



1st Floor West, Cottons Centre, Cottons Lane, London SE1 2QG

T +44 (0)20 7939 8000 F +44 (0)20 7939 8098/99 E rpslp@rpsgroup.com W www.rpsgroup.com

Our Ref: JR/JLH0682
Your Ref:

E-mail: rhodesj@rpsgroup.com
Date: 3 August 2007

Mr Luke Downend
Newham Borough Council
Development and Building Control Section
Town Hall Annexe
330-354 Barking Road
East Ham
London E6 2RT

Dear Sir

SECTION 73 OF THE TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
LONDON CITY AIRPORT
APPLICATION TO VARY CONDITIONS 13 AND 15 ATTACHED TO THE EXISTING
PLANNING PERMISSION FOR THE LAYOUT, CONSTRUCTION AND USE OF LONDON
CITY AIRPORT (AS PREVIOUSLY VARIED) (LBN REF: N/82/104)

On behalf of London City Airport Limited, I enclose an application submitted under section 73 of the Town and Country Planning Act 1990 (as amended) to vary conditions 13 and 15 of the existing planning permission for London City Airport (LCY) (as previously varied) (LBN Ref: N/82/104).

a) The Planning Application

The application seeks permission for:

“Application under section 73 of the Town and Country Planning Act 1990 to vary conditions 13 and 15 of the outline planning permission dated 23 May 1985, as previously varied by the Secretary of State on 26 September 1991 and by the London Borough of Newham on 21 July 1998 and 11 July 2007, to allow up to 120,000 total movements per annum with related modifications to the daily and other limits including noise factored movements.”

The planning application comprises 10 copies of the following:

1. Completed planning application forms, agricultural land holding and ownership certificate. The completed forms include:

Schedule 1 – Owners on which Notice has been served;
2. Site Location Plan with the site outlined in red.



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Centurion Court, 85 Milton Park, Abingdon, Oxfordshire OX14 4RY
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In addition, we enclose 10 copies of the following documents which support the planning application:

1. Planning Statement;
2. Environmental Statement;
3. Sustainability Report and Carbon Analysis;
4. Health Impact Assessment.

A further 6 CD copies of the application and supporting information are also enclosed.

As agreed with Officers during pre-application discussions, a design and access statement is not being submitted with the proposals since no new airport development (i.e. physical works) is proposed.

As you are aware, the submission of a Sustainability Report and Carbon Analysis, and Health Impact Assessment is not obligatory, but these documents are submitted for information purposes to assist the Council with their consideration of the application.

Although the ODPM Best Practice Guidance on the Validation of Planning Applications (March 2005) states that ownership certificates and notices do not need to be completed for 'Section 73' applications, we have served formal notices for the sake of good practice (see application form for details).

A cheque for £135 is enclosed in respect of the application fee.

b) Background

Background information on the operation of LCY and the rationale for this application are fully explained in the enclosed Planning Statement.

In essence, the gradual and managed growth of LCY is projected to continue. The existing limit on air transport movements at the Airport should enable it to operate effectively and without undue commercial constraint only until the end of 2007-early 2008. During the past two years there has been a 19% growth in passengers per annum.

In light of this recent growth at LCY, there is a requirement to amend the restrictions on the operating capacity of the Airport in order to avoid constraining the Airport and the wider economy it supports and to ensure that the continued growth of the Airport is properly regulated.

This application seeks to accommodate the projected demand, by airlines operating at LCY, for the period up to the end of 2010.

The proposals are a direct response to the Government's Air Transport White Paper which requires airports to maximise the use of existing infrastructure. No new airport facilities beyond those already consented are required to accommodate the proposed level of growth.

c) Acceptability of the Proposals

The enclosed documents provide a full explanation of the justification for the variation of this condition.

The Planning Statement demonstrates that the proposed increase in Airport capacity is in accordance with national, regional and local planning policy. Moreover, the proposal will ensure that the Airport continues to generate local employment and income growth. In addition to these local benefits, the proposal will facilitate further growth of London's business and financial services sector, and stimulate growth in the Thames Gateway and London as a whole, enhancing London's position as a World City.

The Environmental Statement (the scope of which has been reviewed by the Council) demonstrates that this managed growth can be achieved with sufficient regulatory controls being retained to limit the environmental effects of the proposal to ensure that the Airport continues to operate in a satisfactory manner.

In order to take into account the implications arising from the variation of the conditions that are the subject of this application, it is proposed to prepare a deed of variation to formally amend the existing Section 106 Agreement, which was completed in 1998 (and varied subsequently).

d) Type of Application

For the avoidance of doubt, the proposals are not referable to the Mayor of London in accordance with the referral criteria of the Town and Country Planning (Mayor of London) Order 2000.

e) Consultation

As you are aware, details of the scheme were presented to the Council's Land Use committee on Friday 6 July.

As detailed in Section 5 of the Planning Statement, the Airport has a well-established programme of ongoing community consultation. In addition, it has undertaken a series of consultation initiatives with specific regard to this proposal. These initiatives included an article in the latest edition of 'Runway News' which is distributed to 15,000 homes; email / postal updates being sent to people who responded to the previous Master Plan consultation; and briefing packs being sent to the local community forums.

I look forward to receiving confirmation at your earliest convenience that the enclosed application has been registered and validated. Please do not hesitate to contact me should you have any queries or require further information.

Yours faithfully



JOHN RHODES
Planning Director

Enc.

- c.c. Mr R Gooding - London City Airport
- Mr C Buchanan - London City Airport
- Ms J Goulton - London City Airport
- Mr R Grafton - London City Airport