committee | 13th March 2018 | No response |
| Greater London Authority | 13th March 2018 | No response |
| Civil Aviation Authority | 13th March 2018 | No response |
| LBN Waste Management | 13th March 2018 | No response |
| Historic England | 13th March 2018 | No response |

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.

Informative 2:

The applicant is asked to note that Condition 39 is **PARTIALLY APPROVED**.

For the avoidance of doubt, Parts a) and b) are approved:

- a) Prior to the Commencement of the relevant Phase, an investigation into ground conditions of that Phase shall be undertaken in accordance with the Model Procedures for the Management of Land Contamination, Environment Agency, Contaminated Land Report 11.
- b) The report of the investigation together with a detailed remediation strategy for dealing with any identified contamination in respect of that Phase shall be submitted to the local planning authority for approval in writing.

Parts c), d), e) and f) are not approved:

- c) Upon Commencement of the Phase the approved remediation strategy for that Phase shall be implemented.
- d) If, during the Development of a Phase, contamination not previously identified is found to be present within that Phase then no further Development in the areas where contamination is identified shall be carried out until a further remediation strategy has been submitted to the local planning authority for approval in writing, detailing how this unsuspected contamination shall be dealt with.
- e) The further remediation strategy shall be implemented as approved.
- f) As soon as reasonably practicable, and before the occupation of any remediated area forming part of a Phase, a validation report shall be submitted to the local planning authority for approval in writing, stating what works were undertaken and that the remedial scheme was completed in accordance with the approved remediation strategy for that Phase.