

Item No.

**Application Number:** 07/01510/VAR

**Validation Date:** 06.08.2007

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

**Ward:** Royal Docks

**Applicants:** London City Airport Ltd

**Agent:** RPS Planning

**Proposal:** Application under Section 73 of the Town and Country Planning Act 1990 to vary conditions 13 and 15 of the outline planning permission no.N/82/104 dated 23 May 1985, as previously varied by the Secretary of State on the 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 aircraft movements per annum (number of total movements in 2006 was 79,616) with related modifications to other limits.

## 1.0 RECOMMENDATIONS

1.1 The Committee is asked to;

1) resolve to agree the reasons for approval and that they are minded to GRANT planning permission for this application subject to the completion of a legal agreement in accordance with the Heads of Terms set out in Section 11 of this report, and subject to the inclusion of conditions set out below.

2) to delegate authority to the Borough Planning Officer to finalise negotiation on Heads of Terms for an agreement under Section 106 of the Town and Country Planning Act.

3) to delegate authority to the Borough Planning Officer to determine this application after completion of an agreement under Section 106 of the Town and Country Planning Act.

Conditions and Reasons:

The current application proposes to vary conditions 13 and 15 of the outline planning permission dated 23rd May 1985, as previously varied by the Secretary of State on 26th 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.

Should the proposal be acceptable to the Council, the correct procedure is for the Council to issue a new decision notice that includes both the relevant outstanding planning conditions and those which are sought to be varied under the Application (conditions 13 and 15).

A composite set of conditions is provided below for ease of reference. This identifies which conditions have been inserted, varied or deleted by previous planning permissions referred to above;

In addition, the composite conditions identify the changes proposed to conditions 13 and 15 under the current proposals and the necessary consequential changes to other conditions to replace 'Air Transport Movements' with 'aircraft movements' to ensure that the wording of all conditions is consistent.

### **Composite Description of Development**

Outline planning permission for the layout, construction and use of an aerodrome for use by short-take-off-and-landing type aircraft, known as STOLport, on land adjacent to the Royal Albert Dock and King George V Dock, Newham E16 (condition 4 subsequently varied and condition 5 subsequently deleted by planning permission LRP219/J9510/017; conditions 6, 10, 11, and 12 subsequently varied and conditions 15 and 16 subsequently added by planning permission P/97/0826; condition 13 subsequently varied by planning permission 06/0131/VAR; and conditions 13 and 15 subsequently varied again by planning permission 07/01510/VAR (subject of this report).

### **Composite Conditions**

Permission is granted subject to the following planning conditions:

- (1) Approval of details of the layout of the runway and the siting, design and external appearance of the buildings and other structures (including plant and machinery), the means of access thereto (including the location of any emergency access gates) and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority.
- (2) Application for approval of the "reserved matters" shall be made to the local planning authority not later than 3 years from the date of this letter.
- (3) The development hereby permitted shall be begun on or before whichever is the later of the following dates:
  - (i) 5 years from the date of this letter; or
  - (ii) The expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.
- (4) No runway designated for the use of aircraft shall exceed 1199 metres in length.
- ~~(5)~~ [Deleted by 1991 permission]

- (6) Except in cases of emergency, only conventional take-off and landing fixed-wing aircraft (including short take-off and landing aircraft) but not vertical take-off and landing aircraft (including helicopters) shall be permitted to use the Airport.
- (7) The STOLport shall not be used for any form of club or recreational flying.
- (8) No part of the site or any of the buildings thereon shall be used for any purposes other than purposes connected with the provision of air services at the STOLport.
- (9) The STOLport shall not be brought into use until a perimeter fence and noise barriers, of such a type and in such positions as may be approved by the local planning authority have been erected; and such barriers and fences are thereafter to be maintained in good condition.
- (10) The ground running of aeroplane engines for testing or maintenance purposes shall take place only between the hours of 0630 and 2200 hours from Monday to Friday inclusive and between the hours of 0630 and 1230 hours on Saturdays, 1230 and 2200 hours on Sundays and 0900 and 2200 hours on Bank Holidays and Public Holidays (but not at all on Christmas Day) and:
  - (i) In such locations and with such orientations of the aircraft as may be agreed in writing with the local planning authority and
  - (ii) Employing such noise protection measures as may be agreed in writing with the local planning authority.
- (11a) The Airport shall not be used for the taking off or landing of aircraft at any time other than between 0630 and 2200 hours from Monday to Friday inclusive and between 0900 and 2200 hours on Bank Holidays and Public Holidays except:
  - (a) In the event of an emergency
  - (b) For the taking off or landing between 2200 and 2230 hours of an aircraft which was scheduled to take off from or land at the Airport before 2200 hours but which has suffered unavoidable operational delays and where that taking off or landing would not result in there being more than 400 aircraft movements at the Airport per calendar year between 2200 and 2230 hours or more than 150 such movements in any consecutive three months.
- (11b) From the date of this permission until 31 March 1999 the Airport shall not be used for the taking off or landing of aircraft on Saturdays at any time other than between 0630 and 1300 hours except:
  - (a) In the event of an emergency
  - (b) For the taking off or landing between 1300 and 1330 hours on Saturdays of an aircraft that was scheduled to take off from or land before 1300 hours but has suffered unavoidable operational delays and where that taking off or landing would not result in there being more than 400 air transport movements at the Airport per calendar year between 1300 and 1330 hours or more than 150 such movements in any consecutive three months.

- (c) The taking off or landing of aircraft between 1300 hours and 1800 hours on one Saturday per calendar year for the airport's charity open day.
- (11c) From 1 April 1999 the Airport shall not be used for the taking off or landing of aircraft on Saturdays at any time other than between 0630 and 1230 hours except:
  - (a) In the event of an emergency
  - (b) For the taking off or landing between 1230 and 1300 hours on Saturdays of an aircraft that was scheduled to take off or land before 1230 hours but has suffered unavoidable operational delays and where that taking off or landing would not result in there being more than 400 aircraft movements at the airport per calendar year between 1230 and 1300 hours or more than 150 such movements in any consecutive three months.
  - (c) The taking off or landing of aircraft between 1230 hours and 1800 hours on one Saturday per calendar year for the Airport's charity open day.
- (11d) From the date of this permission until 31 March 1999 the Airport shall not be used for the taking off or landing of aircraft on Sundays at any time other than between 1200 and 2200 hours except:
  - (a) In the event of an emergency
  - (b) For the taking off or landing between 2200 and 2230 hours of an aircraft which was scheduled to take off from or land at the Airport before 2200 hours but which has suffered unavoidable operational delays and where that taking off or landing would not result in there being more than 400 aircraft movements at the Airport per calendar year between 2200 and 2230 hours or more than 150 such movements in any consecutive three months.
- (11e) From 1 April 1999 the Airport shall not be used for taking off or landing of aircraft on Sundays at any time other than between 1230 hours and 2200 hours except:
  - (a) In the event of an emergency
  - (b) For the taking off or landing between 2200 and 2230 hours of an aircraft which was scheduled to take off from or land at the airport before 2200 hours but which has suffered unavoidable operational early, and where that taking off or landing would not result in there being more than 400 aircraft movements at the Airport per calendar year between 2200 and 2230 hours or more than 150 such movements in any consecutive three months.
- (11f) For the purposes of sub-paragraph (b) of each condition 11(a), 11(b), 11(c), 11(d), and 11(e) the figures of 400 aircraft movements and 150 aircraft movements shall in each case include all aircraft movements by aircraft which have suffered operational delays between the hours specified in each sub-paragraph on Mondays to Fridays, on Saturdays, on Sundays and on Bank and Public Holidays and the expression 'aircraft

movements' shall mean the take-off or landing of an aircraft at the Airport, other than those engaged in training or aircraft testing.

(12) (1) No type of aircraft may, save in an emergency, use the Airport unless the noise level of that aircraft complies with a category established in accordance with this condition.

(2) Aircraft types using the airport shall be placed in categories and allocated noise factors as set out below:

Category	Noise Reference Level	Noise Factor
A	91.6-94.5	1.26
B	88.6-91.5	0.63
C	85.6-88.5	0.31
D	82.6-85.5	0.16
E	Less than 82.6	0.08

where the noise reference level is the departure noise level at the four noise categorisation locations shown in Figure 1 annexed to this permission, expressed in PNdb and established as set out below.

(3) Before any aircraft shall use the Airport a provisional noise categorisation for that aircraft type shall be approved in writing by the local planning authority and shall be based on the results of monitored trial flights of the particular aircraft type from the airport carried out in accordance with written proposals (including details as to how the trial flights are to be organised) before any such trial flights take place to be submitted to and approved in writing by the local planning authority.

(4) Annually on 1 July the provisional categorisation of each approved aircraft type shall be reviewed (PROVIDED THAT if the provisional categorisation for an aircraft type has been approved in the period between 1 January and 31 March of the year in question then the provisional categorisation of that aircraft type shall be reviewed on 31 March in the following year) having regard to the departure noise levels recorded in accordance with paragraph (6) below, and by 31 March each year details shall be submitted in writing to the local planning authority of the results of the review whereupon the provisional categorisation of each approved aircraft type shall be confirmed or amended in agreement in writing with the local planning authority having regard to the monitored values.

(5) Any such amendment may, with the agreement in writing of the local planning authority, include the introduction of sub-categorisation into narrower bands provided that noise factors appropriate to any such bands are calculated and applied.

(6) The Airport shall for the above purposes operate a system of continuous noise monitoring at positions as close as practicable to the four noise categorisation location shown in Figure 1\*; the details of the system are to be as approved in writing by the local planning authority and the results made available to the local planning authority.

\*(Figure 1 relates to a plan appended to the 1998 s106 Agreement

which shows the locations of noise monitoring points.)

(7) On every annual review of the provisional categorisation of each approved aircraft type a 57 LAeq contour (average mode) produced in accordance with the methods adopted by the Civil Aviation Authority and published in DORA 9023 or any publication modifying or extending DORA 9023 shall be submitted to the local planning authority.

#### Varied Condition

(13)

(1) The number of ~~air transport aircraft~~ movements at the Airport shall not exceed:

- (a) ~~50 100~~ per day on Saturdays and ~~100 200~~ per day on Sundays but not exceeding ~~140 280~~ on any consecutive Saturday and Sunday
- (b) ~~360 592~~ per day on weekdays except 1 January, Good Friday, Easter Monday, the May Day holiday, the late May bank holiday, the late August bank holiday, 25 December and 26 December
- (c) ~~80 132~~ on 1 January
- (d) ~~100 164~~ on Good Friday
- (e) ~~120 198~~ on Easter Monday
- (f) ~~150 248~~ on the May Day Holiday
- (g) ~~140 230~~ on the late May Bank Holiday
- (h) ~~140 230~~ on the late August Bank Holiday
- (i) ~~60 100~~ on 26 December
- (j) ~~73,000 120,000~~ per calendar year.

(2) In the event of their being a Bank Holiday or Public Holiday in England which falls upon or is proclaimed or declared upon a date or dates not referred to in sub-paragraph (c) to (i) (inclusive) of condition 13 (1) then the number of ~~air transport aircraft~~ movements permissible on that date shall not exceed ~~200 330~~ unless the local planning authority otherwise agrees in writing but in any event the limit for any particular date or dates shall not exceed ~~240 396~~ per day.

(3) For the purposes of conditions 13 (1), 13 (2), and 13 (4) the expression ~~'aircraft movements' shall mean the take-off or landing of an aircraft at the Airport, other than those engaged in training or aircraft testing~~ ~~'air transport movements' shall mean air transport movements by civil aircraft in the transport of passengers, cargo, or mail on commercial terms and shall include movements by aircraft engaged in sightseeing tours.~~

(4) The number of factored movements shall not exceed:

- (a) In any one week the number of permitted ~~air transport aircraft~~ movements for that week by more than ~~15% 25%~~
- (b) ~~73,000 120,000~~ per calendar year.

(5) For the purpose of condition 13(4) the number of factored movements shall be calculated by multiplying the number of take-offs and landings by each aircraft by the relevant noise factor for an aircraft

of this type under condition 12 and adding together the totals for each aircraft type using the Airport.

- (14) During the period of construction of the STOLport pile-driving shall take place only between the hours of 0800 and 1900 from Monday to Saturday inclusive.

Varied Condition

- (15) Between 0630 and 0659 hours on Mondays to Saturdays (excluding Bank Holidays and Public Holidays when the airport will be closed between these times) the number of ~~air transport~~ aircraft movements shall not exceed 6 on any day.

- (16) The Airport shall be closed on Christmas Day each year and no take-offs or landings of aircraft of any kind and no ground running by aircraft engines shall take place on Christmas Day save in the event of an emergency and save that the restriction in this condition shall not prevent other activities taking place at the Airport on Christmas Day where any noise generated is not discernible at the boundaries of the airport.

Additional Condition

- (17) Notwithstanding the total restriction on flights between 0630 and 0659 hours, as set out by Condition 15. The total number of aircraft movements in the period between 0630 and 0645 on Mondays to Saturdays (excluding Bank Holidays and Public Holidays when the airport will be closed between these times), shall not exceed 2 on any day.

Reason: In the interests of protecting environmental amenity from noise impacts at a very sensitive part of the day, in accordance with Policies 4A.20 (Reducing Noise and Enhancing Soundscapes) of the London Plan (Consolidated February 2008) and EQ48 (Noise-Sensitive Development) of the Unitary Development Plan (adopted June 2001, saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State).

- \* It is recognised that this list includes several conditions that have now been complied with or are no longer relevant.

**2.0 SYNOPSIS**

- 2.1 This application is made under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary conditions 13 and 15 attached to the outline planning permission for London City Airport (LCA) , dated 23 May 1985 (LPA ref: N/82/104), as subsequently varied.

- 2.2 Condition 13 restricts the number of air transport movements (ATMs) that are permitted at LCA in order to regulate the effects of the Airport's

operation, primarily environmental matters such as the level of noise and air quality.

- 2.3 Condition 15, inserted by a previous variation of the original planning permission and granted in 1998 (LPA ref: P/97/0826), restricts the number of air transport movements that are permitted at the Airport between 0630 and 0659 hours on Mondays to Saturdays.
- 2.4 Within the existing permitted limits, the Airport handled 79,616 total aircraft movements in 2006, of which 71,016 were classified as ATMs (as defined by the wording of conditions 13), comprising 65,860 scheduled airline movements and 5,156 Jet Centre ATMs (from a total of 13,756 GA (General Aviation) / Jet Centre movements).
- 2.5 This application seeks to accommodate projected demand, by airlines operating at LCA, for the period up to the end of 2010 by varying the conditions to allow a combined total of 120,000 movement per annum (or 135,000 noise-factored movements per annum). The application also proposes to capture operations of the Jet Centre, within the same planning controls as the Airport's scheduled movements. The current consent allows operations of the Jet Centre to operate outside the current overall yearly flight limitations. When permission was originally granted for the Jet Centre, their flight numbers were not restricted by condition.
- 2.6 Due regard has been given to the Air Transport White Paper which advocates the growth of existing airports, but recognises that this must be balanced against adverse environmental consequences. Having assessed the information submitted with the application, and the additional information to complete the Environmental Statement requested by way of Regulation 19 notices, it is concluded that there are negative environmental and economic impacts as well as economic benefits to the proposal. While mitigation can be achieved certain impacts such as the noise levels in outside open spaces cannot be effectively overcome. It is considered that on balance the adverse impacts of the proposal are not such as would justify withholding consent in light of the benefits and the relevant policy considerations. This is considered to be a finely balanced recommendation which can only be made subject to securing more effective monitoring and mitigation of the airport's impacts on the local environment than are currently achieved. It is recognised that consent allows the opportunity to secure improvements in this regard. Furthermore the restrictions on the airport's night time and weekend operation are maintained while that in respect of the potential impacts from early morning operation is improved. Approval is therefore recommended subject to appropriate conditions (see Section 1.1) and a S106 agreement (see Section 11) to mitigate the development's impact.

### **3.0 SITE AND SURROUNDINGS**

- 3.1 The application site is located in the Royal Docks, covers an area of 48.5 hectares incorporating the runway, apron, main passenger terminal, the corporate aviation building (Jet Centre) and other operational buildings. The runway is surrounded by water in the Royal Albert Dock and the King George V Dock.
- 3.2 LCA has a single runway and is capable of handling aircraft up to regional jet size, i.e. up to 100 seater class. A holding point for up to 3 aircraft exist at the eastern end of the runway. The runway in its current

configuration has the capacity to handle 38 aircraft movements (ATM) per hour. This means the potential absolute capacity for the airport, based on 38 aircraft movements per hour, for all the consented hours is 180,000 ATM's. It should be noted that works to create a further holding point and aircraft parking area over the docks to the east of the terminal is currently underway and should be operational by early summer 2008. (Planning permission P/00/1323).

3.4 The airport is accessed by road and rail. The airport is connected to the public highway via Hartmann Road leading into Connaught Bridge. The airport is connected to the rail network by the DLR station at the Airport Terminal. The DLR connects to the tube network at Canning Town.

3.5 Also located within LCA is the Jet Centre. This Centre is located at the western end of the airfield and is a stand alone facility consisting of VIP lounge, parking for aircraft, immigration, security, customs, and crew facilities. The Jet Centre provides a dedicated service for corporate aviation passengers. Corporate aviation concerns the ownership and operation of aircraft by individuals and companies in conducting their private business and not for public hire.

3.6 From the outset, LCA, due to its unique location, was designed to serve a primarily business market. According to the 2006 Civil Aviation Authority Passenger Survey, 64% of passengers using LCA are travelling for business purposes. This compares with an average of 25% at the other London airports (Gatwick, Heathrow, Luton and Stansted). 11 airlines currently operate from LCA, between them serving 31 different domestic and European destinations. The top 5 destinations in 2006 were Edinburgh, Geneva, Zurich, Amsterdam and Frankfurt.

#### **4.0 THE PROPOSAL**

4.1 This is an application for planning permission under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary Conditions 13 and 15 from the planning permission for expansion to 2.5mppa granted in 1998 (P/97/0826).

4.2 In determining the application, Section 73(2) states that:  
*“the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and – if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”*

4.3 The wording of Condition 13 as imposed reads as follows:

“(1) The number of air transport movements at the Airport shall not exceed:

a) 50 per day on Saturdays and 100 per day on Sundays but not exceeding 140 on any consecutive Saturday and Sunday.

b) 360 per day on weekdays except 1 January, Good Friday, Easter Monday, the May Day holiday, the late May bank holiday, the late August bank holiday, 25 December and 26 December.

- c) 80 on 1 January
- d) 100 on Good Friday
- e) 120 on Easter Monday
- f) 150 on the May Day Holiday
- g) 140 on the late May Day Holiday
- h) 140 on the late August Bank Holiday
- i) 60 on 26 December
- j) 73,000 per calendar year.

(2) In the event of there being a Bank Holiday or Public Holiday in England that falls upon or is proclaimed or declared upon a date or dates not referred to in sub-paragraph (c) to (i) (inclusive) of condition 13 (1) then the number of air transport movements permissible on that date shall not exceed 200 air transport movements unless the local planning authority otherwise agrees in writing but in any event the limit for any particular date or dates shall not exceed 240 per day.

(3) For the purposes of conditions 13 (1), 13 (2) and 13 (4) the expression “Air transport movements’ shall mean air transport movements by civil aircraft engaged in the transport of passengers, cargo, or mail on commercial terms and shall include movements by aircraft engaged in sightseeing tours.”

(4) The number of factored movements shall not exceed:

- (a) In any one week the number of permitted air transport movements for that week by more than 15%.
- (b) 73,000 per calendar year.

(5) For the purpose of condition 13(4) the number of factored movements shall be calculated by multiplying the number of take-offs and landings by each aircraft by the relevant noise factor for an aircraft of this type under condition 12 and adding together the totals for each aircraft type using the Airport.”

4.4 The application proposes to alter the wording of that condition to the following:

“(1) The number of aircraft movements at the Airport shall not exceed:

- a) 100 per day on Saturdays and 200 per day on Sundays but not exceeding 280 on any consecutive Saturday and Sunday.
- b) 592 per day on weekdays except 1 January, Good Friday, Easter Monday, the May Day holiday, the late May bank holiday, the late August bank holiday, 25 December and 26 December.
- c) 132 on 1 January
- d) 164 on Good Friday
- e) 198 on Easter Monday
- f) 248 on the May Day Holiday
- g) 230 on the late May Day Holiday
- h) 230 on the late August Bank Holiday
- i) 100 on 26 December
- j) 120,000 per calendar year.

(2) In the event of there being a Bank Holiday or Public Holiday in England that falls upon or is proclaimed or declared upon a date or dates not referred to in sub-paragraph (c) to (i) (inclusive) of condition 13 (1) then the number of aircraft movements permissible on that date shall not exceed 330 air transport movements unless the local planning authority

otherwise agrees in writing but in any event the limit for any particular date or dates shall not exceed 396 per day.

(3) For the purposes of conditions 13 (1), 13 (2) and 13 (4) the expression ‘aircraft movements’ shall mean the takeoff or landing of an aircraft at the Airport, other than those engaged in training of aircraft testing.

(4) The number of factored movements shall not exceed:

(a) In any one week the number of permitted aircraft movements for that week by more than 25%.

(b) 135,000 per calendar year.

(5) For the purpose of condition 13(4) the number of factored movements shall be calculated by multiplying the number of take-offs and landings by each aircraft by the relevant noise factor for an aircraft of this type under condition 12 and adding together the totals for each aircraft type using the Airport.”

4.5 Condition 15 as imposed reads as follows:

“Unless otherwise agreed in writing by the Local Planning Authority, between 0630 and 0659 hours on Monday to Saturdays (excluding Bank Holidays and Public Holidays when the airport will be closed between these times) the number of air transport movements shall not exceed 6 on any day.”

4.6 The application proposes to alter the wording of that condition to the following

“Unless otherwise agreed in writing by the Local Planning Authority, between 0630 and 0659 hours on Monday to Saturdays (excluding Bank Holidays and Public Holidays when the airport will be closed between these times) the number of aircraft movements shall not exceed 12 on any day.”

4.7 The applicants expect with the proposed variation to conditions 13 and 15, that the total number of passengers catered for by the Airport will increase from the current 2.5 (Million Passengers Per Annum mppa) to 3.9mppa.

## **5.0 RELEVANT HISTORY**

### **Planning Application History**

5.1 There is an extensive planning history associated for LCA, the most relevant can be summarised as follows;

May 1985: Outline planning permission granted (subject to s106 agreement) for LCY (or “STOLport as it was then known) Ref No. N/82/104.

- Permission was restricted to 30,160 air transport movements (ATMs) per year [superseded]
- Included a noise control system.

Sept 1991: Planning permission granted for the extension of the existing runway and the variation of conditions attached to the original 1985 planning permission. Ref. LRP4/G57501/01; LRP219/J9510/017.

- Introduced the concept of noise factoring – setting out 5 categories of noise with each category assigned a noise factor weighting. Each type of aircraft using the Airport must be placed in the relevant category.
- Permission restricted to 36,000 ATMs and 36,000 noise factored movements per calendar year [superseded].

July 1998: Planning permission granted (subject to s106 agreement) for the variation of conditions attached to the original 1985 planning permission. Ref P/97/0826.

- Permission restricted to 73,000 ATMs and 73,000 noise factored movements per calendar year.
- Condition 15 added – between 0630 and 0659 hours on Monday to Saturdays (excluding bank Holidays and Public Holidays when the airport will be closed between these times) the number of air transport movements shall not exceed 6 on any day.

Feb 2003: Planning permission granted (subject to s106 agreement) for operational improvements including construction of runway 28 hold, with associated protective boom, eastern apron extension, associated link to runway, extension of pier/noise mitigation barrier, (Ref. P/00/1323). This permission is in the process of being implemented.

- This permission related to the physical works required to provide for 73,000 ATMs per calendar year (as permitted by 1998 permission).

This extant permission has not yet been implemented and will provide 8,750m<sup>2</sup> of additional floorspace, in the main terminal building.

Jan 2007: Planning permission granted (subject to s106 agreement) for the variation of conditions 13 of the 1998 planning permission and (Ref: 06/01310/VAR)

- Varies daily limits, whilst retaining the overall limit of 73,000 ATMs.
- Consent is for a 3-year temporary period, expiring on 11 July 2010. It was made temporary to allow the Council an opportunity to consider the actual impacts.

## **6.0 CONSULTATIONS & RESPONSES**

- 6.1 The Council undertook an extensive notification exercise on this planning application. Over 10,000 adjoining occupiers were directly consulted, in addition to the neighbouring boroughs of Greenwich, Tower Hamlets, Bexley, Barking and Dagenham and Havering. Greenwich undertook their own consultation of residents. In addition, the application was also advertised in the Newham Recorder, 200 site notices were displayed around the site, and details were made available on the Council's website. This consultation exercise was repeated when the ES was amended on two

occasions following submission of the original application. The table below summarises the consultation process with adjoining occupiers and the number of responses received.

## 6.2 Adjoining Occupiers

	Original application	Ist amendment to Environmental Statement	2 <sup>nd</sup> amendment to Environmental Statement
<i>Number of Letters Sent</i>	10,000+	3021	1228
<i>Number of responses Received</i>	1109	71	59
<i>Number in Support</i>	308	26	4
<i>Number of Objections</i>	801	45	55

6.3 801 letters of objection and 308 letters of support were submitted through the initial consultation on the application. Following the 1<sup>st</sup> amendment to the Environmental Statement, a further 45 letters of objection and 26 letters of support were received. Following the 2<sup>nd</sup> amendment to the Environmental Statement, a further 55 letters of objection and 4 letters of support were received. The following provides a summary of representations received:

### Objections:

#### *Noise*

1. Increased and more frequent noise and disturbance, particularly very early on in the day and exacerbated by noise bouncing off surrounding buildings. The sound insulation previously provided does not help during the summer or when outdoors and is also inadequate internally for dealing with the amount of noise generated. The ground noise from aircraft sitting at the airport is far worse than the air noise.
2. Noise causes problems with migraine and other health issues.
3. Increased noise from road traffic including airport buses.
4. Increased noise from changes in flight path.
5. Average figures used to calculate noise impacts are misleading.
6. There should be better sound monitoring, particularly with noise and with angle of flight approach paths.
7. Previous noise categorisation was not reliable and used estimates, and was based on historical and manufacturing information.

#### *Air Quality, Amenity and Pollution*

8. Increased air pollution.
9. Increased water pollution.
10. Loss of general amenity which is against the principles of the Human Rights Act.
11. Increased light pollution from airport use.

### *Surface Transport*

12. Increased generation of road traffic, leading to congestion, highway capacity problems and increased on-street parking demand.
13. The current DLR capacity cannot cope with the increased passenger numbers.
14. Crossrail will provide better links with Heathrow, so case for expansion of LCA is not justified.
15. The proposals will result in ecological impacts.

### *Socio-economics and regeneration*

16. The proposals will affect regeneration of the surrounding area
17. The expansion of the Public Safety Zone (PSZ) will result in the loss of 476 potential jobs.
18. The proposals will affect the value of property and future marketability of properties.
19. The airport cannot cope with providing a decent service to existing passengers, let alone if it is allowed to expand.
20. The airport has no direct benefit to the local economy or area.

### *Sustainability*

21. Unsustainable proposal which will lead to larger carbon footprints and faster climate change. LCA should be asked to operate to a carbon management plan. In turn, climate change will affect the flood plain, with many of the properties surrounding the airport within an existing flood zone.
22. The planes can cause damage to trees surrounding the airport.

### *Procedures*

23. The Council has not exercised controls over nuisance generated by the airport in the past.
24. The consultation process was not extensive enough and some of the information is too technical for the layperson to evaluate.
25. Any decision on this application should be considered at Public Inquiry, and there should be an independent assessment of impacts and benefits.
26. That the Council should be taking enforcement action against LCA for exceeding current flight limits.

### *Public Safety*

27. Additional aircraft movements will result in the need to store additional hazardous substances within the site.
28. Increased threat to public safety arising from more flights.
29. The expansion of the Public Safety Zone (PSZ) over Connaught Bridge would lead to a conflict with public safety.
30. Increased threat from terrorism.

### *Other comments*

31. Some current flights are flying under capacity. There should be a review to cancel these routes.
32. The airport was originally intended to cater for limited business use only. The current proposals represent a sea change.

### Supporters:

1. The airport provides a great alternative to other London airports.
2. The airport is a gateway into London.
3. The proposals will aid the staging of the 2012 Olympics.
4. The airport currently can't cope with existing schedules and needs to expand to minimise delays to passengers.
5. It will increase links to other airports.
6. The proposals help the local and national economy and is a positive move for East London.
7. Additional jobs will be created.
8. There will be no increase in the maximum level of noise from the aircraft using the airport.
9. Even with the expansion, the air quality will still be better than national standards.
10. The DLR will be able to cope with the additional passenger demand, and there will be minimal impact on the local roads.
11. The Airport has a good record for managing its environmental impacts.
12. Increasing runway capacity, will reduce the need for stacking, which is a primary cause of air pollution over the airport.

### Non Statutory Publicity by the Applicants

The applicants carried out their own consultation on this application, and as result the Council received a further 48 postcards supporting the application

The applicants also confirmed that in addition to the above, they supplemented the Council's own consultation process by undertaking the following;

A) By placing advertisements directing interested parties to the planning application to the availability of Non Technical Summaries (versions 2 and 3 respectively) in all libraries in the following boroughs:

Newham  
Tower Hamlets  
Bexley  
Greenwich  
Barking & Dagenham

B) Advertising the first amendment to the ES (Regulation 19)

- Barking & Dagenham Post – 30 January 2008
- Bexley Extra – 30 January 2008
- Lewisham & Greenwich Mercury – 30 January 2008
- Newham Recorder – 30 January 2008
- Greenwich Time (part of Bexley Time series) – 31 January 2008
- East End Life – 4 February 2008

C) Advertising the second amendment to the ES (Regulation 19)

- East End Life – 21 April 2008
- Barking & Dagenham Post – 23 April 2008
- Bexley Extra – 23 April 2008
- Lewisham & Greenwich Mercury – 23 April 2008
- Newham Recorder – 23 April 2008

- Greenwich Time (part of Bexley Time series) – 24 April 2008

#### 6.4 Statutory and Non Statutory Consultees

##### 6.5 *LB Barking and Dagenham*

Object to the application. The proposal is considered contrary to the 2003 Airport White Paper which states that London City is not regarded as appropriate for general aviation, which should be accommodated in other airports in the region and the application states that an increase in general aviation at the airport is anticipated carrying just one or two passengers per flight, creating problems of noise and disturbance to residents of Barking and Dagenham. Resulting in unacceptable increase in pollution and surface transport movements. It was also considered that the ES was not sufficiently robust enough, and the Transport Assessment has not considered the potential effects of the proposal on the existing road network.

##### Comments:

General Aviation refers to the combination of business aviation and recreational flying, as opposed to scheduled flights. As LCA does not service recreational flying, only business aviation. The ATWP expresses support for the provision of additional capacity for business aviation. In particular, the ATWP supports the growth of LCA in serving the business market, however it is noted that the ATWP does not explicitly support growth at the jet centre.

In response, to these comments, the applicants have advised that whilst some of the planes that serve LCA contain a relatively low number of people compared with other aircraft, the majority of these flights are business related and often carry senior executives who are completing high value added activities related to the financial and business services sector of the economy. The Government's recent announcement that it will replace Air Passenger Duty (a duty paid per passenger) with a per-plane duty will correlate aviation duty more closely to the distance travelled and will either serve to maximise load factors or help to ensure that the environmental cost of lower density flights is paid.

The assessment of the ES chapters relating to surface transport and air quality are set out in Sections 8.2 and 8.6 respectively. LBN officers have fully assessed the ES (amended), and are of the opinion that the document was sufficiently robust to consider these impacts. With the mitigation strategy set out through the proposed s106 (as set out in section 11) it is considered that any adverse impacts arising from these two issues can be suitably mitigated against.

##### 6.6 *LB Bexley*

Objects to the proposal as it will result in a deterioration of the amenities of occupiers of the London Borough of Bexley due to the increased noise and disturbance resulting from the proposed increase in Air Traffic Movements and these impacts could also have implications for future developments in the Borough.

##### Comments:

The increased noise contours does not indicate that any Bexley residents would be affected by the enlarged 57db contour. Therefore, the noise contours from the airport fall into noise exposure category A of PPG24 for

Bexley. Thus in terms of noise impacts on Bexley, the contours are within an acceptable range as identified by PPG24.

6.7 *City of London (Corporation of London)*

Supportive of the application. City Airport benefits Central London and City businesses, which have suffered from the poor lack of surface access at Heathrow. The proposals will engender regeneration, jobs and economic growth and will help maintain London as a successful European and global financial centre.

Comments:

The socio-economic impacts of the proposal are assessed in Section 8.7.

6.8 *Essex County Council*

Highlight a number of implications that impact on Essex County Council Policy. There is significant airport capacity available in Thames Gateway at London Southend Airport; Consideration must be given to the implications of an increase in permitted movements on the implications of overall airspace capacity in the wider area and routing to Southend Airport; Does not believe that the Planning Authority is able to consider the impact of the development in a holistic way; Believes that decision on this application shouldn't be made until impacts on the reorganisation of airspace within the area have been fully assessed.

Comments:

The ATWP considers Southend Airport as one of a group of six existing business aviation aerodromes within the South East, which it considers may have the potential to provide additional capacity to cater for business aviation demand. Although the ATWP considers that aerodromes such as Southend may have the potential to provide additional capacity, the extent of this capacity is less clear than at LCA where the ATWP refers to significant capacity being available. The ATWP does not favour expansion at one airport over another.

The CAA is responsible for the planning and regulation of UK airspace. The CAA has examined the proposals for additional airport capacity contained in the ATWP. It believes that the necessary airspace capacity can, in broad terms, be provided safely through the redesign of airspace and the introduction of enhanced air traffic techniques and systems. NATS are licensed under by the CAA to manage and develop UK airspace. They are currently in the process of undertaking consultation over how the air space over the south east can be re-organised.

6.9 *Environment Agency*

The Environmental Statement should include water efficiency measures. The 50% increase in flights is likely to have an impact on water demand. An ecological survey should also be undertaken. With any further proposals it would be expected that the ES should include details of waste disposal and water quality issues.

Comments:

The applicants have agreed through the s106 that there will be Sustainability Strategy which will ensure water consumption will be minimised by implementing a Water Efficiency Strategy, which will identify areas of high use for investigation into how consumption could be reduced and introduce efficiency measures in these areas.

On ecology, the ES considered that the proposed increase in movements was unlikely to have any additional direct impact upon ecology and nature conservation. Natural England also commented on this application that it was not necessary for ecology impacts to be considered with the current proposals.

6.10 *LB Greenwich*

Raised no objection but raised two observations. The observations are; i) validation and regular monitoring of noise levels to ensure that they remain within the proposed levels as set out in the Environmental Statement forming part of the planning application and ii) LCA reduce and minimising noisy (turboprop) planes utilising the airport within a timeframe to be agreed with the LPA in consultation with Greenwich Council.

Comments:

The proposed s106 will improve the monitoring arrangements for noise. In regard to the comments concerning turboprop planes, the applicants have agreed through this application to accept a limit of 120,000 Noise Factored Movements. This provides the airport with an incentive to proactively manage its fleet mix in favour of quieter aircraft.

6.11 *LB Tower Hamlets*

Raised no objection, but make the following observations; The assessment for surface transport does not indicate that there will be substantial increase in traffic levels in the road network; The Air Quality Assessment is considered inadequate and does not refer to the LB Tower Hamlets; No objection to increase in CO2 emissions as long as the mitigation and management measures are implemented; Concern is raised in respect of increased aircraft noise; The proposal may reduce demand for high speed rail to places within the UK and the rest of the EU.

Further comments received following the second amendment to the ES, stated that the assessment of the surface transport impacts does not suggest that there will be a substantial increase in traffic levels in the road network, that the air quality assessment has no relevance to LB Tower Hamlets and is unacceptable for technical reasons, that the noise contours does not take into account the fact that there are several residents in their borough who live in high rise apartments and that air travel is less sustainable than high speed rail. No objection was raised concerning the Sustainability Appraisal and Carbon Analysis Report.

Comments:

The impacts arising from these proposals have been explored in detail in the ES (amended), and fully assessed in Section 8.0.

Conventionally all the aircraft noise contour models calculate the noise level for a notional receptor height of 1.2 m above ground level (in fact it is 1.2m above runway level). Occasionally account is taken of topographical features (e.g. high ground) that might cause the results to be inaccurate. For the most part, though, any differences are found to be small and they tend to be ignored. In the case of occupiers of high rise buildings, they have been included in the assessment through the population count assessment, and at worst there may be marginal inaccuracies if those higher up the building should be classified into a different contour band compared with the level used for the classification and which was calculated for 1.2 m above ground level. It is felt that taking this fact into detailed account is unlikely to alter the conclusions set out in section 8.3. The other area where this feature might be relevant is in the determination of eligibility for sound insulation. There may be a small possibility that a high rise block may lie just outside the 57 dB(A) contour (according to a receiver height at 1.2m above ground), but those further up the building may be just within the 57 dB(A) contour. This is not felt to be a matter that would affect the conclusions drawn about the impact; but it may be an issue to be considered when the sound insulation scheme is implemented. Again, though, the chances of this being found to be the case are thought to be small.

The recent research mentioned by LBTH is thought to be the ANASE study. The issues surrounding the conclusions from this study are addressed in Section 8.3. The 50 dB(A) mentioned by LBTH takes the ANASE results at face value and makes no allowance about the concerns expressed about the robustness of the work.

6.12 *London Thames Gateway Corporation*

Support the application subject to the noise control measures remaining in place and the continued operation of the Sound Insulation Scheme.

Comments:

Certain aspects of the noise impacts, but not all, can be mitigated against and can be captured under the s106. This is discussed further in Section 11.

6.13 *Greater London Authority*

Objection made. Crossrail will provide improved public transport accessibility between the Royal Docks and the rest of London (including Heathrow Airport). There needs to be further consideration of what level of environmental and economic impacts of the expansion of City Airport might be sustainable across London and the South-East, and where any such growth may be accommodated. The full impacts should be better articulated and examined as part of the current application process. As this has not happened, the applicant is urged to withdraw the proposals. The Council is therefore urged to refuse the application on the following grounds;

- Environmental and climate change impact
- Lack of clarity about noise impact on adjoining and nearby residential areas.

It was also stated that should these issues not be resolved, then the Secretary of State will be urged to use call in powers to determine the application at public inquiry.

Comments:

The applicants responded that the GLA made a large part of their assessment on the Masterplan proposals, rather than those specific to this application. On the issue of Crossrail it is considered that that may not happen until 2017. The ATWP assess the overall impacts of airport growth across the south east. On the issue of assessing noise impacts, this was reconsidered by the Council's Technical Noise Consultants following receipt of these comments. It was reaffirmed by them that in this respect the technical noise assessment undertaken for the ES was robust. However, it was maintained that there was disagreement with the categorisation of ES Noise impacts were minor adverse. It was concluded that these impacts were moderate adverse instead. Environmental and climate change impacts are considered in Section 10.12 of this report.

6.14 *London Development Agency*

Original application

Object on the grounds of increased noise and frequency of flight and the impact that this would have upon local residents and the desirability to live in the area. Increased noise would also impact on the desirability of visitors to go to Biota! and would affect property values. They also object on the grounds that there would be overspill from the airport car park onto surrounding streets and raise issues of developers looking to increase incidence of buy to let around the airport site.

1<sup>st</sup> Amendment to ES

The further information now clarifies previous concerns on noise, and addresses the affect on regeneration of the area. Previous concerns about car parking remain. Objection to the proposals still maintained.

S106

Requested compensation for loss of value to (consented and unconsented) land affected by enlarged Public Safety Zone (PSZ), land value affected by increased noise and compensation to mitigate against increased noise impacts on consented, but not developed land (Silvertown Quays)

Comments

Under 'with consent' scenario, the noise contour areas increased in area by approximately 50% and dwellings within the 57 dB contour increased by 100% based on current development, when compared to the without consent scenario. The impacts of this and assessment are set out in Section 8.3 of this report. The socio-economic impacts are set out in Sections 8.7 and 9.2. Transport is assessed in Section 8.2. The S106 and PSZ socio-economic impacts are assessed in Sections 11.0 and 8.7.14 respectively.

## 6.15 *Transport for London*

### *Travel Demand Assessment*

Modelling is needed at Gallions Roundabout to assess the impact of development at the Airport. £50, 000 would be an initial contribution estimate to extend TfL's VISSIM model.

### *Thames Gateway Bridge*

TfL originally confirmed in their letter dated 6 February 2008 that they had no objections from a Thames Gateway Bridge (TGB) perspective. TfL has subsequently commented that the projected Public Safety Zones (PSZs) for the current application extends across part of the route that is safeguarded by a Secretary of State direction for the proposed TGB. Therefore a formal objection was registered.

The Second ES Addendum does not consider the socio-economic impacts that would result if the improvements to communications provided by the TGB are not achieved due to the constraints posed by the extended PSZs.

TfL is concerned that the extension of the PSZs as a consequence of the current proposals may prejudice the granting of planning permission for the TGB. It therefore objects to the application unless it can be assured that any consequential extension to the PSZs will not prejudice the implementation of TGB.

### *Docklands Light Railway (DLR) Funding*

DLRL had originally determined that LCA should make a contribution of £9m towards the procurement of four new rail cars, to meet the demand that could be generated by the airport with increased traffic movements. A series of potential further contributions to DLR were suggested, eventually it was suggested by email on the 20/6/08 that a contribution of £2.5m is made without conditions. As part of the any agreement with LCA, DLR would allow LCA branding rights over one railcar.

### *Car Parking*

TfL welcomes the exclusion of additional parking to support the increased Airport operations. A parking profile for 2010 scenarios with and without development is required. Confirmation of a contribution towards LBN's proposals to include parking control on local streets is welcomed.

### *Travel Plan*

TfL requires more detail in most sections of the Travel Plan (TP) to ensure that the plan will deliver a definite change based on the increase in operations.

A further response was then received;

Comments:

Contributions for the VISSIM model can be secured through the s106, and along with other s106 transport related clauses are considered in Section 11 of this report. The impacts on the safeguarding for the TGB are considered in Section 10.23. The DLR funding is considered Section 8.2.

6.16 *Natural England*

Comments made that it was acceptable to scope out ecology as part of the ES into this application. However, considered that if the Masterplan application to increase passenger throughput up to 8m per annum is submitted then a Biodiversity Action Plan (BAP) for the airport would be required.

Comments:

The applicants have advised that any future application will include a BAP.

6.17 *Regional Airports Limited*

Three principle areas of concern were cited;

i) The proposals are incrementally increasing LCA's capacity over a number of years, without a full and thorough assessment of wider policy issues associated with the airport expansion. The airport does not have the physical capacity to deal with level of additional flights proposed, leading to congestion overhead and around London to the detriment of other SE Airports.

ii) The current review of airspace by the CAA and NATS could mean that it will be impossible for LCA to accommodate the volume of flights proposed. Consider that airspace can be a material planning consideration. It would benefit passengers more to land at an airport like Southend and take the train into London, rather than be held in a stack awaiting their landing at LCA.

iii) The White Paper notes the importance of small airports in the South East providing capacity for business aviation. The current proposals are contrary to that policy. The proposals also promote private executive business jets, which isn't supported by the White Paper. The submitted ES did not consider alternative capacity at other airports.

Comments:

On these 3 issues;

i) The CAA and NATS were involved in the consideration of these proposals.

ii) The applicant's response is that airports like Southend cannot offer the same time savings as LCA, which also serves a niche business market.

iii) The applicants have responded that no alternative sites are in ownership or control of the applicants. The alternative assessment was already undertaken by Central Government is formulating the ATWP, which identifies expansion at airports in the south east, including LCA.

6.18 *Silvertown Quays Ltd*

Objection made on the proposals. The significant expansion of the PSZ will impact on development plots within the consented Silvertown Quays outline permission, which is yet to be fully implemented. This will result in residential units falling within the expanded PSZ. Thereby affecting the safety of future residents. In addition, noise levels will increase by average of 2db- 3db. This will result in Phases 1,3 and 4 of the consented development all falling within noise Category C, meaning the requirement for extensive noise mitigation and insulation measures for the affected development plots. The maximum noise levels should be assessed during night time flights, rather than the average, as this will be a more accurate measure of the impacts according to World Health Organisation guidance. Their concern was that the noise calculation is averaged out every hour. Given that the Airport only operate up to 10.30 at night, the average noise for that last hour, included a half hour period when there were no flights.

Objection maintained following second amendment to ES. Further comments also received that additional sound proofing of further development parcels will be required, and that extra cost should be borne through the s106 contributions.

Comments:

The impacts of the expanded PSZ on this site are the subject of extensive discussions. It is proposed through the Section 106 (See Sections 11 and 8.71.4) that a Compensation Value Scheme (CVS) is triggered to compensate for any loss of value in land resulting from the PSZ expansion, and to compensate for additional noise insulation for properties currently not yet built but consented. In terms of the noise calculation that is undertaken, this is a U.K. standard.

6.19 *Pinsent Masons – (These are agents representing the developers at Tripcock Point (Tamesis) which is a consented 2000+ residential led mixed use scheme in Thamesmead).*

Objections raised. Urges the Council to consider restricting future operational development of the Airport. Whilst there is support for the positive regeneration benefits of the proposal, there is concern over the impact of the proposal on the consented development in terms of noise, air quality and traffic. This site in particular has not been referred to in the ES and therefore any assessment is flawed. Also the financial benefits of the airport continuing to operate under existing restrictions has not been properly evaluated. Therefore it is suggested that the application is called in and determined by the Secretary of State at public inquiry. Several suggestions were made to amend the existing s106, including the requirement for annual noise contour maps, financial penalties, noise insulation scheme for any property within the 57db noise contour and better noise insulation measures for schools.

Comments:

Any future planning application will be considered on its planning merits and on the material planning considerations. The impact on noise, air quality and traffic are considered in Sections 8.3, 8.7 and 8.2 of this report

respectively. Their site has been referred to in the second amendment to the ES which considered the expanded PSZ. The overall socio-economic impacts are assessed in Section 8.7. The package of s106 measures to mitigate against various impacts is set out in Section 11.

#### 6.20 *Friends of the Earth*

Objection made that the consultation on the application was not comprehensive enough. Also, not convinced by business case argument, concerned about climate change, cumulative impacts, condition 13 should include limitations on military and non-civilian aircraft, noise assessment should be based on a lower threshold as set out by the ANASE study, and there should be a requirement for 10% renewable energy.

Further comments were then received reaffirming previous concerns about climate change, that alternatives such as high speed rail links (Crossrail) have not been considered, that the ES does not consider that displacement journeys instead of using the Airport could be more convenient for some, and that cutting carbon emissions would also have positive business impacts. In terms of noise, there was concern that some noise assumptions were taken on estimated levels, and therefore weren't accurate. With the expanded PSZ, there were concerns expressed over the risk impacts to Connaught Bridge, and the impacts on affected neighbouring sites.

#### Comments:

Details of the consultation process are set out in Section 6.1 of this report, and were undertaken in accordance with statutory requirements. Aircraft movements will include all take-offs and landings, other than those of aircraft engaged in training or aircraft testing. Except in emergencies only approved aircraft can use the airport. In terms of 10% renewables, there is currently no requirement for the application to provide this level of renewable energy. In any case, the Sustainability Strategy can address renewable energy, and that this can be captured through the s106. The socio-economic, climate change, cumulative impacts and ANASE study are considered in Sections 8.7, 10.12, 8.11 and 8.3 of this report respectively.

In response to some of the new issues raised by the additional comments received, with Crossrail and displacement journeys, the applicants feel that this wouldn't be delivered (if at all) until 2017, and therefore cannot be used as an alternative consideration to their current proposals which seeks to expand the airport in line with projected demands for up to 2010. With the accuracy of the noise calculations, specialist consultants assessed the noise measurements on behalf of the Council, and did not raise this as an issue. Connaught Bridge will be affected by the expanded PSZ, but as an existing structure National policy does not currently make any special provision for existing structures, in the same way it does for any proposed (and not yet consented) structures or buildings that might be built in the future. The issues of impact of the PSZ on neighbouring sites is considered in Section 8.7.14.

#### 6.21 *Visit London*

Supports the application, because it supports tourism which is also conscious of environmental issues and will assist in staging the Olympics.

Comments:

The socio-economic impacts and regeneration assessment are considered in Sections 8.7 and 9.2 of this report.

6.22 *Royal Society for the Protection of Birds*

Objects to the proposals on grounds of climate change and biodiversity.

Comments:

Biodiversity was not considered to be an impact associated with the current proposals, and as a result was not included in the scoping for the ES. Comments received from Natural England on this application reaffirm this. The impacts on climate change are considered in Section 10.12 of this report.

6.23 *Biota! Zoological Society of London*

Objection made on grounds the increase in noise from aircraft movements would impact on future visitor numbers and affect viability. The noise would affect the enjoyment of external areas around Biota! including the Esplanade. A further letter was sent following the 2<sup>nd</sup> Reg 19 consultation letter. Additional comments reinforced previous ones, as well as introduced mention of poor air quality arising from the proposals.

Comments:

The socio-economic impacts and regeneration assessment are considered in Sections 8.7 and 9.2 of this report. It is proposed that delegated authority is granted to the Borough Planning Officer to negotiate and finalise the S106. One Head of Terms (HOT) is the possibility of securing compensation against noise impacts affecting consented but not yet built developments such as Biota!

6.24 *Newham NHS Primary Care Trust*

No specific objection to the findings or conclusion of the Health Impact Assessment, other than comments that the potential impact of noise at the consented primary school at Silvertown Quay has not been made clear.

Comments:

The Silvertown Quays development has not yet been built. The proposed school will fall within the 57db noise contour and therefore an appropriate level of noise attenuation would have to be included in the build out of the school.

6.25 *London Assembly, Green Group (Darren Johnson) (LAGG)*

Concerns were raised that i) the ES did not include an analysis of carbon dioxide emissions from additional flights, ii) expansion would lead to increase of over 400,000 tonnes of CO<sub>2</sub>, iii) that the expansion in noise contour areas by 50% and doubling of the number of people living within the 57dB contour, and iv) that levels of particulates and nitrous oxides would increase.

Comments:

Carbon analysis, noise and air quality are set out and assessed in Sections 8.3, 8.6 and 9.1 respectively of this report.

6.26 *The Blackheath Society*

Concerns were raised about aircraft noise. Particular concerns were made about potential increase in aircraft sizes, which would make the situation worse.

Comments:

Carbon analysis, noise and air quality are set out and assessed in Sections 8.3, 8.6 and 9.1 respectively of this report. The applicants have agreed through this application to accept a limit of 120,000 Noise Factored Movements. This provides the airport with an incentive to proactively manage its fleet mix in favour of quieter aircraft.

6.27 *Greenwich Society*

Very concerned that the proposals will result in an increase in noise nuisance to some areas of Greenwich.

Comments:

Noise is assessed in Section 8.3 of this report. The proposed S106 will also seek to secure insulation against noise impacts for Greenwich residents within the expanded 57db contour, see Section 11.

**6.28 Internal Consultees**

6.29 *Land Panel*

The proposals were presented to Land Panel on the 6th July 2007. Members expressed concern that consultation with the community should be done comprehensively and in a way that avoids any unnecessary confusion. The proposals were presented a second time at Land Panel on the 15<sup>th</sup> February 2008.

6.30 *Environmental Health*

Comments received on Air quality and Noise;

Noise

The increase in flight numbers will cause an increase in noise level from, road transport serving the airport, operations on the ground at the airport and planes taking off and landing.

The most significant issues relate to noise from ground operations and noise from aircraft take off and landings. An assessment of the proposals indicate that the impacts are in the case of ground noise minor adverse and in the case of aircraft taking off and landing (air noise) as moderate adverse.

### *Air Noise*

- The assessment produces a range of noise contours, the 57dB A 16hr contour is considered the onset of significant community annoyance. This contour starts to include housing to the north of Victoria Dock Road. It also includes properties in both Greenwich and Tower Hamlets. There is a doubling of the number of properties within this contour (2006 compared with 2010 with consent scheme) excluding new developments, a tripling of the number if new developments (eg Silvertown Quays) are included. This also equates to a 50% increase in the area covered by the contour. There is more than a 40 fold increase in properties within the 63 dB contour, an 8 fold increase excluding new developments. This difference is largely due to the Silvertown Quays development. There are a number of dwellings on Camel Road where the 69dB contour affects the gardens and in a few cases may reach the buildings.
- These contours also encompass outdoor amenity areas and schools, the schools impacted within Newham include Drew Road School Royal Docks School and west Silvertown School. It is noted that it is not possible to generally protect amenity space.
- There appears little justification for expanding the number of flights for the 06.30-07.00 period, existing use of the period is limited and current schedules have few aircraft using the period, and therefore this element of the proposal should be refused.
- The application requests an increase in noise factored movements over and above the aircraft movement number. This is requested because of the expected change in aircraft fleet mix. That is to say that the airport expects to fly more of the noisier (larger) aircraft and fewer of the quieter (smaller) aircraft. While there are arguments that support their case, if allowed alternative measures to encourage the use of quieter aircraft must be considered. International policy (modern aircraft are quieter and more efficient than older aircraft) will not be effective at this airport.

### *Ground Noise*

- Ground noise impacts are also considered. To ensure these issues are adequately managed part of any mitigation should include a ground noise survey and report providing mitigation of impacts where practicable and applicable. Particular attention is required to areas directly east and west of the runway which are affected by engine/jet noise at take off.

### *Conclusion*

If planning permission is granted it is recommended that a series of mitigation measures to limit the noise impacts are used.

An enhanced Noise insulation scheme for properties where noise levels exceed 63dBA (66 at worst), should apply to residential, and public buildings.

The 57dB contour noise insulation works should be carried out in a planned and agreed program, in a similar style to the previous scheme, this should be part of the section 106. There are minor improvements that should be made to the scheme relating to timings and prioritisation as part of the detailed wording of the section 106.

Any premises treated under the existing scheme within 10 years of the original installation to be offered inspection and rectification of any works to ensure the insulation standard is maintained.

A program of noise monitoring close to the perimeter of the airport investigating the combined impacts of ground and air noise from the airport, and the consideration of mitigation.

The noise and track keeping system should be upgraded to allow for better local authority access and for public access to noise and track keeping data.

The airport shall agree to a scheme where properties falling into the 69dB laeq 16hr contour be offered the purchase of their property by LCA at a fair market rate.

(All of these mitigation measures are set in detail under Section 8.3.17 of this report).

#### Air Quality

- The air quality assessment is considered acceptable and indicates a moderate adverse impact as a worse case at two receptors, located on Hartman Road and Camel Road. However, this is not unusual adjacent to busy roads in other parts of Newham. If levels are as predicted the airport should consider how it can reduce the impact at those sites.
- The borough is obliged to take steps to reduce levels of key pollutants to below national objectives (Environment Act 1995). As this application gives rise to increases in pollutant concentrations that are also above objectives, the airport should be required to undertake steps to improve its emissions, both direct and indirect.

#### *Mitigation*

- The airport should provide publicly assessable air quality data from its existing monitoring site, and provide data daily to Newham so that it may be feed into the Boroughs air quality network data.
- The airport should undertake additional air quality monitoring to investigate anomalies in the continuous monitoring data. In particular it should monitor at Hartman Road and Camel Road to assess compliance with air quality objectives.
- The airport should develop an action plan within 12 months of the agreement to mitigate air quality impacts including “airport

smell” The impact and performance of the action plan should be reviewed annually with the Borough.

### 6.31 *Transportation*

It is accepted that there will be an increase in surface movements arising from the proposals, and the impacts arising from the expansion are on Bus and DLR services, and the highway network.

#### 2010 ‘with consent’ predictions and impacts

This scenario is predicted to include for 120,000 aircraft movements and accommodation of 3.9 mppa. No changes are proposed to access arrangements, servicing arrangements and car parking arrangements. This was originally a concern with respect to additional parking stress in the residential streets surrounding the airport, but has been addressed as there is an agreement for contribution towards on street parking controls/a Controlled Parking Zone.

An increase of 50% in flight movements without alteration to the current proportions of transport mode in trips to the airport would result in near full capacity being reached (96%) in both of the car parks. It is however expected that with the improvements to the DLR services plus the adoption and uptake of Green Travel initiatives, for the pressure on the car parks to reduce.

#### DLR Impacts

LBN Transportation have reviewed the TA and considered the likely impact of the proposed expansion to 120,000 flights and 3.9 mppa, and consider that the most appropriate means of determining the airport’s contribution will be to base it on the increase in movements onto the DLR network the expansion will generate, based on a 60% mode share. This could be a ‘base’ payment to be made, and will annual travel mode monitoring of passengers, subsequent increases in trips onto the DLR Network could realise further contributions.

It is considered that the offer of £2.5m towards DLR improvements is acceptable, and will help to mitigate against the additional load generated by the proposals.

#### Highway Impacts

No great concerns have been expressed about highway impacts provided suitable mitigation is sought through the s106.

#### Section 106 contributions

In order to mitigate against the transport impacts of the application, it is appropriate that section 106 contributions are paid by the developer. A number of Heads of Terms have been recommended and these can all be captured in the s106. (See Section 11).

#### Summary

The increase in air movements and passengers will bring with it an increase in Transport demand and impact. Whilst Transportation do not

object to the proposed expansion in principle, this is subject to a number of mitigation measures which can be captured in the s106.

### 6.32 *Regeneration and Projects*

- Consider that the conclusions of the socio-economic chapter acceptable. The figure of 957 additional jobs being generated by the application in the core area is in line with the rule of thumb for airports that a million additional passengers generate 1000 direct and indirect jobs and an additional £39m to the area economy is significant spend. These figures are then broken down into 729 jobs directly created with an annual spend of £29m and 228 jobs indirectly bringing the remainder.
- The assumption that 476 jobs and £13m annual spend to the locality will be foregone by the impact of the extended PSZ may be on the higher end of projections when you consider the sites actually impacted. The net positive economic impact figure resulting from jobs created and those assumed foregone at 481 and an annual additional £26m income will still be a significant boost to the Newham economy. LCA will be encouraged to recruit local people into the new jobs where possible.
- The chapter also states that drawing on evidence of studies from other airport expansions that there will be no negative impacts on house prices, mortgage costs or insurance premiums from the PSZ extension. This is surprising but no objections raised on these findings.
- Concern was however expressed over the potential for properties located around the airport to be increasingly subject 'buy to let' (because of negative impacts of the proposal) and therefore counters the Council's desire to create stable sustainable developments for families.
- Although the main economic advantages of the proposal weren't disputed, doubts were expressed about the Regeneration Statement where it mentions a direct link between Excel's business plan and expansion of the Airport.
- Concern was also expressed over the economic impacts the proposals would have on Silvertown Quays, and future marketability of properties (consented but not yet built).
- Concern was also expressed about the noise impact delaying future regeneration of the Royals Business Park.

### 6.33 *Forward Planning*

Comments were received on waste and cumulative impacts chapters of the ES. There were no significant concerns or objections relating to either the waste or cumulative effects information provided following the amendment to the ES. Depending on the preferred development options pursued through the Local Development Framework, will determine the potential impact of the airport's expansion on new developments. There will be a few sites adversely affected, mainly if they are identified for residential development. Most sites fall within the lower limits of the noise contours and may require some mitigation measures to be put in place.

## 7.0 PLANNING POLICIES AND GUIDANCE

7.1 With reference to Section 4.2 of this report, Section 70 of the Town And Country Planning Act 1990 (as amended) (TCPA) states;

*(1) Where an application is made to a local planning authority for planning permission—*

*(a) subject to sections 91 and 92, they may grant planning permission, either unconditionally or subject to such conditions as they think fit; or*

*(b) they may refuse planning permission.*

*(2) In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.*

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states;

*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*

Paragraph 30 of Planning Policy Statement 1 (2005) states;

*The new system of regional spatial strategies and local development documents should take a spatial planning approach. Spatial planning goes beyond traditional land use planning to bring together and integrate policies for the development and use of land with other policies and programmes which influence the nature of places and how they can function.*

*That will include policies which can impact on land use, for example by influencing the demands on or needs for development, but which are not capable of being delivered solely or mainly through the granting or refusal of planning permission and which may be implemented by other means. Where other means of implementation are required these should be clearly identified in the plan. Planning policies should not replicate, cut across, or detrimentally affect matters within the scope of other legislative requirements, such as those set out in Building Regulations for energy efficiency.*

### Legislation

Paragraph 30 of the General Principles, Part 2, of PPS1, states;

*The Human Rights Act 1998 which incorporated provisions of the European Convention on Human Rights (ECHR) into UK law. The general purpose of the ECHR is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society. It sets out the basic rights of every person together with the limitations placed on these rights in order to protect the rights of others and of the wider*

*community. The specific Articles of the ECHR relevant to planning include Article 6 (Right to a fair and public hearing), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).*

7.2 The following sections summarise the national, regional and local policies that are relevant to the consideration of the proposals. A list of the relevant policies from the Consolidated London Plan and the UDP is also provided.

a) **National Policy**

i) **The Air Transport White Paper and Progress Report**

**Overview**

7.3 The Government's ATWP provides the national framework for the development of air travel over the next 30 years. The Foreword states that the Government's starting point is to make best use of existing airport capacity and this is reiterated throughout the document. This White Paper sets out a strategic framework for the development of airport capacity in the United Kingdom over the next 30 years, against the background of wider developments in air transport. It does not itself authorise or preclude any particular development, but sets out a policy framework against which the relevant public bodies, airport operators and airlines can plan ahead, and which will guide decisions on future planning applications. It sets out the conclusions of the Government, and of the devolved administrations where appropriate, on the case for future expansion at airports across the country. In doing so it takes account of views expressed in an extensive consultation exercise, in the course of which around 500,000 responses were received. The ATWP is therefore a material consideration in the assessment of planning applications.

7.4 The ATWP recognises that demand for air travel in the South East is high, principally because of the nature and strength of the economy within the South East and London in particular. It states that pressures on existing capacity in the South East of England are already more severe than those in the rest of the country.

7.5 The ATWP recognises the importance of air travel to national and regional economic prosperity, and that not providing additional capacity where it is needed would significantly damage the economy and national prosperity (Executive Summary). It also recognises that this should be balanced against environmental concerns.

**London City Airport**

7.6 The ATWP recognises that LCA is **“particularly well placed to serve a niche business market”** and also recognises the Airport's growth potential of up to 5 mppa (paragraph 11.96). The latter also states that LCY continues to be an important factor in local regeneration, business development, transport and tourism infrastructure.

7.7 Whilst recognising the importance of aviation to national and regional economies, the ATWP recognises that increasing airport capacity must be balanced by the need to have regard to the environmental consequences of air travel. Accordingly, the ATWP supports a balanced approach to aviation growth, which:

- **“recognises the importance of air travel to our national and regional economic prosperity, and that not providing additional capacity where it is needed would significantly damage the economy and national prosperity;**
- **reflects people’s desire to travel further and more often by air, and to take advantage of the affordability of air travel and the opportunities this brings;**
- **seeks to reduce and minimise the impacts of airports on those who live nearby, and on the natural environment;**
- **ensures that, over time, aviation pays the external costs its activities impose on society at large – in other words, that the price of air travel reflects its environmental and social impacts;**
- **minimises the need for airport development in new locations by making best use of existing capacity where possible;**
- **respects the rights and interests of those affected by airport development;**
- **provides greater certainty for all concerned in the planning of future airport capacity, but at the same time is sufficiently flexible to recognise and adapt to the uncertainties inherent in long-term planning (ATWP Executive Summary).”**

7.8 The ATWP states that adverse environmental impacts should be controlled, mitigated and, where relevant, made the subject of suitable compensation. Local controls should operate to manage the environmental impact of aviation and airport development (paragraphs 3.5 and 3.6).

#### Noise

7.9 The ATWP also explains that the Government’s approach to noise is, first to control the scale of impacts; second, to mitigate the remaining impacts; and third, to compensate for those impacts which cannot be mitigated (Paragraph 3.15). Page 34 confirms that 57dBA  $L_{eq}$  marks the daytime onset of significant community annoyance, whilst paragraph 3.21 states that noise levels of 69dBA  $L_{eq}$  or more should trigger assistance with the costs of relocation, and 63dBA  $L_{eq}$  or an increase of 3dBA  $L_{eq}$  or more should trigger contributions to acoustic insulation.

### Air Quality

- 7.10 With regard to air quality, paragraph 3.28 acknowledges that aircraft engines, along with airport traffic on local roads and surface vehicles generate emissions, the most important being nitrogen dioxide (NO<sub>2</sub>) and particulates (PM<sub>10</sub>). Paragraph 3.31 states that compliance with air quality standards will require reducing airport ‘airside’ emissions substantially, through technological and operational improvements by both airports and airlines. It also encourages limiting road traffic emissions through increased use of public transport.

### Carbon Emissions and Global Warming

- 7.11 With regard to carbon dioxide emissions from aviation, the Government launched a consultation on aviation and emissions trading (‘Consultation on the Commission’s Proposal to Include Aviation in the European Union Emissions Trading Scheme’) in March 2007 which set out the Government's proposed approach. It repeats the Government's commitments in the ATWP and Progress Report that aviation should pay its full external costs and confirms that the Government believes that emissions trading is the most appropriate instrument for ensuring this (paragraph 9) and that, through emissions trading Government policy for aviation is consistent with its policies for carbon reduction. The EU Emissions Trading Scheme (ETS) is a Community-wide scheme established in 2003.

### Surface Access Transport

- 7.12 The ATWP states that responsibility for bringing forward surface access proposals and securing funding lies with airport operators, working closely with the Department for Transport, Strategic Rail Authority, Highways Agency, and regional and local bodies (paragraph 12.19). To achieve this it stresses the importance of long-term surface access strategies being defined in airport master plans and being the subject of project development, option appraisal and consultation, with a view to identifying preferred schemes in Local Planning and Transport Plans (paragraph 12.20).

#### ii) The Planning White Paper

- 7.13 In May 2007 the Government published the Planning White Paper “Planning for a Sustainable Future”. The White Paper sets out detailed proposals for reform of the planning system, seeking to improve the speed, responsiveness and efficiency in land use planning, and taking forward proposals for the reform of major infrastructure planning as recommended by the Government’s advisors, Kate Barker and Rod Eddington. The Paper also sets out the Government’s response to the challenges of economic globalisation and climate change.
- 7.14 The White Paper explains the Government's intention to produce national policy statements in respect of national infrastructure and, in this context, renews its commitment to the ATWP. The Paper explains that the Government considers airport development to be in the national interest (paragraph 3.1). It states that such nationally important infrastructure is "vital" to the national economy (paragraph 1.49) and that the ATWP is to

be treated as the definitive statement of Government policy on airports (paragraphs 1.10, 3.1, 3.29 and 3.36).

iii) Towards a Sustainable Transport System

- 7.15 In October 2007 the Department for Transport published “Towards a Sustainable Transport System – Supporting Economic Growth in a Low Carbon World” (TSTS). This is a discussion document that sets out the Government’s transport strategy in light of Sir Nicholas Stern’s Review of the Economics of Climate Change (October 2006) and Sir Rod Eddington’s Transport Study (December 2006). The Government’s intention is that this paper will advance to the Green Paper stage in mid 2008 and then to the White Paper stage by December 2008.
- 7.16 TSTS re-affirms the Government’s approach to aviation set out in the ATWP, Progress Report and the Planning White Paper. This is to make the most of existing airports through a process of improvement and modernisation, including making more use of existing runways and building extra terminal capacity (paragraph 3.40). The TSTS explains that the UK is taking a strong lead in promoting the inclusion of aviation in the European Union Emissions Trading Scheme (EU ETS), which would ensure that any growth in aviation emissions would require airlines to buy carbon permits so that such growth would have to be matched by a corresponding reduction from elsewhere within the trading scheme (paragraph 34).
- 7.17 Published in October 2007, the TSTS provides a recent update on the Government’s approach to aviation. It concludes that there are significant economic benefits to allowing an expansion of airport capacity in the South East, even allowing for the potential environmental costs that such expansion may cause (paragraph 3.39).

iv) PPS1 Delivering Sustainable Development

- 5.24 PPGs and PPSs provide national planning guidance for local planning authorities. PPS1 was published in 2005 and sets out the Government’s overarching planning policies on the delivery of sustainable development through the planning system. Sustainable development is considered to be the core principle underpinning planning. Paragraph 20 states that Development Plan policies should take account of environmental issues such as mitigating the effects of climate change and adapting to climate change.
- 7.18 In December 2007 the Government published a supplement to PPS1 titled “Planning and Climate Change”. It sets out how planning should contribute to reducing emissions and stabilising climate change and take into account the unavoidable consequences.
- 5.26 Paragraph 7 of the supplement states that planning has a pivotal and significant role in helping to, amongst other things, secure enduring progress against the UK’s emissions targets, and deliver the Government’s ambition of zero carbon development.
- 7.19 Paragraph 9 states that all planning authorities should prepare and deliver spatial strategies that, amongst other things, make a full contribution to delivering the Government’s Climate Change Programme and energy policies, and secure the highest viable standards of resource and energy efficiency and reduction in emissions.

- v) PPS10 Waste
- 7.20 The overall objective of Planning Policy Statement 10 (Planning for Sustainable Waste Management) is to protect human health and the environment by producing less waste and by using it as a resource wherever possible.
- vi) PPG13 Transport
- 7.21 Aviation is dealt with in Annex B of PPG13 (March 2001). Paragraph 7 states that airports have become major transport interchanges and traffic generators. It states that in preparing plans and determining planning applications, local authorities should consider the extent to which development is related to the operation of the Airport, and is sustainable given prevailing and planned levels of public transport. Paragraph 8 states that surface access needs should be planned as part of the wider transport strategy for the local area.
- v) PPS23 Planning and Pollution Control
- 7.22 PPS23, published in November 2004, contains advice on when air quality should be a material consideration in development control decisions. Existing and likely future air quality should be taken into account, as well as the presence of any Air Quality Management Areas. PPS23 also states that not all planning applications for developments inside or adjacent to AQMAs should be refused, even if the development would result in a deterioration of local air quality.
- vi) PPG24 Planning and Noise
- 7.23 PPG24 was published in 1994. Paragraph 10 states that much of the development which is necessary for the creation of jobs and the construction and improvement of essential infrastructure will generate noise. The planning system should not place unjustifiable obstacles in the way of such development.
- 7.24 The guidance introduces the concept of Noise Exposure Categories (NECs) ranging from A-D, to help local planning authorities in their consideration of applications for residential development near transport-related noise sources. Category A represents the circumstances in which noise is unlikely to be a determining factor, while Category D relates to the situation in which development should normally be refused (paragraph 8).
- 7.25 Paragraph 12 states that when determining planning applications for development which will be exposed to an existing noise source, local planning authorities should consider both the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future, for example at an airport.

PPG 24 sets out that when assessing a proposal for residential development near a source of noise, local planning authorities should determine into which of the four noise exposure categories (NECs) the proposed site falls, taking account of both day and night-time noise levels. Local planning authorities should then have regard to the advice in

the appropriate NEC, as below:

NEC	
<b>A</b>	Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as a desirable level.
<b>B</b>	Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.
<b>C</b>	Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise
<b>D</b>	Planning permission should normally be refused.

**b) Regional Policy (London Plan (Consolidated February 2008))**

*Overview*

- 7.26 The London Plan (also known as the Spatial Development Strategy for Greater London) is the Mayor of London's strategic plan that sets out an integrated social, economic and environmental framework for the future development of London. In February 2008 the Consolidated London Plan was published. This incorporates alterations that have been made to the original London Plan, published in February 2004. The London Plan is also part of the statutory development plan for Newham (section 38(2) of 2004 Act).
- 7.27 Objective 5 of the Plan is to improve London's accessibility and, amongst other things, seeks to improve international, national and regional transport access to London, including a sustainable and balanced London area airport system.
- 7.28 Policy 3C.5 states that the Mayor will work with strategic partners to improve and expand London's international and national transport links for passengers and freight, to support London's development, to achieve the spatial priorities of the plan, especially to support growth in the Thames Gateway, and to achieve regeneration benefits while mitigating adverse environmental impacts. It also seeks to improve public transport access to airports, ports and international rail termini.

*Airport Development*

- 7.29 Paragraph 1.5 of the Consolidated London Plan states that London is a world transport hub and one that needs substantial improvement. It adds that this will require significant additional airport and port capacity, located to serve spatial and economic priorities.

- 7.30 Policy 3C.6 relates specifically to airport development and operation. It supports the development of a sustainable and balanced London area airport system and recognises that further runway capacity in the South East will be required to meet London's needs. The policy states that adequate airport capacity serving a wide range of destinations is critical to the competitive position of London in the global economy.
- 7.31 Policy 3C.6 also states that the aviation industry should meet its full environmental and external costs but accepts that there will still be a need for extra capacity to meet London's economic needs. It requires that airport operations give high priority to sustainability, including setting targets for and actively working towards increasing the share of access journeys by passengers and employees made by sustainable means, and taking full account of environmental impacts when making decisions on aircraft operation.

#### Regeneration

- 7.32 LCA falls within an Area for Regeneration, where the Mayor will work with strategic partners to achieve their sustained renewal by prioritising them for action and investment (Policy 2A.7). Areas for Regeneration are the 20% most deprived areas in London as defined by the London Index of Deprivation.
- 7.33 The Consolidated London Plan identifies five sub-regions and provides a spatial framework for each one. LCA is located in the North East London Sub-region. Policy 5C.1 sets out the strategic priorities for the sub-region, stating, amongst other things, that it should deliver the London element of the Government's priority for the Thames Gateway for development, regeneration and transport improvement.
- 7.34 Paragraph 5.57 adds that North East and South East London, and especially the Thames Gateway area, are the Mayor's priority for development, regeneration and infrastructure improvement. In addition, paragraph 5.64 states that North East London should become one of London's main gateways to mainland Europe building on, amongst other things, the access to City and Stansted airports.

#### Opportunity Areas

- 7.35 The Consolidated London Plan identifies 28 Opportunity Areas, six of which fall within the North East London sub-region. With regard to the Opportunity Areas in this sub-region, Policy 5C.3 states that, taking account of other policies, developments will be expected to maximise residential and non-residential densities and to contain mixed uses.
- 7.36 LCA is located within the Royal Docks Opportunity Area. According to Table 5C.1 in the Consolidated London Plan, it is 636 hectares in size, and has an indicative employment capacity of 5,500 jobs and a minimum housing target of 14,000 homes over the period 2001-2026.
- 7.37 The Lower Lea Valley Including Stratford Opportunity Area is located to the north-west of LCA. According to Table 5C.1 in the Consolidated London Plan, it is 1,446 hectares in size, and has an indicative employment capacity of 50,000 jobs and a minimum housing target of 32,000 homes over the period 2001-2026. The Lower Lea Valley Opportunity Area Planning Framework (LLV OAPF) was issued as

strategic planning guidance by the Mayor of London in January 2007 and provides guidance on the proposals for and spatial extent of this Opportunity Area.

- 7.38 To the east of LCA lies the London Riverside Opportunity Area. Table 5C.1 states that this has an indicative employment capacity of 14,000 jobs and a minimum housing target of 20,000 homes over the period 2001-2026.

#### Noise

- 7.39 Policy 4A.20 in the Consolidated London Plan seeks to reduce noise by, amongst other things, minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of development proposals. Paragraph 4.57 of the Plan states that reducing aircraft noise should be a priority for government, which is responsible for regulation at airports.

#### Air Quality

- 7.40 Policy 4A.19 states that the Mayor's Air Quality Strategy should be implemented and reductions in pollutant emissions and public exposure to pollution achieved by, amongst other things, ensuring at the planning application stage that air quality is taken into account along with other material considerations and that formal air quality assessments are undertaken, particularly in designated Air Quality Management Areas.

#### Surface Access Transport

- 7.41 With regard to surface access to airports, Policy 3C.6 states that airport operations should set targets for and actively work towards increasing the share of access journeys by passengers and employees made by sustainable means.
- 7.42 Policy 3C.13 states that the Mayor and TfL will improve the Underground and DLR service by delivering improvements in safety and security, reliability, customer service and effective capacity; and identifying and taking forward improvements to the network. Paragraph 3.230 confirms that the Woolwich extension is scheduled to open in early 2009.

#### Carbon Emissions and Climate Change

- 7.43 Policy 4A.1 states that boroughs should require developments to make the fullest contribution to the mitigation of and adaption to climate change and to minimise emissions of carbon dioxide. Policy 4A.2 includes targets to reduce carbon dioxide emissions by 15% from 1990 levels by 2010 with a longer term target of a 30% by 2025.
- 7.44 The Plan also seeks to ensure future developments meet the highest standards of sustainable design and construction (policy 4A.3). The GLA has produced supplementary planning guidance on Sustainable Design and Construction (May 2006) which provides further guidance on the implementation of policy 4A.3.

### Health

- 7.45 Policy 3A.23 of the Consolidated London Plan states that boroughs should require Health Impact Assessments for major development proposals and have regard to the health impacts of development proposals.

### Waste

- 7.46 Policy 4A.21 sets out the Mayor's strategic policy and targets for waste. The Mayor will work with boroughs, the Environment Agency, statutory waste disposal authorities and boroughs to, amongst other things, minimise the level of waste generated; and increase re-use and recycling and composting of waste, and reduce landfill. The Mayor published a Draft Business Waste Management Strategy for consultation in February 2008 which encourages the reduction of commercial waste and promotes better re-use and recycling throughout London.

### East London Sub-Regional Development Framework

- 7.47 In May 2006 the Mayor published the East London Sub-Regional Development Framework, which is intended to provide non-statutory guidance on the implementation of London Plan policies in the East London Sub-Region.
- 7.48 The Royal Docks Opportunity Area is dealt with specifically in Annex 2 (pages A17 and A18), where it confirms a requirement for a minimum of 14,000 new homes and 5,500 new jobs by 2026. Specific references to the Airport are provided in the Strategic Objectives which state that the DLR City Airport extension will support further growth of City Airport, providing a direct link between the Airport and the centre of London, with the extension to North Woolwich and improving access from the south.

c) **Local Policy (Newham UDP (adopted June 2001, saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State))**

- 7.49 The Newham UDP was published in June 2001 and sets out the planning policies that apply to development proposals within the Borough.
- 7.50 In accordance with the requirements of the Planning and Compulsory Purchase Act 2004, the UDP will be replaced by a Local Development Framework (LDF) that is currently being prepared by LBN. The LDF is a portfolio of planning documents which, once approved, will deliver the planning strategy for the Borough.
- 7.51 Following commencement of the 2004 Act, the policies and proposals in the UDP were 'saved' for a period of three years up to 27 September 2007 to cover the period while the LDF was being prepared. As of this date the policies would 'expire'. In September 2007 the Secretary of State issued a direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 in respect of the UDP. The effect of this was to extend the saving of certain UDP policies and proposals until the LDF has been approved. Those policies and proposals

not listed in the Secretary of State's direction expired on 27 September 2007, the effect of which is to delete them from the UDP. Accordingly, this report only takes into consideration policies and proposals in the UDP that have been saved.

i) The Unitary Development Plan

Overview

- 7.52 The UDP sets out the Council's vision for the future that by the year 2010 Newham will be a major business location and a place where people will choose to live and work (paragraph 0.1).
- 7.53 Part 1 the UDP sets out the overarching strategy for the Borough, with pages 38 and 39 acknowledging the potential for the expansion of the Airport between 1997 and 2002.
- 7.54 Part 1 also includes a series of strategic policies for the Borough. Policy S4 states that development proposals will be assessed in terms of how they are compatible with the aims of sustainable development. Policy S24 states all employment proposals will be assessed in terms of how they contribute towards the Council's regeneration objectives of the development of a strong and diversified economy, and improving access to employment for Newham's residents.
- 7.55 Policy EMP1 states that the Council will strive to achieve, within a strengthened and more diversified local economy, an overall growth in employment opportunities.

London City Airport

- 7.56 The London City Airport Boundary is defined on the UDP Proposals Map
- 7.57 Paragraph 7.108 of the UDP recognises the strategic and economic importance of LCA:

**“The Airport is a major strategic asset to the Borough and to London as a World City, linking business centers in the West End, City, Docklands, East London and elsewhere in Thames Gateway with a wide range of European business destinations. It is an incentive to further development in the Royal Docks and is an important direct and indirect generator of employment. The Council's policy towards London City Airport is one of support and encouragement in recognition of its strategic and economic importance to the Borough and sub-region.”**

- 7.58 Policy T29 of the LBN UDP states that the Council will not permit further operational expansion of LCA unless it can be demonstrated that such development would not result in unacceptable impacts on the local environment.
- 7.59 The UDP Proposals Map and Map T5 within the written statement both indicate the Public Safety Zones (PSZs) (Proposal t34) relating to LCA.

Paragraph 7.111 explains that the Airport has a designated PSZ where there should be no significant increase in the number of people living, working or congregating. Other restrictions on development may include noise levels, as imposed by the airport operating at capacity. This is likely to restrict the location of certain noise-sensitive uses such as hospitals, schools and dwellings to the airport. (It should be noted that the PSZ restrictions are national guidance and not just UDP policy).

- 7.60 Policy T30 states that the Civil Aviation Authority will be consulted on all applications for permission to develop sites within the outer safeguarding boundary shown on the safeguarding boundary map for the London City Airport, provided that the proposals are of the extent and nature specified on the key to the map. These applications will be determined having regard to the advice received from the Civil Aviation Authority. Map T11 of the UDP indicates the Outer Safeguarding Boundary of LCY.
- 7.61 In April 2005, the Council published Supplementary Planning Guidance (SPG) on London City Airport Safeguarding. To operate an airport safely it is necessary to protect or 'safeguard' the airspace around the runway in relation to matters such as the height of surrounding buildings and lighting in the surrounding area. In 2003 the responsibility of administering safeguarding was transferred from the CAA to airport operators. The SPG provides a set of comprehensive guidance notes on airport safeguarding and related issues, and the safeguarding procedure which requires the Council to consult LCA where appropriate.
- 7.62 The SPG on safeguarding also covers the topic of PSZs. Paragraph 9.2 refers to the PSZ plan included in the SPG which supersedes that shown on the UDP Proposals Map. The extent of the PSZs shown on the map in the SPG is less than those indicated on the UDP Proposals Map, following the redefinition of the PSZs by the Department for Transport in 2002.

#### Area Surrounding London City Airport

- 7.63 The UDP Proposals Map acknowledges proposals for the DLR extension to the south (designation t30) and north (t29) of the Airport. It also identifies the Docks as a major leisure attraction.
- 7.64 The Proposals Map identifies Major Opportunity Zones for future regeneration proposals to the north (MOZ9 – Royal Albert Dock (North Side)) and east (MOZ11 – King George V (South Side), MOZ12 – Albert Dock Basin (South Side), MOZ13 – Albert Dock Basin (North Side)) of LCY and an Employment Area designated to the south (EMP7). Policy UR1 states that developments of strategic and regional significance will be promoted in the MOZs.

#### Pollution

- 7.65 Policy EQ45 states that planning permission will be resisted where it would involve unacceptable levels of vibration, smell, fumes, dust, grit, air and water pollutants, noise, vehicular or pedestrian traffic, ground/soil pollutants or light spillage being generated beyond the boundary of the site.

### Noise

- 7.66 The UDP states that noise levels from operations at the Airport will be taken into account in determining applications for noise-sensitive developments in the vicinity of the Airport (policy T31). Policy EQ48 states that in considering planning applications for new noise-sensitive development, the Council will apply the concept of noise exposure categories (in accordance with PPG24) and notes that the Council may require a demonstration of whether the site is suitable for the development proposed or can incorporate mitigation measures, which achieve a satisfactory environment.
- 7.67 Policy EQ47 requires an assessment of noise impact to be carried out where a proposed development is likely to produce a considerable increase in noise relating to its use.

### Air Quality

- 7.68 Policy EQ46 states that the cumulative air pollution impact of existing uses and the proposed development of land will be a material consideration in the assessment of planning applications. Where the impact of proposed development is likely to be significant in air quality terms, mitigation measures may be required.

### Nature Conservation

- 7.69 Both the Royal Albert Dock and King George V Docks are identified as Protected Sites of Nature Conservation Importance (SNCIs). Policy EQ9 states that development that would have an adverse impact on the nature conservation value of SNCIs will not be permitted. Proposals for adjoining sites should be considered in the context of their ecological impact on SNCIs and, where appropriate, should include measures to protect or enhance local plant and animal communities.
- 7.71 Policy EQ7 states that the Royal Docks will be protected as an area of open water and built development will only be permitted where the open nature of the Docks is not significantly affected. Policy EQ8 seeks to safeguard viewpoints in the Royal Docks. Policy EQ64 states that the Council will oppose proposals which affect the stability and continuity of tidal defences including the Royal Docks.

### Public Transport

- 7.72 Policy T5 of the UDP states that the Council supports the use of public transport, cycling and walking as preferred methods of transport to the motor car. The Council's policies will normally be designed to minimise car trips and encourage the use of alternatives. Applicants are encouraged to produce a Green Travel Plan in order to achieve these objectives.

### Waste

- 7.73 With regard to waste, the UDP supports the 'waste hierarchy' (reduce; re-use; recycle). Policy EQ61 states that the Council will provide and negotiate to secure local recycling points including collection and storage at major new residential, retail and other commercial buildings.

ii) The Local Development Framework

- 7.74 Preparation of the LDF, which will eventually replace the UDP, is at an early stage.
- 7.75 Following further guidance from the Government and their appointed Planning Inspectors, these documents are now being substantially revised to ensure that they meet the requirements of the new LDF system.
- 7.76 In February 2008, the Council published the Core Strategy Issues and Options report for consultation. This presents three possible spatial options for the future planning of the Borough. Option 1 is prioritising employment, Option 2 is prioritising mixed use and Option 3 is prioritising housing. The consultation period closed at the end of March and the responses are currently being considered.
- 7.77 The Council's Local Development Scheme (LDS) which came into effect in November 2007 provides details of the planning policy documents that are to be prepared for the LDF and the timetable for their production. The Core Strategy is due to be published in November 2010. The Development Control Manual will contain a series of criteria-based development control policies. The Issues and Options report is due to be published for consultation shortly with the final document being published in September 2011. Once approved, this document will replace the specific development control policies contained in Part 2 of the UDP.
- 7.78 The LDS also explains that the Royal Docks and Thameside West Area Action Plan will set out policies and site-specific proposals for this particular area of the Borough. The Issues and Options report is due to be published later this year with the final document being published in August 2012. This document is intended to replace some of the policies and proposals contained in the Urban Regeneration chapter of the UDP.
- 7.79 The Core Strategy Issues and Options report is a material planning consideration in the determination of this application. However, given that it is at a preliminary stage and that it presents a series of possible options, little weight can be attached to it.

**LIST OF RELEVANT PLANNING POLICIES**

a) **Consolidated London Plan (February 2008)**

- I.1 The Mayor's Objectives
- 2A.7 Areas for Regeneration
- 3A.23 Health Impacts
- 3C.5 London's International, National and Regional Transport Links
- 3C.6 Airport Development and Operation
- 3C.13 Improved Underground and DLR Services

- 4A.1 Tackling Climate Change
- 4A.2 Mitigating Climate Change
- 4A.3 Sustainable Design and Construction
- 4A.19 Improving Air Quality
- 4A.20 Reducing Noise and Enhancing Soundscapes
- 4A.21 Waste Strategic Policy and Targets
  
- 5C.1 The Strategic Priorities for North East London
- 5C.3 Opportunity Areas in North East London

**b) London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State)**

- S4 Sustainable Development
- S24 Employment: Meeting the Council's Regeneration Targets
  
- UR1 Major Opportunity Zones: Designation
  
- EQ7 The Royal Docks: Preservation of the Open Nature of the Docks
- EQ8 The Royal Docks: Safeguarding of Viewing Points
- EQ9 Protection of Sites of Nature Conservation Importance
- EQ45 Pollution
- EQ46 Air Quality Management
- EQ47 Noise Impact Statement
- EQ48 Noise-Sensitive Development
- EQ61 Recycling
- EQ64 Tidal Defences
  
- EMP1 Employment Growth
  
- T5 Preferred Modes of Transport
- T29 London City Airport: Limitations on Expansion
- T30 Restrictions on Development Within the Airport Safeguarding Zone
- T31 Effect of Airport on New Noise-Sensitive Development

**8.0 ENVIRONMENTAL STATEMENT**

- 8.1 The Environmental Impact Assessment (EIA) has been prepared to assess the significant environmental effects that are likely to arise from the proposed development. The Environmental Statement (ES) comprises of 2 Volumes, Volume 1 being the Master Volume which contains the content of development and deals with the scoping, EIA methodology, planning policy framework, non significant issues and significant issues that include surface transport and access, noise, air quality, socio-economics, waste, mitigation and residual effects and cumulative effects. Volume 2 is the Technical Appendices. The ES is also accompanied by a Non Technical Summary. The ES also comprises of the first Addendum dated 22<sup>nd</sup> January 2008 which considers in further detail noise, air quality, surface access and transport and monitoring and mitigation. The ES included a second Addendum dated 11th April 2008 which considers the socio-economic impacts of the expansion of the Public Safety Zone, waste and cumulative effects.

- 8.2 The ES has been assessed by Officers and consultants appointed by the Council to ensure it meets the EIA Regulations 1999 and whether it contains sufficient information to determine whether or not planning permission should be granted or not, and the planning conditions/obligations that need to be attached to the permission.
- 8.3 The nature of this application is to vary 2 conditions attached to the original airport permissions and this will have the effect on increasing the number of actual flights and noise factored movements and will intensify the early flying time during the period of 0630 to 0700 hours. It is essential that the details of the application and the subsequent mitigation are tied to the permission to ensure that the development does not, and more importantly cannot, take place in a form which would lead to materially different effects from those considered at the time of the planning application. There is considered sufficient information to assess the impacts of the development both negatively and positively.
- 8.4 The application is considered to meet the EIA Regulations and provide satisfactory levels of information in order for a proper assessment to have been undertaken of the development proposals. The details in the ES are considered to be sufficiently comprehensive to provide a robust EIA and allow for a comprehensive assessment of the environmental impacts of the proposed development.
- 8.5 The EIA provides a full and systematic account of the proposed development and its likely effects on the environment, including the measures envisaged to avoid, reduce or remedy these significant environmental effects which are negative. The remedies to mitigate against these effects will be dealt with either by condition and where this format is not considered appropriate by means of the s106 legal agreement.
- 8.6 This section of the report will review the assessments and the mitigation required to ensure that any negative impacts can be controlled and the development does not affect the surrounding area in an unacceptable way. It is structured according to the layout of the ES.
- 8.7 The ES included significant revisions, points of clarification and additional information which falls under the heading further information as defined by the Town & Country Planning (Environmental Impact Assessment) Regulations 1999. This additional information and points of clarification were made in January 2008 and a full consultation exercise was undertaken. Responses to this second phase of consultation have fully been taken into consideration when assessing the development.
- 8.8 Additional information was received in respect of Noise, Air Quality, Transport and Monitoring and Mitigation Issues. At the time same additional information was requested that was not contained within the Environmental Statement was required in order to determine the planning application including water, waste and energy, flight paths, noise contour maps, design and access statement, airspace and impacts on other airports in the south east.
- 8.9 A second request for additional information was made in March 2008, and again a full consultation exercise was undertaken. Again, the responses to this third round of consultation have been fully taken into consideration when assessing the application.

- 8.10 The additional information requested included the expansion of the Public Safety Zone and what effects this would have on the socio-economic impacts proposals. Other information requested related to the cumulative effects of the proposal and waste. This information was provided and has been assessed in the consideration of the ES and the development.
- 8.11 Turning to each chapter separately the following assessment and conclusions, including mitigation, are made:

## **8.2 Surface Transport and Access**

- 8.2.1 The ES identifies 79% of its passengers arriving and exiting London City Airport travelling via the DLR, taxis and buses, whilst the remaining passengers use private vehicles. It states that the capacity of the DLR to accommodate the predicted increase should consent be granted is sufficient and is less than 6% of the capacity if a 2 car train based on the existing service frequency of the 8 trains per hour. It states that the increase in passengers would not change the character or performance of the current services and goes on to say that there would be no noticeable change in the experience of travelling on the DLR.
- 8.2.2 There is also additional capacity to be provided with the extension of the DLR to Woolwich Arsenal by 2009 from the increase in the number of trains from 8 trains per hour to 15 per hour. This extension will improve access to the Airport, particularly for passengers travelling from the south-east.
- 8.2.3 The application proposals include a 'Taxi Share' scheme to increase taxi occupancy and efficiency, to be introduced at the airport as part of its travel plan which also would include measures to improve the efficiency of all travel. It states that the proportion of passengers using private cars will reduce from an already low base.
- 8.2.4 The ES states that the proposal has been assessed in terms of its impact on road traffic, although no extra parking is required or proposed. It states that the proposals are likely to have only a minor impact on the local road network as additional traffic resulting from the increased passengers travelling to and from the Airport is predicted to be generally less than 5% on all roads serving the Airport. The ES predicts no significant queues or delays from the proposal including impacts from additional service vehicles.
- 8.2.5 Transport for London has stated that Modelling is needed at Gallions Roundabout to assess the impact of development at the airport. A transport/ highway strategy for the Gallions Roundabout and associated highway network is being developed by TfL in partnership with LB Newham, the LDA and LTGDC. An assessment toolkit has been developed for assessing future development scenarios and transport options.
- 8.2.6 The first output is an AM peak model using VISSIM and it is envisaged that a PM peak model will be needed and a consideration is to extend the model to include the airport. £50,000 is an initial contribution estimate to extend the model to the airport and to test airport specific scenarios in discussion with the airport's consultants. This will help to define any necessary improvements and contributions alongside other area contributions anticipated to ensure the continued safe operation of the

SRN (Strategic Road Network) and TLRN (Transport for London Road Network).

- 8.2.7 TfL states that the DLRL assessment has demonstrated that there would be a clear need to increase train capacity through the addition of a third rail car to 5 trains per hour, preferably on the Woolwich Arsenal to London City Airport line in order to benefit the market that the airport serves as fully as possible.
- 8.2.8 To go towards the overall costs of these capacity enhancements, DLR are seeking a section 106 contribution from the Airport. The contribution is to be in the form of a payment of £2.5 million pounds.
- 8.2.9 The Transport Assessment accompanying the application has been assessed by the LBN Transportation team, who consider that whilst there will of course be a transportation impact arising from the expansion, it can be accommodated by the transport infrastructure and public transport services in place, subject to the following, to be secured via a Section 106 agreement;
- Contributions towards DLR capacity enhancements, in the form of a payment of £2.5 million.
  - Contributions towards bus services improvements;
  - Contributions towards on street parking controls to prevent nuisance to local residents;
  - Contributions towards TfL's VISSIM model to determine the extent and requirement for traffic management measures to manage the highway impacts of the expansion plus towards traffic management measures deemed necessary from the modeling;
  - The adoption and implementation of staff and passenger travel plans to reduce the reliance on single occupancy motor vehicle trips to the airport and increase the use of sustainable modes of transport to access the airport.
- 8.2.10 Summarising, the expansion can be accommodated subject to the necessary capacity enhancements being made to the public transport services to the airport, and through the increased mode share of sustainable transport that will arise from the efficient implementation of staff and passenger travel plans. The impacts on the local highway network can be mitigated against by the implementation of appropriate traffic management measures, and the implementation of appropriate parking controls will prevent a nuisance to local residents. All of these measures have can be captured in the s106 (see Section 11).

## **Air, Ground and Road Traffic Noise**

### **8.3 Air Noise**

- 8.3.1 'Air Noise' generally refers to the noise produced by aircraft that are either airborne or on the runway during take-off or after landing. The Environmental Statement reports that the assessment was carried out having regard to national, regional and local noise policies, particularly Planning Policy Guidance 24: Planning and Noise (PPG24).

8.3.2 PPG24 suggests that daytime air noise should be taken into account when it exceeds 57 dB LAeq, 16h which is regarded as the onset of significant community annoyance. As such, air noise impacts have been assessed by identifying the relative changes to the area, and associated population numbers, within this lower contour (i.e. 57dB LAeq 16h). These population counts were further clarified by including future developments around the Airport, as well as assessing the population numbers within different contours under single modes of operation and with different aircraft mixes (for the two 'sensitivity' tests referred to above). PPG24 states that a change of 1 to 3 dB(A) is considered the minimum perceptible noise from an individual aircraft event assuming all else is the same.

8.3.3 The ES identifies that with consent the noise contours would increase in area by approximately 50%. The number of residential dwellings within the 57dB contour would increase from approximately 3,300 in 2006 to 11,300 a 3.4 fold increase (including proposed developments), and to 6,600, a 2 fold increase, (without the proposed developments) in 2010. Dwelling numbers within the 63 dB contour are predicted to increase from approximately 80 to 3,100 a 39 fold increase (with proposed developments), and to 700 (without the proposed developments), a 9 fold increase). Officer assessment also indicates that some properties of certain properties surrounding the Airport will be exposed to the newly expanded 69 dB noise contour through the proposed changes. Furthermore, any outdoor space will be affected by these changes as the impact cannot be mitigated by schemes such as improved sound insulation.

Taking account of both existing and proposed developments around LCA, the number of residential dwellings within the 57 dB contour in 2010 with consent compared to without consent, would increase by from 7,500 to 11,300. This represents a 50% increase. If that was compared to the number of properties that would be affected with proposed developments (i.e 11,300 compared to the 3,300) this will represent a 3.4 fold (340%) increase.

8.3.4 It is concluded that there would be a large increase in the numbers of people affected should planning consent to be granted.

8.3.5 The ES states that it follows current Government guidance in adopting the noise contour band of 57dB LAeq, 16h as the threshold for the onset of significant community annoyance. In the context of the dwellings, it is understood that the current scheme of noise insulation to those premises within the 57dB(A) contour would continue, thus providing the opportunity for mitigation to those newly affected. This is a more generous scheme put forward by the Government in the Air Transport White Paper, and provides a minimum level of protection for noise as well as mechanical ventilation. It should be noted however that the scheme is basic and will not normally provide sound insulation to properties that already have double glazing, although, mechanical ventilation will still be offered

8.3.6 It should be noted, for other locations, implementing the proposal would give rise to a worsening of the noise environment in open spaces and at other premises, such as community buildings, schools etc that would not benefit from the sound insulation scheme.

- 8.3.7 Turning to the hourly arrivals and departures it should be noted that there would be only a slight change in total daily movements between 2006 and 2010 without consent but an increase of 264 a day to 349 a day between 2006 and 2010 with consent, an increase of 85 or 32%. The hours with the largest increase in arrivals between 2006 and 2010 are 0900 hours where the number of arrivals would double from 8 to 16 and 1100 and 1600 hours where there would be an increase of 5 arrivals an hour, a more than a doubling at 1100 and almost a doubling at 1600 hours.
- 8.3.8 For departures the greatest increase would occur at 1000 and 1900 hours with an increase of 6 movements an hour representing a doubling at 1000 and just over a 50% increase at 1900 hours. There would be an increase of 5 departures at 0900, an increase of one-third.
- 8.3.9 The busiest hour for arrivals with the expansion would be the hour starting 0800 with 20 arrivals, roughly one every 3 minutes. The busiest departure hour would be the one starting at 0900 also with 20 movements. Furthermore, in the arguably more sensitive evening period between 1900 and 2300 hours, there would be a 41% increase in the number of movements from 46 to 65. With the consent there would be an increase from 2 hourly periods with more than 30 movements an hour at present to 4 such periods. These would be 0800 ( as now), 0900, 1800 (as now) and 1900. The overall conclusion is that the number of movements would be significant.
- 8.3.10 Furthermore, the table below provides an estimate of the number of people that are likely to be highly annoyed at various noise exposures in terms of LAeq, 16h average mode noise indicator, for the three cases being considered.

**Table 1**  
**Population likely to be highly annoyed**  
**for the various contour bands**

<b>Contour band</b>	<b>2006</b>	<b>2010wo</b>	<b>2010w</b>
54 – 57	1118	639	1185
57 – 60	494	431	1001
60 - 63	442	343	606
63 – 66	42	62	437
66 - 69	1	1	62
Total	2097	1476	3290

It can be seen that there could be an increase of more than 50% in the number of people highly annoyed due to the aircraft noise compared with now should consent be granted. This figure becomes more than a double when the situation is compared with 2010 without the proposal.

- 8.3.11 The ES states that at the request of LB Newham, the results of the recent Attitudes to Noise from Aircraft Source in England (ANASE) study and the relevance of this study to the Airport has been considered. The ANASE study suggests that the onset of significant community annoyance occurs at a lower level than previously thought. i.e. at just

over 50 dB LAeq, 16h rather than 57 dB LAeq, 16h. However, concerns have been expressed about the robustness of the study so care has to be taken of relying in detail on these results. Nonetheless, it is generally felt that people are more annoyed by aircraft noise than used to be the case.

- 8.3.12 Even taking limited account of the ANASE results, although the absolute numbers of people likely to be highly annoyed by aircraft noise are higher for the three situations considered, the pattern of the impact remains unchanged. .
- 8.3.13 In comparison with other airports in London, the current and future operation of LCA is worse than all the other airports in terms of the area impacted per passenger throughput. This means that for the amount of passengers per annum and the resulting current noise impacts, LCA fares worse than other London airports. However, in terms of the area impacted per Air Traffic Movement (ATM), LCA is the best performing airport, i.e. in terms of the area impacted from noise by a single ATM. This reflects that in general its movements are by quieter aircraft than those which occur at the other London airports.
- 8.3.14 Data was provided in the ES looking at noise impact at specific locations. It is concluded that those living at these locations (Britannia Village, Camel Road, Thamesmead, Silvertown Quays) will be more aware of the increase in the number of movements than any material change in the noise level of individual aircraft types.
- 8.3.15 The impacts on three schools were considered – Royal Docks School, Drew Road School and Thamesmead under the approach to the flight path in Greenwich. UEL would also be affected. The changes in noise would be between 1 to 2 dB.
- 8.3.16 The ES concludes that even when assessed under ANASE, the proposal is unlikely to give rise to any significant impact and any impact will be minor. However, simply taking into account the proposed increase in movements and the number of people that will fall within the contour bands, it is felt that the air noise impact should be classed as a moderate adverse impact.
- 8.3.17 Whilst the airport intend to carry on the mitigation of sound insulation within the 57dB contour it should be noted that many people will be living close to the airport, compared to the current situation, must mean that there is an increasing risk of people feeling annoyed or being disturbed by the airport operations, despite the insulation provided. It should also be noted that the sound insulation does not address the impact on the external environment that will include such areas as outdoor private amenity space, public open space, and external space for schools.
- 8.3.18 The suggested mitigation against certain air noise impacts is set out in Section 8.5.6 of this report.

#### **8.4 Ground noise**

- 8.4.1 The ground noise assessment took into account taxing, manoeuvring, operation of auxiliary power units, ground power units and engine testing (ground running) and construction. The ES noted that the character of ground noise generated would be broadly unchanged but there was likely

to be an increase in noise reflecting the expected increase in the number of movements.

- 8.4.2 Airport ground noise is heard in the context of off-airport ambient noise sources. The most dominant of these being road traffic and to a lesser extent industrial activity. The proposal will affect the environment by virtue of noise from increased ground operations of aircraft. The ES states that the noise from future operations will be similar to noise levels currently generated from ground operations with two main differences. It is envisaged that in the future more of the aircraft operations will be carried out by turbo-jet aircraft which are generally quieter when taxiing and manoeuvring than the turbo-prop aircraft. Therefore, the future mix of aircraft may provide some reduction in noise from individual aircraft, although any benefit will be outweighed by the increase in flight numbers.
- 8.4.3 Ground noise will have an impact on residential areas close to the airport boundary. However, it should be noted that the area to the south of the airport is currently shielded by the barrier formed by the airport terminal and pier structure (stands 12-14 in the area of Camel Road), as well as the new blast screens at the Jet Centre. Furthermore, the new blast screen which is being erected as a result of the new parking apron being built to the east of the current terminal building will protect further residential properties to the south. This noise barrier will be erected regardless of whether this proposal is approved or not but will have the added effect of mitigating against the increase in ground noise associated with this proposal should consent be forthcoming for this proposal.
- 8.4.4 In terms of mitigating ground noise effects, residential dwellings surrounding the Airport are currently considered to be well protected from any significant effects by a barrier formed by the Airport terminal and pier structure as well as the DLR. An existing 4m high blast barrier to the west of the existing terminal pier also assists in reducing the effects of ground noise on surrounding dwellings. Further to the east premises including UEL are less protected but are further away from the main ground noise sources. Under the Section 106 Agreement, if appropriate, the applicants will be required to submit a study which will try and identify where noise screen improvements can be made. The applicants will then be required to implement the suggested improvements set out in the study.
- 8.4.5 The modelling was carried out using a software package CADNA and originally showed results only for an average 16 hour period but further more detailed results were provided which included peak hour values. The ES included modelling assumptions and methodology. The modelling carried out appears to be robust and the range of impacts found seem reasonable.
- 8.4.6 A number of locations have been assessed to establish the predicted noise from Airport ground noise. The table below has extracted a number of these sites.

Assessment location	Daytime Noise Levels, (LAeq,16h) (0700h-23.00h)		
	2006 baseline	2010 without	2010 with
Drew Road	53.1	53.2	55.0
Camel Road flats	53.9	53.9	56.2
Storey Road school site (now derelict)	57.5	57.7	58.3
UEL	61.4	61.6	62.5
RDBP	63.0	63.6	65.0

As can be seen from the table the ground noise without consent is virtually unchanged with small increases or decreases depending on location. With consent the increase is between 0.8dB and 2.3dB. The Camel Road Flats and the Royal Docks Business Park show the greatest increases with 2.3 dB and 2db respectively. The increase in noise to surrounding sites is considered to be minor.

- 8.4.7 It should be noted that ground noise along the north edge of the Royal Albert Dock will continue to be relatively high e.g. UEL/RDBP given its proximity to the Airport and the lack of any noise barriers. This will therefore provide a significant challenge for developers of the site.
- 8.4.8 Mitigation proposed include the upgrade and introduction of new barriers with barrier 2 upgraded. This can be agreed and captured in any S106 agreement. Concern has been raised about the possibility of reflection effects from the barriers affecting locations on the north of the Airport. This could be addressed by applying an acoustically absorptive design to the Airport face of the barrier.
- 8.4.9 In addition to the acoustic barriers the Airport has also implemented measures to ensure that ground operations are carried out as quietly as practicable to minimise impact. These include:
- Encourage minimum use of reverse thrust on landing, consistent with safety constraints
  - Except in emergency, engine testing will be restricted to areas designated for that purpose
  - Maintain a noise limit for policing the level of high powered ground runs for engine testing and maintenance purposes
  - Limiting engine test and maintenance activities to those associated with engine rectification, rather than routine testing
  - Limiting the use of auxiliary power units to no more than 10 minutes prior to departure and 10 minutes after landing
- This is captured in the existing s106 agreement through monitoring and reporting.
- 8.4.10 It should be noted that whilst it is not expected that the peak hourly noise value will change materially, the number of peak hours is increasing, so the occasions when these peaks of ground noise activity will occur will increase.
- 8.4.11 In conclusion the impact of the proposal on ground noise ranges from negligible to minor adverse and no objection is raised to the proposal on the grounds of increase impact from ground noise, given the current and

future mitigation proposed. This is set out in more detail under Section 8.5.6 of this report.

## **8.5 Road Traffic Noise**

8.5.1 The proposal will affect the environment by virtue of noise from road traffic derived from a greater number of staff and passengers using the Airport, as well as general intensification of service vehicle traffic. There are no new roads associated with the proposal and the study relates to existing local traffic network and the associated predicted future traffic flows.

8.5.2 The assessment has been carried out in terms of LA10, 18h indicator. Absolute noise levels have been set out, whereby exposure to levels of traffic noise of more than 68dB LA10, 18h represents substantial traffic noise. The subjective importance of changes in road traffic noise level on people relates to the magnitude of the change and to some extent when it occurs.

8.5.3 The ES has made comparisons at 15 locations showing increases of less than 1 dB at virtually all locations compared with the current situation. For the receptors examined, the absolute level is around 66 – 70 dB, LA10,18.

8.5.4 The ES concludes that the traffic noise impact of the proposal is negligible. Whilst this is not disputed it should be noted that this should not be necessarily treated as the impact can be ignored. There is undoubtedly an increase in traffic noise, but that increase is, clearly small and for most people would probably not be discernable. Nevertheless it is felt that a small increase should not be ignored and should be taken into account when considering the overall merits of the proposal.

8.5.5 Whilst no specific mitigation is proposed it should be noted that any properties lying close to a busy main road will already fall within the 57dB noise contour and are likely to have benefited from the sound insulation scheme. Furthermore, a number of measures will be sought to minimise reliance on motor vehicle trips and focus on public transport. If these are successful they will also have the desirable effect of reducing vehicle movements to and from the Airport and reducing overall impacts on both air quality and road traffic noise by reducing the number of vehicles on the road. However, it is also noted that there will be no mitigation against noise impacts to open spaces from road traffic noise.

### **8.5.6 Mitigation against Air, Ground and Road Traffic Noise**

8.5.7 Drawing together the assessments under each of the section addressing noise impacts, it is considered that should planning permission be forthcoming it would need to be justified against a comprehensive package of mitigation aimed at minimising the moderate noise impacts, particularly from air borne noise. These would need to include:

- An enhanced Noise Insulation Scheme (NIC) for properties where noise levels exceed 63dBA (66 at worst), this scheme should apply to residential, and public buildings. The scheme should look at works that are appropriate for each building having regard to the structure and the use of the building. The scheme

should trigger on the combined noise impact from the airport. (These levels could be agreed from the ground noise survey).

- The 57dB contour noise insulation works should be carried out in a planned and agreed program, in a similar style to the previous scheme, this should be part of the section 106. There are minor improvements that should be made to the scheme relating to timings and prioritisation as part of the detailed wording of the section 106.
- Any premises treated under the existing scheme within 10 years of the original installation to be offered inspection and rectification of any works to ensure the insulation standard is maintained.
- A program of noise monitoring close to the perimeter of the airport investigating the combined impacts of ground and air noise from the airport, and the consideration of mitigation.
- The noise and track keeping system should be upgraded to allow for better local authority access and for public access to noise and track keeping data.
- The airport shall agree to a scheme where properties falling into the 69dB LAeq 16hr contour LCA should offer to purchase the property at a fair market rate.

8.5.8 It is also recognised that certain noise impacts i.e. impact on outdoor spaces cannot be mitigated against.

## **8.6 Air Quality**

8.6.1 The Environmental Statement states that the potential air quality effects on the environment as a result of the increase in flight were considered having regard to relevant national, regional and local planning policies, in particular, the Government's Air Quality Strategy and Planning Policy Statement 23: Planning and Pollution Control (PPS23).

8.6.2 The assessment focused on two pollutants with respect to potential human health effects, nitrogen dioxide (NO<sub>2</sub>) and fine particles (PM<sub>10</sub>). Consideration was also given to the potential effects of odour nuisance. It concluded that increased emissions from Airport Operations would be insignificant and increased emissions from Road Traffic would be, in the worse case scenario, very small.

8.6.3 The Council requested, via a regulation 19 notification, that assumptions made in the ES in respect of airport emissions be validated. The Council requested that further detail in respect of the exclusion of aircraft sources of emissions from being considered in detail, dispersion modelling of sources of emissions at sensitive receptors.

8.6.4 The revised ES states that the combined impacts of road traffic and airport emissions will be very small, constituting a 'moderate adverse' impact at the worse case receptors (Receptor 1 & 2) location and 'negligible to slight adverse' at the majority of receptors. The ES has considered the potential air quality effects on the environment as a result of the proposed increase in overall aircraft movements. It should also be

noted that receptor 1 & 2's moderate adverse result is due to over prediction of concentrations at this location due to difficulties in modelling emissions related to apron emissions and area sources, monitoring at these locations will be undertaken as part of the section 106 agreement to check actual levels at these receptors. Even though the impacts are negligible to slight adverse it is appropriate to still consider what operational procedures will be employed to further minimise any impacts.

- 8.6.5 It is not considered that further mitigation (excepting the monitoring detailed above) other than those presented in the ES is considered necessary and the measures suggested are considered necessary in addressing the impacts of air quality. The mitigation includes measures already employed by the airport that promotes the renewal of ageing airport vehicles with new, low emissions alternatives, and currently 92% of airside tugs are electric. The use of mobile ground power units (MGPUs) and auxiliary power units (APUs) are strictly controlled. The airport is working with NATS to minimise idle and taxi times prior to take off to minimise emissions from aircraft taxiing. Furthermore the opening of the DLR in 2005 has had a significant impact in reducing road traffic emissions and this has allowed the airport to withdraw the shuttle bus services that previously operated and removed approximately 116,000 trips each year. Under the terms of the proposed s106 £2.5m will be allocated to the DLR to improve services further. (This is expanded upon in more details in Section 11 of this report).
- 8.6.6 The airport will continue to commit to and develop its Travel Plan to promote public transport options to both staff and passengers. In addition to this it is proposed a further £50k p.a. continuously to provide equipment for continuous monitoring of NOX and PM10 levels, particularly at specific receptor sites (R1, R2, 3, 4, 13,17, 24) undertake periodic measurements to assess the impact of the airport on air quality around the area of the airport and to investigate anomalies and to develop an action plan to mitigate air quality impacts, including airport smell and performance of this action plan which shall be reviewed annually.
- 8.6.7 Finally, the mitigation measures recommended by Environmental Health to safeguard against adverse air quality impacts (set out in section 6.26 of this report), can also be captured with any s106 agreement.

## **8.7 Socio-Economics**

- 8.7.1 The ES identifies a core study area incorporating Barking and Dagenham, Bexley, Greenwich, Hackney, Havering, Lewisham, Newham, Redbridge, Southwark, Tower Hamlets and Waltham Forest'. In 2006, the ES states that Airport related employment in the core study area was estimated at 1,501 direct jobs, 284 indirect jobs\* (\* employment and income generated in the chain of suppliers of goods and services to the direct activities) and 185 induced jobs\*, (\* employment and income generated by the spending of incomes earned in the direct and indirect activities) which equals a total of 1,970 full time equivalent (FTE) jobs. The income generated from this employment was estimated as approximately £59.3m in the core study area.
- 8.7.2 The ES states that without consent by 2010 the Airport will continue to grow to the limit of the existing capacity and create an additional 62 jobs.

With consent it estimates that a further 957 jobs would be created and the associated income would be around £103.8 million. This was assessed by the Council's Valuers and no objections were raised about these findings. Therefore the employment and economic impact of the proposals is considered to be beneficial.

- 8.7.3 Any assessment must be weighed against the benefits the airport makes to the economic regeneration of the area, balanced against the disbenefits of amenity loss or diminution, environmental harm, and loss of development capacity in the immediate area.
- 8.7.4 The second amendment to the ES required further information to be submitted under Reg 19. This information related to providing an economic impact assessment of the projected Public Safety Zone (PSZ) arising from the proposal, and the effect this could have on neighbouring sites, including the potential effect on the redevelopment and employment potential of such land. The assessment includes the potential effects on the local, regional and national economics resulting from the proposal.
- 8.7.5 PSZ's are areas at either end of an airport's runway where certain restrictions are placed on the development of land. The PSZ's extend to an area where there is a notional 1 in 100,000 risk of fatality based on an individual residing in a particular location 24 hours a day, every day of the year.
- 8.7.6 The PSZ is determined by National Air Traffic Services (NATS) on behalf of the Department for Transport (DfT). NATS will not formally undertake the work required to determine the expansion of the PSZ until planning permission has been granted. The applicants however commissioned consultants to prepare the 'projected PSZs' for the current application. The modelling work used a best interpretation of the NATS model which applies data accumulated from airports world-wide, and does not specifically take account of the limitations placed on the type of aircraft and procedures operating from the relatively short runway at LCA.
- 8.7.7 The applicants have advised that the model will tend to overestimate risk, and the corresponding extent of the projected PSZs. By evaluating the difference between the existing and projected PSZs, it has been concluded that the Application could have a material effect on the future development potential of a proportion of four 'allocated' sites. However, it is stressed that none of these sites have planning permission or have been subject to planning applications to bring forward such longer term development aspirations. These are the Landmark Site, Thames Wharf, Dock Road Industrial Site, and the Olympics Relocations site. The applicants consultants, have estimated that, were these sites to be developed as indicated in the Council's Planning Policy documents, 476 'Full Time Equivalent' (FTE) jobs could potentially be forgone or displaced as a result of the possible extension of the PSZs, equating to some £13m of Gross Value Added (GVA) income. However, it has also been stressed that the development aspirations for these sites would, in any case, be subject to detailed consideration through the planning process whereupon existing environmental, financial or other constraints may lessen or alter their development potential. In this regard, there is an argument for saying that the associated 'lost' jobs should be considered to be no more than theoretical at this stage and would also need to be offset

against the displacement of existing employers occupying the land (for which no data is available at this time). In addition, it may also be possible to rearrange the layout of these sites, to maximize employment outside of the PSZs and to design compatible land uses (car parking, storage and public open space etc.) within the PSZs. Part of the Landmark site is currently in use as a sailing club. This use has been consented.

- 8.7.8 Overall, it is projected that the net benefit of the proposed increase in flights would be 481 (FTE) jobs supporting a GVA income of £26m, which remains a substantial and beneficial effect. As well as the direct, indirect and induced employment benefits, economic benefits were also assessed in terms of the 'global connectivity' that the Airport provides to the whole of London, and the way in which this connectivity acts as a magnet for a wide range of economic and social activities. This effect is generally referred to as the 'catalytic impact' of an airport and it is noted that the projected PSZs will have no detrimental effect on such catalytic benefits of the Application. It was concluded that the growth of the Airport has particularly contributed to the regeneration in the Docklands and the establishment of the strong business and financial services cluster at Canary Wharf, and that further growth will continue to support this wider impact. This effect is also considered in detail in the Regeneration Statement, appended to the Environmental Statement.
- 8.7.9 The second Reg 19 information provided also looked at a comparative study of other Airport PSZs has indicated that projected PSZs at the Airport are unlikely to adversely affect house prices, or the ability or cost to home owners to obtain mortgages or insure their properties.
- 8.7.10 The ability of London City Airport to contribute to wider economic development was also evaluated by considering the implications of the Airport not being able to expand to meet increasing demands for travel as a result of population and employment growth in the core study area. This is measured in terms of the additional journey time costs imposed on displaced air travellers who would have to access alternative airports. These potential 'journey time penalties' were calculated and it was found that the cumulative annual journey time penalties between 2008 and 2010 would equate to a Net Present Value of £87m.
- 8.7.11 Several of the neighbouring objectors said that the number of jobs created for Newham residents and the general economic benefits of the Airport are much lower than indicated in the application documents and that the negative impacts from the Airport were not off-set by such benefits.
- 8.7.12 The majority of the letters of support to the expansion plans came from organisations who cited the positive impact that the Airport had had on their businesses as the reason to support a further increase in the number of aircraft movements. The City of London Authority also supported the application (subject to a satisfactory environmental impact assessment) citing the positive impact that the Airport has on London's success as a European and Global financial centre by allowing ease by which people travel into and out of the capital to destinations in Europe and beyond. St. Luke's School and Newham General Hospital are amongst the supporters of the proposal on grounds of economic benefits.
- 8.7.13 The socio- economic impacts of the proposal have been considered and the officers are of the opinion that the conclusions of the socio-economic

chapter acceptable. The figure of 957 additional jobs being generated by the application in the core area is in line with the rule of thumb for airports that a million additional passengers generate 1000 direct and indirect jobs and an additional £39m to the area economy is significant spend. These figures are then broken down into 729 jobs directly created with an annual spend of £29m and 228 jobs indirectly bringing the remainder. The assumption that 476 jobs and £13m annual spend to the locality will be foregone by the impact of the extended PSZ may be on the higher end of projections when you consider the sites actually impacted. The net positive economic impact figure resulting from jobs created and those assumed foregone at 481 and an annual additional £26m income will still be a significant boost to the Newham economy. As usual, LCA will be encouraged to recruit local people into the new jobs where possible. The chapter also states that drawing on evidence of studies from other airport expansions that there will be no negative impacts on house prices, mortgage costs or insurance premiums from the PSZ extension. This is surprising, but no objections are raised on these findings.

- 8.7.14 The expansion of the PSZ will result in 4 sites that will be affected. Other sites such as Silvertown Quays and Tripcock Point will also be affected, however both these sites already have planning consent, and the PSZ will not preclude these sites from continuing with their consented development. For the affected sites, the applicants have proposed a mechanism for offering compensation to the affected land owners. This is discussed in more detail under Section 11 below.
- 8.7.15 The expansion of the PSZ will also have impact on two sites that are currently consented, but not yet developed; Silvertown Quays and Tripcock Point. The applicants maintain that there will be no economic impacts because both schemes can be implemented without amendments arising from the proposals. However, the landowners are of the opinion that they may not build out their sites which will result in future residents being located within the PSZ. This will mean readjusting their development parcels, and re-applying for new consent. This could mean that there will be a reduction in the amount of floorspace that can be allocated for residential use. It is also felt that there will also be an economic impact in terms of both developers from having to provide sound mitigation at a greater standard, and cost, than previously the case. Agreement in principle has been reached with the applicants that a Value Compensation Scheme (VCS) through the S106 will compensate for the value that may have been lost in sites yet to be developed (including Silvertown Quays) covered by the extension of the PSZ as a result of this planning application. The principles of the scheme are set out in Appendix 1. The finer details of the mechanism of the VCS is subject to further negotiation on the S106.
- 8.7.16 The overall socio-economic impacts were assessed by the Council's Regeneration Team as well as the Council's Valuer. Whilst some doubts and surprises were expressed about certain elements of the assessment (these is set out in greater detail in Section 6.32), the overall conclusions that there would be a net economic benefit locally, regionally and nationally was accepted.

## **8.8 Waste**

- 8.8.1 The Environmental Statement states that the likely environmental effects associated with additional waste generated from the proposed increase in aircraft movements at the Airport have been assessed. This assessment has been made in particular in the context of the Government's National strategy for Waste (Waste Strategy 2008). Relevant policy context includes PPS10 Planning for Sustainable Waste, London Plan, UDP and Joint Waste Development Planning document (DPD).
- 8.8.2 The ES estimates that with the proposals the total waste is estimated to be approximately 1700 tonnes, an increase of 570 tonnes from the current wastes generated and approximately 530 more than the 2010 Base Case. Given that passenger throughput at the Airport is forecast to increase from 2.38 mppa to 3.9 mppa by 2010, the overall amount of waste produced per passenger is predicted to reduce to 0.436kg/passenger. The impact of this additional waste generated by the proposals is considered by the ES to be minor.
- 8.8.3 The waste hierarchy encourages the following order or priority with regards waste management – prevention, reuse, recycle, energy recovery and disposal. A waste management company was appointed in 2006 (SITA) as part of the airports long term waste management strategy. LCA has set waste targets for the period 2006 – 2008. These include paper and cardboard recycling for all staff, recycling 10% of LCA's waste by end of 2007 and increase by a further 10% by the end of 2008. If 20% recycling is achieved, waste per passenger would reduce to approximately 3.5kg per passenger.
- 8.8.4 Following the issue of the Second Reg 19, which pointed out that National (and Local) recycling requirements will be increasing to 30% by 2010 and to reach at least 33% by 2015. The original ES did not show how LCA will be incorporating the Waste Hierarchy within their operations i.e. reduction of waste production, or how they will continue to reduce waste production and increase recycling over the next 10 years or so. In response, the applicants have indicated in their amendment to the ES that the waste generated at the Airport will be managed within the context of the Waste Hierarchy. Existing reduction and recycling initiatives at the Airport (introduced in 2007) have already succeeded in significantly reducing the proportion of waste going to landfill. The Applicant will identify further ways to reduce, re-use and recycle waste generated through the preparation and implementation of a Waste Management Plan under the EMS to be finalised in 2008.
- 8.8.5 The impacts of waste have been considered and officers conclude that the waste management strategy which incorporates the waste hierarchy is acceptable and will not result in any adverse impacts. The conclusions of the ES are considered reasonable. The inclusion of a requirement for a Sustainability Strategy as part of the S106 (see Section 11) requiring the submission of a Waste Management strategy will be able to ensure the applicants adhere to the practices and targets set out in the ES.

## **8.9 Mitigation and Residual Effects**

- 8.9.1 This chapter should be read in conjunction with Section 11. The chapter draws together all the mitigation measures recommended in the previous

chapters of the ES. The residual effects, then looks at effects of the development, assuming implementation of existing and proposed mitigation. The chapter concludes that the proposed scheme will have generally negligible or minor adverse environmental effects.

- 8.9.2 As set out in Section 8.3 of this report, the conclusions of the ES on air noise is not accepted. Officers have concluded that simply taking into account the proposed increase in movements and the number of people that will fall within the contour bands, it is felt that the air noise impact should be classed as a moderate adverse impact. Thus there will be a residual impact, and this will occur despite the mitigation measures agreed and set out in Section 11 of this report. Whilst mitigation against noise can occur through appropriate sound insulation and ventilation to both existing and proposed buildings, mitigation to reduce noise impacts to open spaces surrounding the airport is not possible.

## **8.10 Cumulative Effects**

- 8.10.1 The Environmental Statement states that an assessment had been undertaken of the likely cumulative effects of the proposals with other permitted or allocated development schemes on identified sensitive receptors located within the vicinity of the Airport. It concludes that overall the potential for combined effects is low and that any such will be negligible or minor at worse. A Regeneration Statement is appended to the Environmental Statement in which the applicants have put forward their considerations of the potential impacts of the proposals on the future generation of the wider area. (This is considered further in section 9.2 of this report.)
- 8.10.2 It was considered that the original ES did not take into account the London Plan Further Alteration expecting the delivery of 66,000 new homes and 69,500 new jobs in the Lower Lea Valley including Stratford, Royal Docks and East Beckton opportunity areas. This will potentially result in more people being affected by noise. In response to the Second Reg 19, the applicants responded by providing additional information which addresses the potential noise effects of the Proposal on the published regeneration aspirations in the areas surrounding the Airport and further afield. Three Opportunity Areas identified in the London Plan (Consolidated with Amendments since 2004) and three spatial options identified in the Council's "Core Strategy - Issues and Options" (February 2008) have been considered.
- 8.10.3 Officers have no significant concerns or objections relating to the cumulative effects information provided following the amendment to the ES. The potential impact of the airport's expansion on new developments will to a significant extent be dependant on the policy pursued through the Local Development Framework, particularly in relation to the quantum of residential development undertaken because of its sensitivity to noise. There will be a few sites adversely affected, mainly if they are identified for residential development. These sites include Silvertown Quays, Royals Business Park and Royal Albert Basin (mainly Albert Island). Most sites fall within the lower noise exposure categories (refer to 7.25) and could be developed with suitable noise mitigation measures in place. This can be achieved though conditions associated with consideration of those individual applications.

## **8.11 Non-significant Issues**

- 8.11.1 At the time of the scoping report it was agreed that landscape and visual, archaeology and cultural heritage, ecology and nature conservation, flood risk, water quality and ground conditions, carbon dioxide emissions were considered to be matters that would not give rise to significant environmental effects and could be scoped out of the ES. In the Council's scoping opinion it was stated that energy, climate change and water efficiency should be considered in more detail. Consideration of these topics is provided in the Sustainability and Carbon Analysis Report which is submitted as a stand alone report outside the ES and considered in section 9.

## **9.0 ANALYSIS OF OTHER ISSUES/INFORMATION SUBMITTED WITH THE APPLICATION.**

The following reports were also submitted with the application but did not include part of the Environmental Statement:

- Sustainability Appraisal and Carbon Analysis Report.
- Regeneration Statement
- Health Impact Assessment.
- Public Safety Zone (PSZ) Impacts.

### **9.1 Sustainability Appraisal and Carbon Analysis Report**

- 9.1.1 National planning guidance in the form of PPS1 – delivering Sustainable Development, published in 2005, sets out the Governments overarching planning policies on the delivery of sustainable development through the planning system. Sustainable development is therefore a core principle underpinning planning. The submitted Sustainability Appraisal states that it is demonstrated that, overall, the proposals meet the sustainability objectives relevant to the proposed increase in aircraft movements at London City Airport.

- 9.1.2 It states that, overall, the significant positive benefits outweigh the negative issues and that most of the potentially negative issues will be mitigated or neutralised through the actions and commitments of the Airport as set out in the Environmental Statement.

- 9.1.3 It is stated that the proposal would either significantly exceed or meet the following sustainability objectives:

Promotion of high and stable levels of economic growth within London and the region; Economic benefits to business centres in East and Central London (the City and Dockland); Support the local economy; Reduce the need to travel to outer London by increasing connectivity; Increase the use of public transport; Improve access to services for local people; Achieve growth in employment in the local community and from deprived areas.

- 9.1.4 It is stated that the proposal would meet the following sustainability objectives:

Minimise air pollution; maintain and restore the quality and character of the local environment; Improve the health of residents and workers,

reduce health inequalities and promote healthy living; Promote community education; minimise the consumption of natural resources.

9.1.5 Officer assessment of this has concluded that the general approach and conclusions set out in the document are reasonable. However, to ensure that any consented use operates in accordance with the stated aims, objectives and targets, it will be necessary to include a clause under the S106 (see Section 11) on any approval requiring the submission of a Carbon Management Strategy and an Energy Efficiency Strategy as part of the overall Sustainability Strategy. Both these clauses should ensure that any future Airport use arising from a grant of planning permission will operate in a sustainable manner and will comply with adopted policies.

## 9.2 **Regeneration Statement.**

9.2.1 The submitted Regeneration Statement looked at the potential impact that the proposals would have on the aspirations for further development in the surrounding area, particularly for future regeneration aspirations for the Royal Docks. The statement draws on commentary in the Air Transport White paper (ATWP) which links the British economy with dependency on air travel. The statement then goes on to state that proposal has particular benefits for Canary Wharf, Excel and local employment. The Statement acknowledges that the expansion of the PSZ will impact upon certain sites such as Silvertown Quays, Tripcock Point and the Albert Basin. These sites will be affected owing to the expansion of the PSZ which precludes against any future grant of planning permission for residential development. Planning permission already exists for Silvertown Quays and Tripcock Point. Given this, the statement concludes that there will only be a limited local impact economically, which doesn't override the overall wider economic benefits.

9.2.2 The Regeneration Statement was assessed by the Council's Regeneration Team. Whilst some doubts and surprises were expressed about certain elements of the assessment (these is set out in greater detail in Section 6.32), the overall conclusions that there would be a net regeneration benefit was accepted.

## 9.3 **Health Impact Assessment.**

9.3.1 Health Impact Assessment (HIA) is a multidisciplinary process that investigates the potential health outcomes of a project. Its aim is to deliver evidence based recommendations that inform the decision-making process, to maximise health gains and to reduce or remove negative impacts or inequalities.

9.3.2 The HIA is currently a non statutory requirement to the planning process but is continuing to grow out of best practice guidance. The core aim of the HIA is to further aid the decision making process and to: Identify the various pathways in which the application may influence key determinants of health; To assess and appraise the distribution, magnitude and extent of effect, providing a judgement as to the significance and likelihood of health outcome; and to recommend measures to further minimise negative impacts and inequality and maximise opportunities to improve health.

- 9.3.3 The report concludes by stating that potential adverse health effects are largely associated with changes in environmental conditions and greatest in proximity to the Airport. However, potential influences including changes in air quality are not of a level to result in any meaningful adverse health outcome.
- 9.3.4 It also concludes that potential impacts upon health are limited to the potential onset of “annoyance” largely associated with increased exposure to 57 dB LAeq, 16h and minor influence upon local schools. However following mitigation such impacts would be significantly reduced and are not anticipated being of a level to result in measurable outcomes.
- 9.3.5 It further advises that as significant socio-economic benefits are anticipated at the local and regional level. The benefits reflect direct, indirect and catalytic employment and income opportunities, Including: attracting new investment and employment opportunities; retaining and securing the expansion of existing companies in the area; encouraging wider regeneration; attracting inbound tourism to the area; and reducing transport requirements for visitors and local communities, travelling to and from alternative airports.
- 9.3.6 Several neighbouring occupiers objected to the proposal on the grounds that the increase in flights would lead to a decrease in the quality of air and have health implications for illnesses such as asthma and migraine. There was also the issue raised of negative impacts on the psychological wellbeing of adjoining residents.
- 9.3.7 The HIA was assessed by Newham PCT, who advised that whilst they had concerns over the noise impacts affecting the consented, but not yet developed, school at Silvertown Quays, there was no objection to the findings or conclusions set out in the document. The noise impacts on adjoining properties are assessed in Section 8.3 of this report. In terms of the other health impacts, given the technical comments received, it is considered that the proposal will not raise any significant undue health impacts.

#### **9.4 Public Safety Zone**

- 9.4.1 The Public Safety Zone is the area of land at the ends of the runway within which development is restricted in order to control the number of people on the ground at risk of death or injury in the event of an aircraft accident on take-off or landing. The basic policy objective governing the restriction on development near civil airports is that there should be no increase in the number of people living, working or congregating in Public Safety Zones and that, over time, the number should be reduced as circumstances allow.
- 9.4.2 The applicants have produced a predicted PSZ map, if consent were to be granted for this proposal then the National Air Traffic Services (NATS) on behalf of the Department for Transport (DfT), would revise the actual PSZ, however without consent this will not be produced.
- 9.4.3 From the information provided by the applicants (also referred to in Section 8.7 of this report), it is predicted that the PSZ to the West of the site would increase by a length of 752m and an overall area of 839,680m<sup>2</sup>. Within Newham this would include the sites identified as the

Landmark Site, Dock Road Industrial Estate, Olympics Relocations Site and Thames Wharf. The first of these sites is owned by LBN, whilst the other 3 are in the ownership of the LDA. There were emerging proposals to consider the Landmark Site for mixed use development. This would now conflict with the expanded PSZ. The industrial nature of the other 3 sites would not be affected, however the PSZ expansion would affect the potential at some future date to go to mixed use residential development or be intensified as industrial use, both of which are opinions being put forward in the Newham Council Issues and Options document. The expansion of the PSZ would also affect Silvertown Quays, however this site has already got planning permission and therefore would not affect the development from still proceeding. Even so, the developers of Silvertown Quays have objected on the grounds of unacceptable impact of the safety of future residents of their development.

- 9.4.4 The PSZ to the East of the site would increase by a length of 1360m and an overall area of 1,853,760m<sup>2</sup>. The implications of this for Newham are that no sites to the East of the Airport would be affected. A considerable amount of the revised PSZ would fall within the London Borough of Greenwich (Tripcock Point). The owners of that site have objected. However, the applicants are of the view that as planning consent has already been granted for that site, the PSZ does not have any affect.
- 9.4.5 The economic implications of the PSZ expansion is assessed in Section 8.7.4 of this report. The applicants have offered to provide compensation for the sites affected and these are discussed in more detail in Section 11. Essentially, the applicants have offered to appoint an independent Valuer to assess the economic implications on any of the sites affected by the PSZ expansion, and will compensate for any loss in value (through the Value Compensation Scheme (VCS)). This has been considered by officers and is considered to be a reasonable way of addressing the site by site economic implications of the PSZ expansion.
- 9.4.6 As mentioned in greater detail in Section 8.7.15, the expansion of the PSZ will also have impact on two sites that are currently consented, but not yet developed; Silvertown Quays and Tripcock Point. The VCS mentioned in 9.4.5 will be able to compensate for any loss of value resulting from the PSZ expansion. Further details are provided in Section 11 and Appendix 1.

## **10.0 ASSESMENT – Other issues**

- 10.1 In addition to the issues that have been addressed in the ES and other documents submitted the following issues are considered to be critical in the assessment of the application to extend the number of flights and the flight times.
- 10.2 **Principle of development**
- 10.3 The general principle of promoting and enhancing the further development of LCA is supported by policy. The UDP recognise LCA as a major strategic asset to the Borough acting as an incentive to further development in the Royal Docks and as an important direct and indirect generator of employment.
- 10.4 However, the environmental impacts must be limited, closely monitored and controlled for any expansion to be considered acceptable. In this

respect the Council seeks to ensure that a balance is struck between the positive impacts of the airport in regeneration, transport and employment terms and any negative impacts in terms of the environment, amenity, congestion and effects on the surrounding development land.

- 10.5 In policy terms, the national, regional and local planning policy framework support the principle of increasing the number of Total Aircraft Movements at LCA. The Government Air Transport White Paper states that smaller airports in the South-East should be developed/enhanced to meet local demand subject to relevant environmental considerations. In particular, the White Paper, in relation to LCA, states, "London City provides services within the UK as well as to a wide range of key European destinations such as Paris, Amsterdam and Zurich. Our forecasts show that the airport is likely to grow steadily and that this growth would not be significantly affected by the addition of runway capacity at the major London airports. It is particularly well placed to serve a niche business market. Several of the surrounding local authorities supported growth to 5mppa".
- 10.6 In 2006, a Government progress report which reviewed the progress made on the implementation of the White Paper, continued to support the recommendations of the ATWP. It should be noted that this application should be seen in the context of the plans of the airport, as outlined in their Master Plan, which stated that the Airport would be handling 8mppa by 2030. Importantly, the White Paper states that at a local level, decisions about the amount and location of future airport capacity must properly address environmental concerns, with adverse impacts to be controlled, mitigated, and where relevant subject of suitable compensation. Without suitable mitigation to control the impacts it is unlikely that an expansion of the airport could be supported.
- 10.7 Policy 3C.6 of the London Plan is most relevant. In the policy the Mayor outlines his commitment to support the development of a "sustainable and balanced London area airport system" and states that further runway capacity in the South East will be required to meet London's needs. It also states that this should "include a substantial new capacity that will support the regeneration of the Thames Gateway as well as servicing the needs of London and its economy as a whole".
- 10.8 'Saved' UDP policy T29 states that "the Council will not permit further operational expansion of London City Airport beyond the limits set out by the Secretary of State for the Environments in the planning permission dated 23rd May 1985, as amended on 26th September 1991 and 21st July 1998, unless it can be demonstrated that such development would not result in unacceptable effects on the local environment."
- 10.9 While, there is broad support for further airport development/enhancement/expansion from national, regional and local policy, this support is caveated by ensuring such proposals should not go forward if the local environment is adversely effected.
- 10.10 Policy EQ46 states that the Council will have regard to National Air Quality Strategy objectives when assessing applications when assessing applications for development leading to the generation of traffic or atmospheric pollution. Cumulative air pollution impacts of existing and the proposed development are a material consideration. Where it is considered that the use or amenity of land is likely to be significant in air

quality terms, the development may be refused or measures to mitigate impact required by the imposition of conditions. The section in this report that deals with the air quality of the ES concludes that the air quality will be negligible to slight adverse in all but 1/2 receptors. Coupled with the mitigation proposed it is not considered that air quality will be adversely affected if permission were granted.

- 10.11 Policy EQ47 states that Noise Impact Assessments will be required where proposed developments to produce a considerable increase in noise relating to its use. A Noise Impact Assessment has been submitted and the conclusion of this can be found in section 8, environmental assessment, point 8.3, 8.4 and 8.5 of this report. In summary there will be a moderate adverse noise impact of air borne noise. There could be an increase of more than 50% in the number of people highly annoyed due to the aircraft noise compared with now should consent be granted. This figure becomes more than a double when the situation is compared with 2010 without the proposal. Proposed mitigation measures are set out in Section 11.

#### **10.12 Climate change**

- 10.13 A critical consideration of this proposal is the impact it may have on climate change. This was one of the main reasons the GLA formally objected to the scheme. It was considered by them that proposals would have a detrimental impact in terms of sustainability, carbon emissions, energy use and ultimately climate change.
- 10.14 It is generally accepted by all parties that increased levels of aviation will increase greenhouse gas emissions and that this can lead to adverse global climate change. It is considered that the current position on climate change and how to manage these impacts is largely determined by the Government's position and policies. The climate change impacts from aviation and the Government's position on managing these impacts are discussed in the Air Transport White Paper (ATWP) and the Government's strategy on climate change "Towards a Sustainable Transport System" (TSTS). The TSTS confirms that the Government considers that economic growth and controlled growth of aviation are consistent with its long-term objective of reducing carbon dioxide emissions by 60% from current levels by 2050. The Government accepts that the best way to ensure the aviation sector contributes to managing these effects is through the use of fiscal incentives, for instance Air Passenger Duty, and extension of the European Union Emissions Trading Scheme.
- 10.15 The revised Sustainability Appraisal and Carbon Analysis report submitted in January 2008 to support the planning application quantified the increase in emissions directly attributable to the operation of the Airport in 2010. The document provides details on the projected increase in carbon equivalent emissions as a result of the current proposals. This calculates that the Airport has direct control over less than 1% of the increase in emissions between the 2010 without and with consent cases.
- 10.16 LCA have also advised that they are committed to developing a Carbon Management Strategy that will seek to manage greenhouse gas emissions that can be directly and indirectly influenced by it. This will address measures to monitor and manage the Airport's greenhouse gas emissions, including the use of emission reduction targets. The Carbon Management

Strategy will form part of the overarching Sustainability Strategy and can be captured as part of any s106 (see Section 11). The clause requiring an overall Sustainability Strategy will require the applicants to submit and adhere to both an approved Carbon Management Strategy and an Energy Efficient Strategy. In addition to this, the proposed S106 will also cover a number of other sustainability clauses to mitigate against the impacts of the proposal.

- 10.17 Given this, it is considered that the proposal does not raise any issues directly impacting on climate change that runs contrary to the stated aims and policies of the National Government. It is also considered that the direct impacts of the proposal on climate change, energy efficiency and sustainability can be suitably mitigated through the use of conditions and s106 clauses.
- 10.18 **Early morning flights**
- 10.19 The submitted application not only proposes to vary condition 13- total flight numbers, but also condition 15 – early morning flights. Currently in the slot between 06.30 -06.59, the 1998 consent allows for a maximum of 6 air transport (scheduled) flights. This restriction does not include operations of the Jet Centre, where currently they can operate unlimited General Aviation flights in this early morning slot.
- 10.20 The applicants, through this application, propose to vary that condition to allow a maximum of 12 flights between 06.30 – 06.59. It was also proposed at the same time to bring the Jet Centre operations within these restrictions.
- 10.21 Through the extensive public consultation undertaken with this application, it has become very apparent that the most sensitive period for adjoining occupiers is the very early morning slots. A very large number of objections were received about the noise intrusion at the start of the day. Paragraph 12 of Planning Policy Guidance 24 recognises that the definition of “night” falls between the hours 23.00 -07.00hrs. This is considered to be the most sensitive part of the 24 hour day.
- 10.22 There appears little justification for expanding flight numbers in what is a very sensitive period. Especially, when any consent will allow a doubling of the overall flight numbers throughout the year. Therefore, it is recommended that the maximum number of flights in this early morning slot is retained at 6, but also that the operations of the Jet Centre during this period is also brought within this restriction. In addition, a new condition can be imposed further restricting the number of flights between the sensitive 0630 -0645 period to no more than 2 flights per day. This will represent a significant improvement on the current situation for local residents during the most sensitive part of the day.
- 10.23 **Noise Factored Movements**
- 10.24 The applicants originally proposed to increase the overall flights (ATM) to 120,000 per annum and 135,000 Noise Factored Movements (NFM). This means that they proposed to fly a total of 120,000 actual flights, but if using the NFM categorisation, (which can categorise flights greater or less than 1 depending on the noise they generate) LCA have effectively proposed to fly a maximum of 135,000 NFM flights. Officers have considered this, and having considered the overall impacts of the proposal, not least the impacts arising from increased air noise, and are of the opinion that both limitations

should be no more than 120,000. This provides the airport with an incentive to proactively manage its fleet mix in favour of quieter aircraft.

#### **10.25 Thames Gateway Bridge Safeguarding**

10.26 The Thames Gateway Bridge (TGB) is currently subject to a Public Inquiry by Secretary of State. TfL have formally objected to the application on the bases that the projected PSZ extends across part of the route that is safeguarded by a Secretary of State direction for the proposed TGB. TfL is concerned that the extension of the PSZs as a consequence of the proposals may prejudice the granting of planning permission for the TGB. It therefore objects to the application unless it can be assured that any consequential extension to the PSZs will not prejudice the implementation of TGB.

10.27 This matter was raised directly with the Department of Transport who have commented (in their letter dated 30<sup>th</sup> May 2008) that they do not have any safeguarding objections prejudicial to policy. This is based on individual risk contours, these being the level of risk an individual remaining in the same location for a period of a year would be subjected. The driver or occupant of vehicle which is within a PSZ for a short period of time is subject to a significantly lower level of risk.

#### **10.28 Airspace**

10.29 NATS is currently consulting on an Airspace Change initiative which is intended to provide additional airspace capacity for airports in the South East of England (this project is called Terminal Control North Development (TCN)). The project aims to provide additional capacity for airports in the South East of England. Some consultation responses contest that the proposals should not be granted planning permission approved until the outcomes of TCN have been determined.

10.30 It is considered that TCN is subject to its own approval procedure which includes environmental assessment and widespread consultation. Through this process it is the responsibility of the CAA, NATS and the DfT to ensure that sufficient airspace is provided in time to meet demand. It is not the responsibility of LCA or the Council to ensure sufficient airspace is provided in response to the planning proposals.

10.31 In terms of flight paths, this again is set by NATS, and cannot be controlled through this application.

#### **10.30 Alternatives**

10.31 There was criticism through the consultation process that Chapter 2 of the ES does not provide any mention of the alternatives.

10.32 No alternative sites are in ownership or control of the applicant. The Government in formulating the ATWP recognises that there was scope for airport expansion across the south east. The ATWP does not make any preference for the expansion of one airport over another.

10.33 The applicants compare LCA with Southend and Biggin Hill airports with regard to serving London's business market. It is maintained that both Southend and Biggin Hill airports are a significant distance from London's business activities, particularly the City of London and Canary Wharf. In addition, the exceptional public transport links of LCA and its

location close to the main origins of passenger demand mean that the Airport is in a more sustainable location. When compared with these Airports, it is considered that they cannot deliver the time savings, convenience and certainty that LCA offers its passengers.

## **11.0 S106 LEGAL AGREEMENT**

11.1 The s106 legal agreement provides a mechanism to mitigate against the negative impacts of the development. It also provides a means of securing better monitoring and reporting of the Airports operations in relation to their planning consents.

11.2 The following sets out a summary of the main s106 legal agreement offer and Heads of Terms (H.O.T's). This Section should be read in conjunction with Appendix 1, which sets out all the H.O.T's in fuller detail.

- **Noise Monitoring and Mitigation Strategy** - improvements on current arrangements
- **Sound Insulation Grants Scheme** - Continue sound insulation scheme in line with annual contour to current specification.
- **Air Quality**
- **Transport**
- **CPZ contribution**
- **VISSIM Study**
- **Education, Training and Employment**
- **Early morning flights** - No more than 6 flights between the 06.30 -06.59 slot. But restriction now extended to include Jet Centre operations and no more than 2 flights in the 06.30- 06.45 period.
- **Landscaping & Community Chest**
- **PSZ extension** -LCA offer to compensate land owners affected by PSZ extension.
- **Mitigating measures in adjoining boroughs** -Agreement to enter into separate legal agreements with adjoining boroughs to compensate individual properties affected by increased noise contours.
- **Monitoring Officer to be funded** -To better monitor the activities and operations of the Airport to ensure compliance with consented schemes.

11.3 The current s106 that LCA operates to is a very extensive document which has been in use since planning permission was first granted for the Airport in 1985. As part of the assessment of the current application, officers have identified weaknesses in the existing s106, and have agreed mechanisms through the proposed new s106 to improve its overall mechanism, benefits and function. However, the current application is being considered on its own merits in line with Section 73 of the TCPA.

11.4 One of the main criticisms of the s106 raised by adjoining occupiers was the less than perfect monitoring of the agreement to ensure clauses like annual ATM limits were not being breached and were recorded and monitored properly. The proposed new s106 will make provision for the Council to use additional funds to release more officer hours to monitor both the s106 as well as LCA's activities. This will ensure that LCA's operations are fully monitored in relation to their planning consents.

11.5 Apart from the monitoring officer, the other related benefits of the proposed s106 are to improve the way monitoring arrangements and monitoring reports are provided and timed. Currently, there are rafts of

different monitoring reports that need to be issued periodically at different times depending on the reports. The new s106 will streamline that process and make it easier to produce, manage and monitor.

- 11.6 In terms of some of the other H.O.T's, the proposed s106 will provide increased mitigation against noise impacts. The offer includes increased insulation to public buildings as well as residential properties. There will also be a limitation on early morning flights which was identified as the most sensitive time of the day in terms of noise impacts. The H.O.T's will also require LCA to promote their noise insulation package more frequently and widely than they currently do. Again, this was another criticism of the existing s106.
- 11.7 The applicants have accepted that it will not be possible to mitigate against the negative noise impacts in open spaces, unlike within buildings. However in recognition of these impacts, they have offered £1M towards community projects, e.g improving open spaces and other public environs surrounding the Airport and the worst affected areas.
- 11.8 The H.O.T's will also improve on the current situation terms of mitigating against air quality. There will be an increased financial offer (£50k per annum) towards producing an action plan, better monitoring and better producing and presenting of data.
- 11.9 The proposed offer will address mitigation against impacts of surface transport and will help promote more sustainable modes of travel. The most significant contribution will be the £2.5m towards funding improvements to the DLR network. This is set out in more detail in Section 8.2 of this report.
- 11.10 Another criticism to emerge from the consultation process was that although the Airport does have economic benefits, very little of that benefits local people. The H.O.T's offer to improve funding and training opportunities for local schools and adults will help to improve chances of local people accessing jobs and benefiting more directly from the socio-economic advantages of the proposal.
- 11.11 The H.O.T's recognises the economic impacts the proposal will have on some sites by nature of the expansion of the PSZ. The offer of appointing an independent Valuer to look at each of the affected sites and arrange for suitable compensation has been discussed directly with the landowners most likely to be affected. (The full nature of the sites affected will not be known until NATS have calculated the exact PSZ following any grant of planning permission). It is considered that the Value Compensation Scheme (VCS) will provide a mechanism to compensate affected landowners from any loss in value arising from the expanded PSZ.
- 11.12 Another significant clause which is considered an improvement on the existing s106 is the requirement that LCA enter into direct agreement with adjoining borough's to fund noise insulation works.
- 11.13 A further clause will look to review all the clauses in the existing s106. To ascertain whether it's possible to simplify and streamline some anomalies that are accepted to exist, which makes the whole document unwieldy and difficult to follow, monitor and trigger.

- 11.14 Overall, the proposed s106 is considered to offer suitable mitigation against certain negative impacts arising from the proposals. It will also improve, advance and promote other more beneficial impacts. The s106 will also address weaknesses identified with the existing s106. However, it is recognised that certain impacts, such as the negative impact of increased noise on open spaces cannot be directly mitigated against and in such cases compensation is secured.

## **12.0 CONCLUSION**

- 12.1 This application seeks an increase in the number of aircraft movements at LCA. The application seeks permission to increase the total number of aircraft movements permitted at the Airport to 120,000 per annum. Currently, operation of LCA is restricted to 73,000 ATMs per annum, and 73,000 noise factored movements. Most flights from the jet centre are not counted as ATM's but do count towards the noise factored movements. The total number of movements in 2006 was 79,616. The proposal for 120,000 movements per annum is a combined total which will ensure that all movements at the Airport are subject to the same planning controls.
- 12.2 The application also seeks to change the restrictions on the number of early morning movements to permit up to 12 movements each day during 0630-0659 hours. A maximum of 6 ATMs are currently permitted during 0630-0659 hours, although there is no limit on the number of general aviation movements permitted in this period.
- 12.3 The application has been subject to a significant amount of public consultation. The matters raised in the consultation responses have been considered as part of the overall assessment of the application.
- 12.4 The application raises many important planning and environmental issues which have been described and considered carefully in this report.
- 12.5 The main impacts of this proposal are on noise, air quality, surface transport, socio-economics, sustainability and expansion of the PSZ.
- 12.6 On noise impacts, the ES identifies that with consent the noise contours would increase in area by approximately 50%. The number of residential dwellings within the 57dB contour would increase from approximately 3,300 in 2006 to 11,300 (with proposed developments, 6,600 without) in 2010. Dwelling numbers within the 63 dB contour are predicted to increase from approximately 80 to 3,100 (with proposed developments, 700 without). This is not insignificant. The overall assessment of the noise impacts is that there will a moderate adverse impact.
- 12.7 Some of the noise impacts can be mitigated against through the use of better sound insulation of already treated and untreated properties that surround the site. Noise mitigation can also be achieved by better monitoring and management. Where mitigation is possible, this has been set out in the proposed S106. However, an area where mitigation isn't possible is the noise impact the proposal would have on outdoor spaces. The average noise levels in these areas will increase as a result of the proposal.

- 12.8 Other negative impacts identified include air quality, surface transport, sustainability and expansion of the PSZ. Unlike noise impacts, all of these mitigation measures can be captured through a s106.
- 12.9 In terms of positive impacts, the main aspect which has been identified is the socio-economic impacts. The ES concluded that, if permitted, the increase in movements proposed by the proposals would enable the Airport to create 957 additional jobs and support £39 million more income. This figure was re-adjusted to take account of the economic impacts of the expanded PSZ through the 2<sup>nd</sup> amendment to the ES. The net positive economic impact of 481 jobs and an additional annual income of £26m is still considered to be a significant boost to the local economy.
- 12.10 The assessment therefore comes down to weighting the negative impacts that cannot be mitigated against the positive impacts. The main one's being the noise impacts against the economic impacts.
- 12.11 The airport is located within a relatively populated area, and it is recognised that the two uses are not entirely compatible. It is recognised that the airport currently has an environmental impact on adjoining occupiers, and the officer's assessment of the ES recognises that the current proposals will have a moderate adverse impact in terms of noise. It is also recognised that you cannot mitigate against outdoor noise impacts. However, you can insulate properties against noise impacts through insulation. It is also recognised that the increased use of existing airports is advocated through the Air Transport White Paper. It is accepted that the Airport does have economic benefits, particularly to Canary Wharf and in providing local jobs. It is also taken into account that through a number of means this application presents a gainful way to secure improvements by extending restrictions on the current situation; the current 6 maximum early morning flight restriction can be maintained and improved by extending restrictions to include General Aviation flights; this situation is improved further by a restriction of a maximum of 2 flights in the 06.30-06.45 period; a stringent new s106 can introduce clauses securing better monitoring and mitigation, and noise affected outdoor spaces can be improved to a certain extent by improved landscaping and environmental enhancements.
- 12.12 Due regard has been given to the ATWP which advocates the growth of existing airports, but recognises that this must be balanced against adverse environmental consequences. Having assessed the information submitted with the application, and the additional information to complete the Environmental Statement requested by way of Regulation 19 notices, it is concluded that there are negative environmental and economic impacts as well as economic benefits to the proposal. While mitigation can be achieved certain impacts such as the noise levels in outside open spaces cannot be effectively overcome. It is considered that on balance the adverse impacts of the proposal are not such as would justify withholding consent in light of the benefits and the relevant policy considerations. This is considered to be a finely balanced recommendation which can only be made subject to securing more effective monitoring and mitigation of the airport's impacts on the local environment than are currently achieved. It is recognised that consent allows the opportunity to secure improvements in this regard. Furthermore the restrictions on the airport's night time and weekend operation are maintained while that in respect of the potential impacts

from early morning operation is improved. Approval is therefore recommended subject to appropriate conditions and a S106 agreement to mitigate the development's impact.

**Originator of Report: Sunil Sahadevan**

**Date: July 2008**

**Bernadette Marjoram**

Head of Physical Regeneration & Development

Human Rights Act

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Local Government (Access to Information) Act 1985

Background Papers Used in Preparing this Report

Planning Application

Statutory Register of Planning Decisions

Correspondence with Adjoining Occupiers

Correspondence with Statutory Bodies

Correspondence with other Council Departments

London Plan

UDP, SPGs

Other relevant guidance

## Appendix 1

### S106 table

The following table should be read in conjunction with Section 11 of this report. The table sets out in fuller terms the agreed Heads of Terms.

<b>1. Noise</b>	<b>Benefit:</b> Will help to mitigate against noise impacts
<p><b>1.1 Noise Monitoring and Mitigation Strategy</b> Within two years of granting this permission, LCA will implement a more robust system of noise monitoring and mitigation. This will be developed in agreement with LBN. It will cover ground sources as well as airborne noise and will seek also to minimise the impacts of other developments on the integrity of the system.</p> <p>LCA to maintain existing noise and track keeping scheme (or such other scheme as may be agreed between LCA and LBN.</p> <p>Where a noise monitor is re-located, LCA will commission a study to determine the appropriate correction factor(s) required to maintain noise categorisation and management functions. A minimum period of grace in the system data requirements of 6 months will apply commencing from the date of final commissioning of the monitor in its new location.</p> <p><b>1.2 Sound Insulation Grants Scheme.</b> Continue sound insulation scheme in line with annual contour to current specification. Two tier approach, where properties in the 66dB will receive greater level of mitigation.</p> <p><b>1.3 Public Buildings.</b> All public buildings in community use within the noise contour to be treated in a similar manner. Will treat noise sensitive buildings (e.g. community use) same as residential</p> <p><b>1.4 Previously treated properties.</b> All residential properties that have been treated under this scheme to be offered inspection 10 years after initial installation, with rectification to ensure insulation standard is maintained; all residential properties that fall within that fall within the 66 dB contour to be offered enhanced sound insulation [lofts, south facing room etc]</p> <p><b>1.5 Purchase offer</b> In the event that any properties fall within the 69dB<sub>L<sub>aeq</sub>16hr</sub> contour, within 6 months of the publication of the contour that shows this make an offer to purchase that property at a fair market rate. Such offer to be valid to the owner of the property at the time for five years</p> <p><b>1.6 Sound Screen Study.</b> Undertake a study, and as appropriate implement findings, to enhance the Noise attenuation properties of the sound screen, in the area of Camel Road.</p> <p><b>1.7 Early morning flights</b> No more than 6 flights between the 06.30 -06.59 slot. But restriction now extended to include Jet Centre operations. A further restriction of only 2 flights allowed in the 06.30-06.45 slot.</p>	

<b>2. Air Quality - £50k pa continuous</b>	<b>Benefit:</b> Will help to mitigate against negative impacts of air quality.
<p><b>2.1 Continuous monitoring</b> LCA to provide and maintain NOx and PM10 permanent monitoring equipment at current location.</p> <p><b>2.2 Periodic measurement</b> LCA to undertake an agreed programme of periodic measurements to assess Airport impact on air quality around the area of the Airport and to investigate anomalies in the continuous and other measurements.</p> <p><b>2.3 Action Plan</b> LCA to develop an Action Plan within 12 months of this agreement to seek to mitigate Air Quality impacts, including “Airport Smell”; impact and performance of this Action Plan to be reviewed annually with LBN.</p> <p><b>2.4 Air Quality data</b> Make data publicly available of data, publish regularly, credit LCA with data.</p>	
<b>3 Transport</b>	<b>Benefit:</b> Will address negative impacts of proposal on highway network and public transport, and encourage more sustainable forms of travel.
<p><b>3.1 Staff Travel Plan</b> Develop, agree and implement an Action Plan for staff travel aimed at increasing the usage of public transport.</p> <p><b>3.2 Passenger Travel Plan</b> Develop, agree and implement an Action Plan for passenger travel aimed at increasing the usage of public transport and increasing taxi occupancy rates at peak times. To include accessibility implications.</p> <p><b>3.3 Manage any Impacts of staff or passengers on road network</b> Within 6 months of this agreement, LCY to propose and agree with LBN appropriate targets for managing any impact of staff and passengers on the road network</p> <p><b>3.4 CPZ contribution</b> Should LBN decide to impose a CPZ in the area immediately surrounding the Airport within 3 years of this agreement, LCA will contribute up to £35,000 pa towards the cost of free parking for residents in the area.</p> <p><b>3.5 Bus service study</b> Contribute £20k towards a LBN study for the need for additional local bus services to serve the Airport, to be commissioned by LBN within 12 months of this agreement</p> <p><b>3.6 DLR 3 car service</b> LCA offered £2.5m contribution. This is based on some conditions and branding rights for the Airport on one of the DLR cars.</p> <p><b>3.7 VISSIM Study</b> A contribution of £50k is required for the modelling study, and a contribution of up to £100k to pay for any mitigation works arising from that study.</p>	

<p><b>4. Education, Training and Employment - £600K in cash and £50,000 in kind.</b></p>	<p><b>Benefit:</b> Will help address skills gap within the borough, and assist local people access to training and education to take advantage of socio-economic benefits arising from the proposal. Will also help local people access the socio-economic benefits accruing from the proposals.</p>
<p><b>4.1 Primary</b> Barnaby Bear or other relevant National Curriculum programme to be offered for one class per year to each of the primary schools south of the A13, plus one school each borough from surrounding boroughs</p> <p><b>4.2 Secondary</b> Develop with LBN, ELBA or other providers a suitable programme to be offered to secondary schools south of A13 total 12 times per annum, plus one school each borough from surrounding boroughs.</p> <p><b>4.3 Further</b> Offer work experience for at least 40 individuals per annum, at least one week each from Newham, plus 8 places offered to surrounding boroughs per annum</p> <p><b>4.4 Higher</b> University Prize Scheme - £2000 each year for three years for up to 8 residents of Newham plus up to 2 from surrounding boroughs, for 5 years (i.e. 50 students in all) entering university for the first time and studying a relevant subject for the Airport.</p> <p><b>4.5 Training</b> City Interview Programme – run programme at least 7 time pa targeted at NEETs and unemployed.</p> <p><b>4.6 Advertising</b> All LCA bulk recruitment to include Reed Docklands Office (or such other local employment agency as LCA may choose to engage) and notified to Workplace. All vacancies to be placed on LCA web site.</p> <p><b>4.7 Employment Targets</b> Target - At the time of employment, of all LCA employees on site, 35% to be resident in LBN, 70% to be within 5 miles.</p> <p><b>4.8 Other Organisations on Site</b> Establish and hold at least twice per year, on site employers’ forum for all organisations with 20+ staff based at LCA. Aim to ensure all companies recruit locally as far as possible, using LCA web site and Workplace where appropriate; encourage participation of both on site companies and their staff in community involvement.</p> <p><b>4.9 Access to Jobs and workplace scheme</b> Develop and implement a programme for 5 years to reinforce basic skills amongst the Newham adults</p>	

<b>5 Sustainability</b>	<b>Benefit:</b> Will help to make proposals sustainable.
<p><b>5.1 Sustainability Study</b> 18 months of this agreement, develop and agree a Sustainability strategy for the Airport, covering such issues as: Energy; Waste; Surface access; Water and Carbon Management.</p> <p><b>5.2 Sustainability Action Plan</b> Within 6 months of agreeing the Sustainability Strategy, implement an action plan aimed at delivering the objects contained therein.</p> <p><b>5.3 Annual Reporting.</b> Report annually in the comprehensive Airport Report to LBN on the performance against the targets on sustainability.</p> <p><b>5.4 Biodiversity Study and Strategy</b> Report setting out strategy for enhancing and protecting biodiversity.</p>	
<b>6 Landscaping &amp; Community Chest</b>	<b>Benefit:</b> Will attempt to improve open spaces around the airport that will be negatively affected by the increased noise impacts, that can't be mitigated against in the same way as buildings
<p><b>6.1 Donation</b> LCA to make a contribution of £1m, (£200k pa for 5 years) starting at the date of this agreement.</p> <p><b>6.2 Allocation of donation</b> LBN in receipt of this donation shall use it to fund landscaping improvements and community initiatives within the Airport's 57dB contour, and ensure that the source of this funding is duly publicised in all the activities supported</p> <p><b>6.3 Administration of donation</b> LBN shall be responsible for the administration of this fund.</p>	
<b>7 Reporting</b>	<b>Benefit:</b> To improve monitoring of Airport operations to ensure that permission is being complied with and to ensure that environmental impacts are minimised.
<p><b>7.1 Content</b> All the above plus existing reporting requirements</p> <p><b>7.2 Reporting period</b> Annually on calendar years</p> <p><b>7.3 Report timing</b> By 1 July following year [i.e. report on calendar year 2008 by 1/7/09]</p>	

<b>8. PSZ extension</b>	<b>Benefit:</b> LCA offer to compensate land owners affected by PSZ extension.
<ul style="list-style-type: none"> <li>• LCA will implement a Value Compensation Scheme (VCS) to compensate for value that may have been lost in sites yet to be developed (including STQ) covered by the extension of the PSZ as a result of this planning application.</li> <li>• The details of this scheme are to be developed by LCA and agreed by the council within 6 months of the signing of the S106 agreement.</li> <li>• The principles of the scheme are to be included in the Committee report and the S106 agreement.</li> <li>• Sites eligible for this scheme are those currently undeveloped sites over which the increased PSZ extends as a result of permission being granted for this Application.</li> <li>• Claimants, being; <ul style="list-style-type: none"> <li>a) the owners,</li> <li>b) any leaseholders</li> <li>c) Any 3<sup>rd</sup> party that the Council considers should be reasonably included,</li> </ul> <p>can apply for the VCS any time up to 7 years after the granting of permission and the signing of the S106.</p> </li> <li>• The VCS will be based on the difference in value of the site shown in two valuations. Both valuations will assess the open market value of the site as at the date of claim but the first valuation will assume the planning permission had not been granted and therefore that the PSZ was not extended beyond its extent prior to the grant of the interim permission - all other valuation assumptions shall be the same.</li> <li>• In undertaking the VCS valuations, regard shall be had to the effect of the PSZ extension on the relevant landholding as a whole; i.e. any loss of development floor space caused by the PSZ extension could have beneficial or adverse knock on effects within the remainder of the landholding and these should be taken into account in the valuations.</li> <li>• Values will be assessed using the CPO Compensation Codes.</li> <li>• Compensation offered will be the difference between the values assessed with and without the extended PSZ, will be offered on reasonable terms and conditions. Payment should be within 3 months of either agreement of values between parties or 3 months following the determination of the independent arbitrator.</li> <li>• Any loss of value will need to be payable regardless of the amount, unless the amount is less than £50, which is consistent with the Compensation Code.</li> </ul>	

<ul style="list-style-type: none"> <li>• In the event that a claim results in compensation being paid, LCA will cover the claimant's reasonable cost (both legal and agency) of the claimant entering this agreement. These should be subject to prior agreement against an agreed brief and be fixed for the assignment. No overspend will be paid by the LCA, unless agreed in advance and in writing. LCA should therefore pay the fees as and when they are incurred.</li> <li>• In case of dispute as to the validity or value of any claim, determination will be by independent arbitration.</li> </ul>	
<b>9. Noise Levels At Silvertown Quays</b>	<b>Benefit:</b> LCA to provide compensation against loss of value arising from increased noise at Silvertown Quays. This will be subject to implementation and completion of the development.
<b>10. Noise insulation for developments already consented but not yet build out.</b>	<b>Benefit:</b> LCA will implement a compensation scheme to compensate for the increased cost incurred to landowners (and reasonable interested 3rd parties) to insulate against noise for new developments already consented but not yet built. The affected sites must fall within the 57db or 66db contour once this permission is implemented. A higher level of insulation will be provided for the sites that fall within the 66db contour in line with the Sound Insulation Grant Scheme (SIGS). This is the same as the SIGS for existing properties, but will accelerate eligibility.
<b>11. Wake Turbulence</b>	<b>Benefit:</b> LCA undertake an investigation into any damage arising to buildings surrounding the airport as a result of wake turbulence, and if appropriate have a structure in place to deal with any claims that are made.
<b>12. Mitigating measures in adjoining boroughs</b>	<b>Benefit:</b> Agreement to enter into separate legal agreements with adjoining boroughs to compensate individual properties affected by increased noise contours
<b>13. Monitoring Officer to be funded</b>	<b>Benefit:</b> To better monitor the activities and operations of the Airport to ensure compliance with consented schemes.
<b>14. Promotion</b>	<b>Benefit:</b> Better promotion of details of airports compensation package to local people.

<p><b>15. Noise Factored Movements</b></p>	<p><b>Benefit:</b>  LCA is willing to accept a condition limiting the number of Noise Factored Movements to 120,000 per annum (i.e. maintaining the 1:1 ratio between flights and NFMs).  Within two years of this permission being granted LCA will work together with LBN to reassess the noise factored movements methodology with the objective of providing further incentives for aircraft to fly quieter.</p>
<p><b>16. Review existing s106</b></p>	<p><b>Benefit:</b> Improve and simplify existing s106, and make it a more readable and useable agreement.</p>

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