



Department for
Communities and
Local Government



Department
for Transport

Mr Sean Bashworth
Quod
Ingeni Building
17 Broadwick Street
London W1T 0AX

Our Ref: APP/G5750/W/15/3035673
Your Ref: Q10064/SDB

26 July 2016

Dear Mr Bashworth

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPLICATION AND APPEAL MADE BY LONDON CITY AIRPORT
LAND AT LONDON CITY AIRPORT, HARTMANN ROAD, ROYAL DOCKS, LONDON
E16 2PX - APPLICATION REF: 13/01228/FUL**

1. We are directed by the Secretaries of State for Local Government and for Transport to say that consideration has been given to the report of Martin Whitehead LLB BSc (Hons) CEng MICE who held a public local inquiry from 15 March 2016 which sat for 11 days and closed on 5 April 2016, into your client's appeal against the decision of the London Borough of Newham (LBN) to refuse planning permission for works to demolish existing buildings and structures and provide additional infrastructure and passenger facilities at London City Airport without changes to the number of permitted flights or opening hours previously permitted pursuant to planning permission, application ref 13/01228FUL refused by notice on 12 May 2015.
2. On 17 December 2015 this appeal was recovered for the Secretaries of State's determination, in pursuance of s266(1) of the Town and Country Planning Act 1990.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be allowed and planning permission granted.
4. For the reasons given below, the Secretaries of State agree with the Inspector's conclusions, and agree with his recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

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Representations received following the closure of the inquiry

5. The Secretary of State for Communities and Local Government is in receipt of post inquiry representations from Sir David Amess MP, dated 7 July and from Ms Lucy Haynes, CBI London Director, dated 11 July 2016, which were received too late to be considered by the Inspector. The Secretaries of State have given careful consideration to these representations and they are satisfied they do not raise new matters that would affect their decision and they have not considered it necessary to circulate them to other parties. The Secretaries of State are in receipt of a letter from Ms Deirdra Armsby of the Council dated 25 May 16, concerning a breach of a planning condition relating to noise. Given their conclusions about noise monitoring below they are satisfied they do not raise new matters that would affect their decision and they have not considered it necessary to circulate them to other parties. Copies of the representations can be made available on written request to the addresses at the foot of the first page of this letter.

Environmental Statement

6. In reaching this position, the Secretaries of State have taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the other environmental information submitted before the inquiry opened. Having taken account of the Inspector's comments at IR296 the Secretaries of State are satisfied that the Environmental Statement, and its final form as the Updated Environmental Statement (UES), comply with the above Regulations and that sufficient environmental information has been provided for them to assess the environmental impact of the proposal.

Policy and statutory considerations

7. In reaching their decision, the Secretaries of State have had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
8. In this case the adopted development plan for the area comprises the London Plan, the LBN's Local Plan and the Further Alterations to the London Plan (FALP) Document which was published in March 2015. The Secretaries of State consider that the development plan policies of most relevance to this case are those set out at IR20-21.
9. Other material considerations which the Secretaries of State have taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the guidance'), as well as those set out by the Inspector at Annex B of the IR, CD7-9.

Main issues

10. The Secretaries of State agree with the Inspector that the main issues are those set out at IR262-3.

The environmental effects of constructing and operating the development

11. For the reasons given by the Inspector at IR264-5, the Secretaries of State agree that construction noise would be adequately controlled by suitable planning conditions.

12. With regard to the operation of the Airport, the Secretaries of State conclude, in agreement with the Inspector, that the forecast levels of increase in noise from the proposal are significantly below 1dB LAeq 16hr in 2025, for the reasons set out at IR266-267.
13. The Secretaries of State conclude that the proposal would not result in any significant harmful effect on air quality, for the reasons given at IR268.

Measures proposed to mitigate and manage any adverse impacts of the development

14. For the reasons given by the Inspector at IR269-282 the Secretaries of State conclude that the proposed measures to mitigate and manage any adverse impacts of the proposed development would ensure that any adverse noise impacts would be appropriately managed to ensure that the proposal would not result in any significant unacceptable effect on the living conditions of local residents.

Policies in the London Plan

15. For the reasons set out by the Inspector at IR289-292 the Secretaries of State agree that the proposal would comply with FALP policies 6.6 and 7.15. For the reasons given at IR193-4 the Secretaries of State agree that the proposal would not be fully compliant with FALP policies 7.28 and 7.30. However, for the reasons set out by the Inspector at IR283-295 the Secretaries of State conclude that the proposal would be in general conformity with the policies within the FALP and other development plans policies.

Policies in the Framework and other relevant policies

16. The Secretaries of State have gone on to consider the three dimensions of sustainable development as defined by the Framework. For the reasons given at IR283-284, the Secretaries of State conclude that the evidence provides strong support for the proposal with respect to the resulting economic benefits. They conclude that the social role would be secured for the reasons set out at IR285. With regards to the environmental role, the Secretaries of State conclude that the recommended planning conditions would address most of the residual impacts of the proposed development, including those related to flooding, ecology, climate change and contamination, for the reasons given at IR286. They further conclude that the concerns of Friends of the Earth as regards air quality are not supported by the insignificant level of pollution that would be caused by the proposed development, as set out in the Environmental Statement and subsequent surveys, and that there is a potential benefit in an increase in the use of less polluting aircraft in future (IR286). For the reasons given by the Inspector at IR287-288, the Secretaries of State are satisfied that the proposal would comply with the Framework with regard to its impact due to noise.
17. The Secretaries of State consider that the proposal generally complies with relevant policies in the Framework and they agree with the Inspector at IR307 that the proposal would represent sustainable development in accordance with the Framework. They also consider that the proposal would comply with the Mayor of London's Ambient Noise Strategy, the Aviation Policy Framework 2013 and the Noise Policy Statement for England with regard to its impact due to noise.

Other matters

18. For the reasons given at IR 299 the Secretaries of State agree that there is nothing to show that any relevant parties have been unfairly prejudiced by the consultation process

or that the process failed to follow statutory procedures. They further agree that interested parties have been given sufficient notification of the late amendments to the UES noise levels and that any concerns from those schools regarding noise impacts will be dealt with within the proposed Noise Insulation Scheme.

19. For the reasons given at IR300, and 269-82, the Secretaries of State are satisfied that the suggested planning conditions and obligations in the S106 Agreement would ensure that there would be sufficient measures and monitoring to prevent any significant harm to the environment or to local residents' living conditions as a result of noise and air pollution arising from the proposed development. They further agree that there is very little evidence to show that there would be any significant cumulative effect due to noise from Heathrow Airport and London City Airport (IR300).
20. The Secretaries of State agree that through the planning obligations and conditions, the proposal would provide tighter controls, improved mitigation and an increased budget for monitoring. The Secretaries of State are also satisfied that sufficient evidence has been provided to demonstrate that the 2009 Permission and 2009 Agreement have been fully implemented (IR301).
21. The Secretaries of State are satisfied that there is no substantive evidence that the assessment of the Public Safety Zone is inaccurate or significantly wrong (IR302). They agree that there is limited evidence to show that the proposal, with the appropriate planning conditions, would have any significant adverse impact with regard to flood risk, ecology, waste, climate change or contamination.
22. For the reasons given at IR303 the Secretaries of State agree that there is no breach of Article 2 of the First Protocol or Article 8 to the Convention, as incorporated by the Human Rights Act 1998 in relation to Mr Teale or his family.

Planning conditions

23. The Secretaries of State have given consideration to the Inspector's analysis at IR297-8 the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 206 of the Framework and the relevant Guidance. They are satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 206 of the Framework.

Planning obligations

24. Having had regard to the Inspector's analysis at IR 297-8, the planning obligation submitted 28 April 2016, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretaries of State agree with the Inspector's conclusion for the reasons given in IR 297 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework and is necessary to make the development acceptable in planning terms, directly related to the development, and is fairly and reasonably related in scale and kind to the development.

Planning balance and overall conclusion

25. For the reasons given above, the Secretaries of State consider that the appeal scheme is in accordance with the FALP policies 6.6 and 7.15, would not be fully compliant with FALP policies 7.28 and 7.30, but that the proposal is in accordance with the development plan overall. They have gone on to consider whether there are material considerations

which indicate that the proposal should be determined other than in accordance with the development plan.

26. The Secretaries of State have weighed the adverse environmental impacts they have identified, to which they give moderate weight, against the significant benefits in terms of employment and increased economic activity, improved passenger experience and environment, the securing of finance for training and local employment, allowing the Airport to increase its flights within its permitted level and increase in the likelihood of flights being made by more efficient modern aircraft, to which they afford considerable weight. For the reasons given, they therefore conclude that the significant socio-economic and employment benefits that would result from the proposal would outweigh the harm that they have identified due to increased noise and conflict with FALP policies regarding the use of the Docks, when taking account of the controls and mitigation that would be provided under planning conditions and the S106 Agreement. They also conclude, for the reasons set out above, that the proposal would represent sustainable development in accordance with the Framework. For the reasons given above they conclude that the appeal should be allowed, and planning permission granted.

Formal decision

27. Accordingly, for the reasons given above, the Secretaries of State agree with the Inspector's recommendation. They hereby allow your client's appeal and grant planning permission for the proposed development as described in Annex 1 of the application, including

- (a) Demolition of existing buildings and structures;
- (b) Works to provide 4 upgraded aircraft stands and 7 new aircraft parking stands;
- (c) The extension and modification of the existing airfield to include the creation of a taxi-lane running parallel to the eastern part of the runway and connecting with the existing holding point;
- (d) The creation of a vehicle access point over King George V (KGV) Dock for emergency vehicle access;
- (e) Laying out of replacement landside Forecourt area to include vehicle circulation, pick up and drop off areas and hard and soft landscaping;
- (f) The Eastern Extension to the existing Terminal building (including alteration works to the existing Terminal) to provide reconfigured and additional passenger facilities and circulation areas, landside and airside offices, immigration areas, security areas, landside and airside retail and catering areas, baggage handling facilities, storage and ancillary accommodation;
- (g) The construction of a 3 storey passenger pier to the east of the existing Terminal to serve the proposed passenger parking stands;
- (h) Erection of a Noise Barrier at the eastern end of the proposed Pier;
- (i) Erection of a temporary Noise Barrier along part the southern boundary of the Application Site to the north of Woodman Street;

- (j) Western Extension and alterations to the existing Terminal to provide reconfigured additional passenger facilities and circulation areas, security areas, landside and airside offices, landside retail and catering areas and ancillary storage and accommodation;
- (k) Western Energy Centre, storage, ancillary accommodation and landscaping to the west of the existing Terminal;
- (l) Temporary Facilitation Works including the erection of a Noise Barrier to the south of 3 aircraft stands, a Coaching Facility and the extension to the outbound baggage area;
- (m) Works to upgrade Hartmann Road;
- (n) Landside passenger and staff parking, car hire parking and associated facilities, taxi feeder park and ancillary and related work;
- (o) Eastern Energy Centre;
- (p) Dock Source Heat Exchange System and Fish Refuge within KGV Dock; and
- (q) Ancillary and related work;

subject to the conditions set out at Annex A of this letter.

Application for costs

28. An application for a full award of costs was made by London City Airport Limited against the Mayor of London. This has since been withdrawn. An application for a full award of costs has also been made by the LBN against the Mayor of London (IR2). This application is the subject of a separate decision letter, to be issued at a later date.

Right to challenge the decision

29. You have the right to challenge this decision by way of proceedings in the High Court – there are strict time limits for bringing such appeals and you are referred to the relevant legislation, under section 288 of the Town and Country Planning Act 1990. A separate note is attached setting out the circumstances in which the validity of the Secretaries of States decision may be challenged. However, we recommend that you seek your own independent legal advice if you wish to challenge this decision

30. A copy of this letter has been sent to the Council and Rule 6 parties and notification sent to others who asked to be informed of the decision.

Yours faithfully

Phil Barber

Philip Barber

Ian Elston

Ian Elston

Authorised by Secretaries of State to sign in that behalf

Annex A List of conditions

Defined Terms

'Access Roads and Parking Areas' means the details shown on the following drawings:

9.1 Hartmann Road & Dockside Key Plan	LCY-CADP-ATK-H-0001
9.2 Proposed Hartmann Road Works – Sheet 1 of 9	LCY-CADP-ATK-H-0002
9.3 Proposed Hartmann Road Works – Sheet 2 of 9	LCY-CADP-ATK-H-0003
9.4 Proposed Hartmann Road Works – Sheet 3 of 9	LCY-CADP-ATK-H-0004
9.5 Proposed Hartmann Road Works – Sheet 4 of 9	LCY-CADP-ATK-H-0005
9.6 Proposed Hartmann Road Works – Sheet 5 of 9	LCY-CADP-ATK-H-0006
9.7 Proposed Hartmann Road Works – Sheet 6 of 9	LCY-CADP-ATK-H-0007
9.8 Proposed Hartmann Road Works – Sheet 7 of 9	LCY-CADP-ATK-H-0008
9.9 Proposed Hartmann Road Works – Sheet 8 of 9	LCY-CADP-ATK-H-0009
9.10 Proposed Hartmann Road Works – Sheet 9 of 9	LCY-CADP-ATK-H-0010

'Actual Aircraft Movements' means the number of Aircraft Movements that take place at the Airport. These are independent of the weighting used to assess noise factored movements.

'Air Quality Construction Management and Mitigation Strategy' (AOCMMS) means a strategy in accordance with the environmental standards, mitigation measures, embedded mitigation measures, requirements, recommendations and methods of implementing the Development contained in the Updated Environmental Statement, appendices and addenda, to include (but not limited to) the following:

- a Construction Delivery Management Strategy (to include, but not limited to):
- hours of deliveries;
- delivery routes into and out of the Airport;
- areas for deliveries;
- haul routes within the Airport and along Hartmann Road;
- measures to minimise reversing of vehicles;
- measures to minimise queuing of vehicles outside of the Airport;
- measures to maximise the use of the River Thames and other waterways for the transport of construction materials ; and
- measures to ensure daytime deliveries are maximised.

'Aircraft Categorisation Review' (ACR) means a review of Aircraft Categorisation to reassess the methodology, categories, noise reference levels, noise factors and procedures for categorisation, with the objective of providing further incentives for aircraft using the Airport to emit less noise.

'Aircraft Movements' means the take-off or landing of an aircraft at the Airport, other than those engaged in training, or aircraft testing.

'Airport' means the land and premises edged red and shown on the Site Plan.

'Airport Apron' means the area of the Airport where the aircraft are parked, unloaded or loaded, refuelled or boarded.

'Airport Boundary' means the area outside of the Airport adjoining the red line shown on the Site Plan.

'Airport Consultative Committee' means the facility for users of the Airport, local authorities and persons concerned with the locality of the site to consult with respect to matters that relate to the management or administration of the Airport and which may

affect those parties' interests. Such a facility being an Airport Consultative Committee, currently known as the London City Airport Consultative Committee.

'Airport Website' means www.londoncityairport.com or any future replacement website for the Airport.

'Airside' means the part of the Airport directly involved in the arrival and departure of aircraft, separated from landside by security check, customs and passport control.

'Annual Performance Report' means a report produced annually on 1 June (or the first working day thereafter) each year by London City Airport Limited to demonstrate the performance of the Airport over the previous calendar year and its compliance with the planning obligations and conditions under which the Airport operates.

'Approved Plans' means the following drawings:

1 Site Plan	LCY P+W 4486 B SI20001
2 Demolition Plan (including tree removal)	LCY P+W 4486 B SI20003
5.2 Proposed Airfield Layout	CA0L-002 F
5.4 Key Engineering Features	CA0L-004 E
5.5 Proposed Aircraft Stands	CA0L-020 D
5.6 Site Clearance and Demolition – Sheet 1 of 4	CA0L-090 C
5.7 Site Clearance and Demolition – Sheet 2 of 4	CA0L-091 C
5.8 Site Clearance and Demolition – Sheet 3 of 4	CA0L-092 B
5.9 Site Clearance and Demolition – Sheet 4 of 4	CA0L-093 B
5.10 Existing And Proposed Airfield Design Levels	CA0L-210 E
5.12 Proposed Apron Floodlighting – Sheet 1 of 2	CA0L-521 E
5.13 Proposed Apron Floodlighting – Sheet 2 of 2	CA0L-522 E
5.14 Proposed Deck Structure And Foundations - General Arrangement	CA0L-900 E
5.15 Proposed Deck Structure – Typical Longitudinal Section	CA0S-910 B
5.16 Proposed Deck Structure – Typical Transverse Sections	CA0S-911 C
5.17 Proposed Deck Structure Engineering Details – Sheet 1	CA0D-920 C
5.18 Proposed Deck Structure Engineering Details – Sheet 2	CA0D-921 B
5.19 Noise Barrier Details	CA0D-930 D
5.20 RVP Pontoon General Arrangement	5115752/RC/100 P2
5.22 Proposed Airfield Layout Facilitating Works	CA0L-050 F
5.23 Facilitating Works Demolition Layout	LCY P+W 4486 B DE10002
5.25 Facilitating Works Ground Level 00	LCY P+W 4486 B GA10004 A
5.27 Facilitating Works First Level 10	LCY P+W 4486 B GA11002 B
5.29 Facilitating Works Roof Level 20	LCY P+W 4486 B GA12002 B
5.32 Facilitating Works Demolition Elevations	LCY P+W 4486 B DE1XX02
5.33 Facilitating Works Coaching Facility & OBB Extension Elevations – Sheet 1	LCY P+W 4486 B GA1XX05 A
5.34 Facilitating Works Coaching Facility & OBB Extension Elevations – Sheet 2	LCY P+W 4486 B GA1XX06 A
5.35 Facilitating Works Site Elevations	LCY P+W 4486 B GA1XX07 A
5.36 Facilitating Works Coaching Facility & OBB Extension Sections	LCY P+W 4486 B GA1XX08 A
Apron Floodlighting Facilitating Works – Sheet 1 of 2	CA0D-523 B

5.41 Proposed Apron Floodlighting Facilitating Works – Sheet 2 of 2	CA0L-524 B
6.2 Demolition Layout	LCY P+W 4486 B DE10001
6.3 Proposed Western Energy Centre Basement Level B1	LCY P+W 4486 B GA1B101 A
6.5 Proposed Phase 1 Western Terminal Extension Ground Level 00	LCY P+W 4486 B GA10003 B
6.7 Proposed Phase 1 Western Terminal Extension First Level 10	LCY P+W 4486 B GA11001 B
6.9 Proposed Phase 1 Western Terminal Extension Second Level 20	LCY P+W 4486 B GA12001 B
6.11 Proposed Phase 1 Western Terminal Extension Roof Plant Level 30	LCY P+W 4486 B GA13001 B
6.12 Proposed Phase 1 Western Terminal Extension Roof Level 40	LCY P+W 4486 B GA14001 B
6.15 Demolition Elevations	LCY P+W 4486 B DE1XX01 A
6.16 Proposed Phase 1 Western Terminal Extension Elevations – Sheet 01	LCY P+W 4486 B GA1XX01 A
6.17 Proposed Phase 1 Western Terminal Extension Elevations – Sheet 02	LCY P+W 4486 B GA1XX02 A
6.18 Proposed Western Energy Centre – Elevations & Sections	LCY P+W 4486 B GA1XX09 B
6.19 Proposed Phase 1 Western Terminal Extension Site Elevations	LCY P+W 4486 B GA1XX10 A
6.20 Proposed Phase 1 Western Terminal Extension Sections – Sheet 1	LCY P+W 4486 B GA1XX03 B
6.21 Proposed Phase 1 Western Terminal Extension Sections – Sheet 2	LCY P+W 4486 B GA1XX04 A
6.22 Proposed Western Terminal Extension & Western Energy centre Wall Details	LCY P+W 4486 B DT1XX01 B
6.25 Proposed Phase 1 Service Yard – Level 00	LCY P+W 4486 B GA10002 A
6.26 Proposed Service Yard Level 00 Levels Plan	LCY-CADP-ATK-C-0001 01
6.28 Service Yard Planting Plan	3522_005 B
7.3 Existing Forecourt Demolition Layout	LCY P+W 4486 B DE20002
7.4 Proposed Forecourt Ground Level 00	LCY P+W 4486 B FC20002 B
7.5 Proposed Forecourt Sections	LCY P+W 4486 B FC2XX01
7.6 Levels Plan	LCY-CADP-ATK-C-0004
7.8 Proposed Forecourt Details Sheet 1	LCY P+W 4486 B FC2XX02
7.9 Proposed Forecourt Details Sheet 2	LCY P+W 4486 B FC2XX03 A
7.10 Proposed Forecourt Details Sheet 3	LCY P+W 4486 B FC2XX04 B
7.11 Forecourt Planting Plan Sheet 1/2	3522_003 D
7.12 Forecourt Planting Plan Sheet 2/2	3522_004 C
8.3 Proposed Eastern Terminal Extension – Ground Level 00 Sheet 1	LCY P+W 4486 B GA20002 B
8.4 Proposed Eastern Terminal Extension – Ground Level 00 Sheet 2	LCY P+W 4486 B GA20003 A
8.5 Proposed Phase 2 Western Terminal Extension Ground Level 00	LCY P+W 4486 B GA20004 C
8.6 Proposed Eastern Terminal Extension First Level 10 Sheet 1	LCY P+W 4486 B GA21001 A
8.7 Proposed Eastern Terminal Extension First	LCY P+W 4486 B GA21002 A

Level 10 Sheet 2	
8.8 Proposed Phase 2 Western Terminal Extension First Level 10	LCY P+W 4486 B GA21003 C
8.9 Proposed Eastern Terminal Extension – Second Level 20 Sheet 1	LCY P+W 4486 B GA22001 A
8.10 Proposed Eastern Terminal Extension – Second Level 20 Sheet 2	LCY P+W 4486 B GA22002 A
8.11 Proposed Phase 2 Western Terminal Extension Second Level 20	LCY P+W 4486 B GA22003 C
8.12 Proposed Eastern Terminal Extension – Roof Plant Level 30 – Sheet 1	LCY P+W 4486 B GA23001 B
8.13 Proposed Eastern Terminal Extension – Roof Plant Level 30 – Sheet 2	LCY P+W 4486 B GA23002 A
8.14 Proposed Phase 2 Western Terminal Extension Roof Plant Level 30	LCY P+W 4486 B GA23003 C
8.15 Proposed Eastern Terminal Extension – Roof Level 40 – Sheet 1	LCY P+W 4486 B GA24001 A
8.16 Proposed Eastern Terminal Extension – Roof Level 40 – Sheet 2	LCY P+W 4486 B GA24002 A
8.17 Proposed Phase 2 Western Terminal Extension Roof Level 40	LCY P+W 4486 B GA24003 C
8.18 Demolition Elevations	LCY P+W 4486 B DE2XX01 A
8.19 Proposed Phase 2 Eastern Terminal Extension Elevations	LCY P+W 4486 B GA2XX01 B
8.20 Proposed Phase 2 Western Terminal Extension Elevations Sheet 1	LCY P+W 4486 B GA2XX02 B
8.21 Proposed Phase 2 Western Terminal Extension Elevations Sheet 2	LCY P+W 4486 B GA2XX10 B
8.22 Proposed Phase 2 Site Elevations	LCY P+W 4486 B GA2XX03 C
8.23 Proposed Eastern Terminal Extension Sections Sheet 1	LCY P+W 4486 B GA2XX04 A
8.24 Proposed Eastern Terminal Extension Sections Sheet 2	LCY P+W 4486 B GA2XX05 A
8.25 Proposed Eastern Terminal Extension Sections Sheet 3	LCY P+W 4486 B GA2XX06
8.26 Proposed Eastern Terminal Extension Sections Sheet 4	LCY P+W 4486 B GA2XX07
8.27 Proposed Eastern Terminal Extension Sections Sheet 5	LCY P+W 4486 B GA2XX08 A
8.28 Proposed Phase 2 Western Terminal Extension Sections	LCY P+W 4486 B GA2XX09 B
8.29 South Context Elevations	LCY P+W 4486 B SI20006 A
9.1 Hartmann Road & Dockside Key Plan	LCY-CADP-ATK-H-0001
9.2 Proposed Hartmann Road Works – Sheet 1 of 9	LCY-CADP-ATK-H-0002
9.3 Proposed Hartmann Road Works – Sheet 2 of 9	LCY-CADP-ATK-H-0003
9.4 Proposed Hartmann Road Works – Sheet 3 of 9	LCY-CADP-ATK-H-0004
9.5 Proposed Hartmann Road Works – Sheet 4 of 9	LCY-CADP-ATK-H-0005
9.6 Proposed Hartmann Road Works – Sheet 5 of 9	LCY-CADP-ATK-H-0006
9.7 Proposed Hartmann Road Works – Sheet 6 of 9	LCY-CADP-ATK-H-0007
9.8 Proposed Hartmann Road Works – Sheet 7 of 9	LCY-CADP-ATK-H-0008
9.9 Proposed Hartmann Road Works – Sheet 8 of 9	LCY-CADP-ATK-H-0009
9.10 Proposed Hartmann Road Works – Sheet 9 of 9	LCY-CADP-ATK-H-0010

9	
9.11 Proposed Taxi Feeder Park	LCY-CADP-ATK-H-0011
9.12 Proposed Passenger Parking Deck Layouts, Elevations and Section	LCY-CADP-ATK-S-0001 01
9.13 Construction Noise Barrier	LCY-CADP-ATK-S-0002 01
9.14 Dockside GA – Sheet 1	LCY-CADP-ATK-L-0001 A
9.15 Dockside GA – Sheet 2	LCY-CADP-ATK-L-0002 A
9.16 Dockside GA – Sheet 3	LCY-CADP-ATK-L-0003 A
9.17 Dockside GA – Sheet 4	LCY-CADP-ATK-L-0004 A
9.18 Dockside GA – Sheet 5	LCY-CADP-ATK-L-0005 A
9.19 Dockside GA – Sheet 6	LCY-CADP-ATK-L-0006 A
9.20 Dockside GA – Sheet 7	LCY-CADP-ATK-L-0007 A
9.21 Dockside GA – Sheet 8	LCY-CADP-ATK-L-0008 B
9.22 Dockside GA – Sheet 9	LCY-CADP-ATK-L-0009 B
9.23 Dockside Soft Landscape Details	LCY-CADP-ATK-L-0010 B
9.24 Dockside Hard Landscape Details	LCY-CADP-ATK-L-0011 A
9.25 Dockside Indicative Sections	LCY-CADP-ATK-L-0012 A
9.26 Dockside Path Indicative Details	LCY-CADP-ATK-L-0013 A
9.27 Proposed Eastern Ancillary Buildings – Location Plan	LCY-CADP-ATK-A-0001 01
9.28 Proposed Eastern Ancillary Buildings – Car Rental & Taxi Feeder Building – Site Plan	LCY-CADP-ATK-A-0002 01
9.29 Proposed Eastern Ancillary Buildings – Taxi and Car Rental Facility Ground Floor GA Plan	LCY-CADP-ATK-A-0003 01
9.30 Proposed Eastern Ancillary Buildings – Taxi and Car Rental Facility Roof Plan	LCY-CADP-ATK-A-0004 01
9.31 Proposed Eastern Ancillary Buildings – Taxi and Car Rental Facility Elevations	LCY-CADP-ATK-A-0005 01
9.32 Proposed Eastern Ancillary Buildings – Taxi and Car Rental Facility Sections – A-A & B-B	LCY-CADP-ATK-A-0006 01
9.33 Proposed Eastern Ancillary Buildings – Proposed Eastern Energy Centre Site Plan	LCY-CADP-ATK-A-0007 01
9.34 Proposed Eastern Ancillary Buildings – Proposed Eastern Energy Centre Ground Floor Plan	LCY-CADP-ATK-A-0008 01
9.35 Proposed Eastern Ancillary Buildings – Energy Centre Roof Plan	LCY-CADP-ATK-A-0009 01
9.36 Proposed Eastern Ancillary Buildings – Proposed Eastern Energy Centre Elevations	LCY-CADP-ATK-A-0010 01
9.37 Proposed Eastern Ancillary Buildings – Proposed Eastern Energy Centre Section C-C & D-D	LCY-CADP-ATK-A-0011 01
10.1 Site Location Plan	859_07_100 P1
10.1a Blue Line Plan	859_07_100a P1
10.2 Existing Site Plan	859_07_101 P1
10.3 Building Plot Parameter Plan	859_07_102 P1
10.4 Proposed Maximum Heights Parameter Plan	859_07_103 P1
10.5 Proposed Minimum Heights Parameter Plan	859_07-104 P1
10.6 Proposed Access and Circulation Parameter Plan	859_07_105 P1

'Artificial Fish Refugia Details' means the details set out in paragraphs 13.231-234 and Figures 13.2-13.4 of Chapter 13 of the Updated Environmental Statement.

'Auxiliary Power Unit' means the small engine or generator used to power an aircraft's primary systems when its engines are not running.

'CADP' means the City Airport Development Programme as described under planning application ref 13/01228/FUL.

'Commencement of Development' means the date upon which a material operation as defined in Section 56 of the Town and Country Planning Act 1990 is commenced pursuant to this planning permission, but excluding site investigations, surveys, archaeological works, removal of obstructions, remediation works, site clearance, the erection of temporary hoardings and service diversion works, and 'Commence' and 'Commenced' shall be construed accordingly.

'Construction Noise and Vibration Management and Mitigation Strategy (CNVMMS)' means a strategy in accordance with the environmental standards, mitigation measures, embedded mitigation measures, requirements, recommendations and methods of implementing the Development contained in the Updated Environmental Statement and appendices to include (but not limited to) the following:

- maximising the use of daytime hours;
- mechanisms of Control;
- community Liaison and complaints handling;
- monitoring procedure;
- reporting of monitoring data;
- reporting of complaints;
- identification of any predicted Sensitive Receptors to be offered the Construction Sound Insulation Scheme in accordance with Conditions 90 and 91 and the proposed Phasing Plan for the carrying out such Construction Sound Insulation in each case;
- section 61 procedure and ownership;
- location, dimensions and materials of any construction noise barriers; and
- any other mitigation measures to be implemented at source.

'Construction Sound Insulation Scheme' means a scheme of insulation against construction noise that will provide (as a minimum) an average sound reduction of 35dB for each dwelling that is eligible by means of high performance double glazing and mechanical ventilation equipment or secondary glazing and mechanical ventilation equipment.

'Design Code' means a set of illustrated design rules and requirements which instruct and advise on the physical development of buildings and associated space at the Airport that the Airport may propose to erect under permitted development rights in accordance with the General Permitted Development Order.

'DLR' means Docklands Light Railway.

'Development' means application ref 13/01228/FUL submitted to the Secretary of State for determination at inquiry.

'Dock Edge' means the interface between the Airport land to the south of the King George V Dock and King George V Dock.

'Eastern Terminal Extension' means the extension to the existing terminal building at the Airport as shown in green on drawing no 4486 BGA 20005 (Plan P1).

'Flood Risk Assessment' means the Flood Risk Assessment prepared by RPS dated July 2013 in Appendix 12.1 of the Updated Environmental Statement together with the

Atkins Surface Water Drainage Strategy dated July 2013 in Appendix 12.2 of the Updated Environmental Statement.

'Fixed Electrical Ground Power' (FEGP) means a supply of suitable electrical power using a permanent installation at a stand being occupied by stationary aircraft.

'Ground Running' means the operation of aircraft engines on the ground to test and maintain engines or aircraft systems.

'Ground Running Noise Limit' means the noise level arising from Ground Running which shall not exceed the equivalent of a free-field noise level of 60dB LAeq,T (where T shall be any period of 12 hours) at any Sensitive Receptor.

'Site Plan' means drawing no LCY P+W 4486 B SI0001.

'LAeq,T' means the average of the total sound energy (Leq) measured over a specified period of time (T), weighted to take into account human hearing.

'Landscape Drawings' means the following drawings:

7.1 Existing Forecourt Ground Level 00 1:500	LCY P+W 4486 B EX00002
7.2 Forecourt Keyplan 1:500	LCY P+W 4486 B FC20001 A
7.3 Existing Forecourt Demolition Layout 1:500	LCY P+W 4486 B DE20002
7.4 Proposed Forecourt Ground Level 00 1:500	LCY P+W 4486 B FC20002 B
7.5 Proposed Forecourt Sections 1:250	LCY P+W 4486 B FC2XX01
7.6 Levels Plan 1:500	LCY-CADP-ATK-C-0004
7.8 Proposed Forecourt Details – Sheet 1 1:20	LCY P+W 4486 B FC2XX02
7.9 Proposed Forecourt Details – Sheet 2 Various	LCY P+W 4486 B FC2XX03 A
7.10 Proposed Forecourt Details – Sheet 3 1:250	LCY P+W 4486 B FC2XX04 B
7.11 Forecourt Planting Plan – Sheet 1/2 1:200	3522_003 D
7.12 Forecourt Planting Plan – Sheet 2/2 1:200	3522_004 C
9.23 Dockside Soft Landscape Details 1:20	LCY-CADP-ATK-L-0010 B
9.24 Dockside Hard Landscape Details 1:10	LCY-CADP-ATK-L-0011 A

'LCY' means the Airport known as London City Airport at the time of this planning permission, or any other subsequent title of the Airport.

'Mobile Ground Power Units' means specialised ground support equipment providing electricity to allow the aircraft to function whilst on the ground.

'Noise Barrier' means a structure, either temporary or permanently installed within the Airport to protect local residents and other local sensitive receptors from noise pollution.

'Noise Contours' means a number of lines superimposed on a map of the Airport and its surroundings. These lines represent various air noise exposure levels created by Airport operations.

'Noise Factored Scheme' means:

1. Save in an emergency, no type of aircraft shall use the Airport unless the noise level of that aircraft complies with a category established in accordance with paragraphs 2 to 7 inclusive below.
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 (NMT1, NMT2, NMT3 and NMT4) on Plan P1 that accompanies this permission, expressed in PNdB as established as set out below.

3. Before any aircraft shall use the Airport a provisional noise categorisation for that aircraft type shall be approved by the local planning authority and shall be based on the results of the monitored flight trials of the particular aircraft from the Airport carried out in accordance with the written proposals (including details as to how the trial flights are to be organised before any such trial flights take place) to be submitted and approved in writing by the local planning authority.
4. Annually on 31 December 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 October and 31 December of the year in question then the provisional categorisation of that aircraft type shall be reviewed on 31 December in the following year) having regard to the departure noise levels recorded in accordance with paragraph 2 above, and on 1 June (or the first working day thereafter) or the first working day thereafter, in the following year details shall be submitted 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 with the local planning authority having regard to the monitored values.
5. Any such amendment may, with the agreement of the local planning authority, include the introduction to 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 locations (NMT1, NMT2, NMT3 and NMT 4) shown on Plan P6 that accompanies this permission. The details of the system are to be approved by the local planning authority and the results of the monitoring made available to the local planning authority.
7. Annually on 1 June, or the first working day thereafter, 57dB LAeq 16hr 66dB LAeq 16hr and 69dB LAeq 16hr contours (average mode summer day) shall be produced in accordance with the Federal Aviation Authority's Integrated Noise Model Version 7 or later version or other model, any of which complies with the methodology described in ECAC CEAC Doc 29 or Department for Transport equivalent method, and submitted to the local planning authority every year whilst the Airport is in operational use as an airport.

'Noise Factoring Calculation' means the calculation that shall be used to establish the total number of Noise Factored Movements namely, multiplying the number of take-offs and landings by each aircraft by the relevant noise factor for an aircraft of its type and adding together the totals for each aircraft using the Airport.

'Noise Factored Movement' means an Actual Aircraft Movement whose contribution to the annual noise factored movement limit is based on the noise levels recorded at the Airport's noise monitoring terminals during its arrival or departure and the resulting noise factor attributed to that type of aircraft. The assessment of a Noise Factored Movement is in accordance with Condition 20.

'Noise Levels Assessed in the Updated Environmental Statement' means the details that are set out in Chapter 8 of the Updated Environmental Statement.

'Noise Management and Mitigation Strategy' (NOMMS) means the strategy that monitors and manages the noise impact of LCY operations, to be approved under

Condition 31 and to replace the Noise Management Scheme dated December 2009 currently in place at the Airport.

'Non-Airside' means all parts of the Airport not defined by Airside.

'Plan P1' means drawing no LCY P+W 4486 B GA20005

'Plan P2' means drawing no LCY P+W 4486 B GA20011

'Plan P3' means drawing no LCY P+W 4486 B GA20028

'Plan P4' means drawing no LCY P+W 4486 B S12009

'Plan P5' means drawing no LCY P+W 4486 B S120012

'Plan P6' means drawing no A9575-NMT-03

'Plan P7' means drawing no LCY P+W 4486 B GA20010

'Plan P8' means Markup of drawing no CAOL-900 RevE

'Obstacle Limitation Surfaces' means a series of surfaces that define the limits to which objects may project into airspace consisting of:

- (a) transitional surface;
- (b) approach surface/ take-off climb surface;
- (c) inner horizontal surface;
- (d) conical surface;
- (e) outer horizontal surface;
- (f) inner horizontal surface;
- (g) inner transitional surface; and
- (h) balked landing surface.

'Passenger Terminal Buildings' means the buildings shown in red on drawing no LCY P+W 4486 B S120011 (Plan P2).

'Phase' means a phase of the Development identified in the Construction Phasing Plan approved pursuant to Condition 4.

'Quarter' for the purposes of Condition 43, means consecutive three month periods in a calendar year, namely; Quarter 1 (January to March), Quarter 2 (April to June), Quarter 3 (July to September) and Quarter 4 (October to December).

'Quota Count' means the system to be used to limit the amount of noise generated by Aircraft Movements based on aircraft noise certification data.

'Sensitive Receptors' means areas where occupants are more susceptible to the adverse effects of noise pollution. These include, but are not limited to, residential dwellings, hospitals, schools, day care facilities and care homes.

'Sound Insulation Scheme' means the scheme of sound insulation to be offered to eligible owners/occupiers and where requested, the installation of the relevant sound insulation into eligible properties. This scheme covers eligibility only under operational air noise.

'Temporary Facilities Drawings' means the following drawings:

5.25 Facilitating Works Ground Level 00	LCY P+W 4486 B GA10004 A
5.27 Facilitating Works First Level 10	LCY P+W 4486 B GA11002 B
5.29 Facilitating Works Roof Level 20	LCY P+W 4486 B GA12002 B
5.33 Facilitating Works Coaching Facility & OBB	LCY P+W 4486 B GA1XX05 A

Extension Elevations – Sheet 1	
5.34 Facilitating Works Coaching Facility & OBB	LCY P+W 4486 B GA1XX06 A
Extension Elevations – Sheet 2	
5.35 Facilitating Works Site Elevations	LCY P+W 4486 B GA1XX07 A
5.36 Facilitating Works Coaching Facility & OBB	LCY P+W 4486 B GA1XX08 A
Extension Sections	

'Temporary Noise Monitoring Strategy 2009' means the document, ref A1125/PH/TNMS/01, dated 15th September 2009, prepared by Bickerdike Allen Partners, to be operated in accordance with Condition 28.

'Western Terminal Extension' means the extension to the existing terminal building at the Airport as shown in red on drawing no 4486 BGA 10008 (Plan P3).

Conditions

1 Time Limit

The Development shall begin not later than three years from the date of this decision.

Reason: *To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.*

2 Approved Drawings and Documents

The Development shall be carried out in accordance with the Approved Plans and the following documents:

- Design and Access Statement (July 2013)
- Design and Access Statement Addendum (March 2014)
- Update to Design and Access Statement (September 2015)
- Energy and Low Carbon Strategy (July 2013)
- Update to Energy and Low Carbon Strategy (August 2015)
- Sustainability Statement (July 2013)
- Update to Sustainability Statement (September 2015)
- Updated Transport Assessment (September 2015)

Reason: *To ensure that the development is undertaken in accordance with the approved drawings and documents on which this decision is based.*

3 Environmental Statement

The Development shall be carried out in accordance with the environmental standards, mitigation measures, requirements, recommendations and methods of implementing the Development contained in the Updated Environmental Statement (UES) and revisions, February 2016.

Reason: *To ensure that the Development is carried out in accordance with the UES, dated September 2015, and the mitigation measures proposed therein.*

4. Construction Phasing Plan

No Development shall be Commenced unless and until a Construction Phasing Plan providing details of the phases and the order in which the Development shall be Commenced has been submitted to and approved in writing by the local planning authority. Thereafter the Development shall only be carried out in accordance with the approved Construction Phasing Plan.

Reason: *To ensure that the development is constructed in accordance with the UES.*

5 Quantum of Development

In the event of there being any discrepancy between the figures as shown on the approved drawings and as set out in the approved documents listed in Condition 2, the figures specified in this condition shall prevail:

- a) the total quantum of Development within the Western Terminal Extension shall not exceed 24,612 m² (including the Western Energy Centre, Western Terminal

- Extension, Terminal Building, Total Non-Airside Retail, Total Airside Retail, Terminal Non-Airside Offices and Service Yard);
- b) the total quantum of the Facilitating Works (comprising the Coaching Building,) shall not exceed 1,053 m²;
 - c) the total quantum of Development within the Eastern Terminal Extension shall not exceed 51,497 m² (including the Eastern Terminal Development, Total Non-Airside Retail, Total Airside Retail and Terminal Non-Airside Offices);
 - d) the Eastern Energy Centre shall not exceed 527 m²;
 - e) the Airfield Extension shall not exceed 7.54 hectares; and
 - f) the Terminal Forecourt shall not exceed 17,890 m² (excluding Hartmann Road).

Reason: *To ensure that the quantum of floorspace remains within the areas assessed pursuant to the UES for the development.*

6 Noise Barrier Phasing

No new or modified aircraft stands shall be brought into operation until a written scheme has been submitted to and approved in writing by the local planning authority indicating which one of the following mitigation options has been adopted:

- the external building envelope of the East Pier north elevation is substantially complete; or
- the Eastern Noise Barrier is substantially complete; or
- such other temporary noise barrier that has been approved in writing by the local planning authority is in place.

The applied temporary mitigation shall be installed prior to the operation of the new or modified stands as shown on Plan P1 and retained until replaced by the permanent noise mitigation measure which shall be retained thereafter.

Reason: *In line with the mitigation measures set out within the UES to protect the amenity of current and future occupants and neighbours with regard to saved policies EQ45, EQ47 and EQ48 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policies 7.15 and 7.26 of the London Plan (consolidated with alterations since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

7 Restrictions on Use

Save to the extent mentioned below, the Airport shall only be used as an airport and for the provision of air services ancillary thereto and for no other purpose.

For the avoidance of doubt the Airport shall only be used for training or test flying where it is necessary for the safe and efficient operation of the Airport, the safety of aircraft using the Airport, or to ensure compliance with the conditions attached to this planning permission or other regulatory controls over the use of the Airport.

This condition shall not prevent:

- a) the take-off and landing of an aircraft where such training or test flying is carried out elsewhere; or
- b) monitored trial flights taking place for the purpose of Aircraft Categorisation or for the purpose of any ACR; or
- c) pending completion of the Development the lawful use of a part of the Airport for purposes unrelated to the provision of air services.

Reason: *To safeguard residential amenity from non-essential use of the Airport.*

8 Aircraft Maintenance and Repair

Except in exceptional circumstances, no maintenance or repair work of aircraft and/or aircraft related machinery which causes noise that is audible at the Airport Boundary and/or at any Sensitive Receptor shall take place at the Airport other than between the hours of:

- 0630 and 2200 Monday to Friday inclusive;
- 0630 and 1230 on Saturday;
- 1230 and 2200 on Sunday; and
- 0900 and 2200 on Bank Holidays and Public Holidays.

All such activity outside the specified hours set out above causing noise that is audible at the Airport Boundary shall be reported to the local planning authority within 24 hours of occurrence.

Reason: *To safeguard residential amenity from non-essential maintenance works and use of the Airport and to ensure that the Airport does not cause unacceptable harm to the amenity of surrounding land and buildings, particularly given the Airport's proximity to Sensitive Receptor.*

9 Restrictions on Development (Design Code)

Prior to the Commencement of Development a Design Code shall be submitted to and approved in writing by the local planning authority. Any new building, extension or alteration to existing buildings proposed at the Airport to be erected by virtue of Class F of Part 8 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent variations) shall demonstrate how the proposal accords with the Design Code.

Reason: *To ensure that the appearance of the development and the amenities of the area are not adversely affected.*

10 Restrictions on Development (Hard Surfaces)

No additional hard surface to that shown on Plan P4 shall be constructed unless a noise report is submitted to the local planning authority confirming that the noise impacts arising from the proposed development will be no worse than those assessed in the UES at any of the nearest Sensitive Receptors outside the Airport Boundary.

Reason: *To ensure that the development is undertaken in accordance with the approved drawings and documents and to ensure that the Airport does not cause unacceptable harm to the amenity of surrounding land and buildings.*

11 Restrictions on Development (Buildings)

Within the areas shown on Plan P5 prior to the erection, extension, alteration or change of use of a building, a noise report shall be submitted to the local planning authority confirming that the noise impacts arising from the proposed development will be no worse than those assessed in the UES at any of the nearest Sensitive Receptors outside the Airport Boundary.

Reason: *To ensure that the development is undertaken in accordance with the approved drawings and documents and to ensure that the Airport does not cause unacceptable harm to the amenity of surrounding land and buildings.*

12 Number of Aircraft Stands and Position

The number of aircraft stands for scheduled Aircraft Movements shall not exceed 25 at any time and shall be located within the area shaded on Plan P4.

Reason: *To ensure that the development is undertaken in accordance with the approved drawings and documents and the UES; and to protect local amenity.*

13 Runway Length

The length of the declared runway shall not exceed 1199 metres.

Reason: *To ensure that the development is undertaken in accordance with the approved drawings and documents and the UES; and to protect local amenity.*

14 Aircraft

Except in cases of immediate emergency to an aircraft and/or the persons on board, 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, tilt-rotor or gyrocopters), shall be permitted to use the Airport.

Reason: *To control the development and ensure that it is undertaken in accordance with the approved drawings and documents and the UES; and to protect local amenity.*

15 AVRO RJ100

From 31 March 2017, no AVRO RJ100 type aircraft (or any variant thereof) shall operate from the Airport at any time unless it has been demonstrated to and approved in writing by the local planning authority that noise from such Aircraft does not exceed the maximum noise levels specified in any approved scheme under Condition 18.

Reason: *To protect the amenity of current and future occupants and neighbours with regard to saved policies EQ45, EQ47 and EQ48 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policies 7.15 and 7.26 of the London Plan (consolidated with alterations Since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

16 Prohibition on Recreational Flying

Except in cases of immediate emergency to an aircraft and/or the persons on board, the Airport shall not be used for any form of club or recreational flying.

Reason: *To protect the amenity of current and future occupants and neighbours with regard to saved policies EQ45, EQ47 and EQ48 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policies 7.15 and 7.26 of the London Plan (consolidated with alterations Since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

17 Aircraft Take-Off and Land Times

Except in cases of immediate emergency to an aircraft and/or the persons on board, the Airport shall not be used for the taking off or landing of aircraft at any time other than between the hours of:

0630 and 2200 on Monday to Friday inclusive;

0900 and 2200 on Bank Holidays and Public Holidays (with the exception of Christmas Day in condition 27);

0630 and 1230 on Saturdays; and

1230 and 2200 on Sundays;

provided that these restrictions shall not prevent an aircraft which was scheduled to take-off from or land at the Airport but which has suffered unavoidable operational delays, from taking off or landing at the Airport between 2200 hours and 2230 hours Sunday to Friday and 1230 hours to 1300 hours on Saturday and where that taking off or landing would not result in there being more than 400 Aircraft Movements at the Airport per calendar year outside the above permitted hours of operation comprising no more than 150 such movements in any consecutive three months.

Reason: *In the interests of limiting the number of aircraft movements in order to protect the amenity of current and future occupants and neighbours and with regard to saved policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policy 7.15 of the London Plan (consolidated with alterations since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

18 Aircraft Noise Categorisation Scheme

- a) Prior to the first beneficial use of the Development an Aircraft Noise Categorisation Scheme shall be submitted to and approved in writing by the local planning authority;
- b) such an Aircraft Noise Categorisation Scheme shall be implemented as approved and thereafter the Airport shall be operated in accordance with the approved Aircraft Noise Categorisation Scheme or any review thereof that has been approved in writing by the local planning authority;
- c) subsequent to implementation of the approved Aircraft Noise Categorisation Scheme (except in the case of immediate emergency to aircraft and/or persons on board), no aircraft shall land at or take-off from the Airport unless the type of aircraft has first been categorised in accordance with the approved Aircraft Noise Categorisation Scheme;
- d) the Aircraft Noise Categorisation Scheme shall be based on and include (but not be limited to):
 - i. a Quota Count System in use for night noise at other UK designated airports;
 - ii. the use of the Integrated Federal Aviation Authority Integrated Noise Model Version 7 or later version adjusted for the specific characteristics of London City Airport;
 - iii. a Quota Count classification in 1dB steps;
 - iv. a programme of parallel operation with the Noise Factored Scheme;
 - v. an overall Quota Count budget for each calendar year;
 - vi. a maximum permitted noise level or Quota Count classification; and
 - vii. the noise exposure permissible as a result of Quota Count Budget for annual Aircraft Movements, which shall be:
 - equivalent to 120,000 Noise Factored Movements per calendar year (as determined in accordance with the Noise Factored Scheme);
 - no worse than the airborne aircraft noise effects assessed in the UES; and
 - in accordance with Condition 33 (noise contour area); and
- e) the approved Aircraft Noise Categorisation Scheme shall supersede the Noise Factored Movement Scheme immediately upon the written approval by the local planning authority of the review of the Aircraft Noise Categorisation Scheme after 12 months of its introduction in accordance with Condition 19, and subsequently the total realised Quota Count at the Airport shall not exceed the approved Quota Count Budget in any calendar year.

Reason: *In the interests of limiting the number of aircraft movements in order to protect the amenity of current and future occupants and neighbours and with regard to saved policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policy 7.15 of the London Plan (consolidated with alterations since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

19 Review and Reporting on the Approved Aircraft Noise Categorisation Scheme

Following implementation of the Aircraft Noise Categorisation Scheme approved pursuant to Condition 18:

- a) a report shall be submitted to the local planning authority annually on 1 June or the first working day thereafter as part of the Annual Performance Report on the performance and/or compliance with the approved Aircraft Noise Categorisation Scheme during the previous calendar year; and

- b) the approved Aircraft Noise Categorisation Scheme shall be reviewed not later than the 1st and 4th year after its introduction and every 5th year thereafter. The reviews shall be submitted to the local planning authority within 3 months of such review dates for written approval and implemented in accordance with an approved timeframe and maintained thereafter.

Reason: *In the interests of limiting the number of aircraft movements in order to protect the amenity of current and future occupants and neighbours, and with regard to saved policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policy 7.15 of the London Plan (consolidated with alterations since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

20 Noise Factored Scheme

Until such time as the Aircraft Noise Categorisation Scheme has been approved and implemented in accordance with Condition 18, and the review of the Aircraft Noise Categorisation Scheme after its first year of operation has been submitted to and approved in writing pursuant to Condition 19, no aircraft shall use the Airport except in accordance with the Noise Factored Scheme.

Reason: *In the interests of limiting the number of aircraft movements in order to protect the amenity of current and future occupants and neighbours and with regard to saved policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policy 7.15 of the London Plan (consolidated with alterations since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

21 Maximum Permitted Noise Factored Aircraft Movements

Until such time as the Aircraft Noise Categorisation Scheme has been approved and implemented in accordance with Condition 18 and the review of the Aircraft Noise Categorisation Scheme after its first year of operations has been submitted to and approved in writing pursuant to Condition 19, the number of Noise Factored Movements shall not exceed:

- in any one week the number of permitted Aircraft Movements for that week by more than 25%; and
- 120,000 Noise Factored Movements per calendar year.

Reason: *In the interests of limiting the number of aircraft movements in order to protect the amenity of current and future occupants and neighbours and with regard to saved policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policy 7.15 of the London Plan (consolidated with alterations since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

22 Maximum Permitted Actual Aircraft Movements per hour as Timetabled

The scheduled number of Actual Aircraft Movements including business, commercial, charter and private Aircraft Movements shall not exceed 45 in total in any given hour.

Reason: *In the interests of limiting the number of aircraft movements in the peak periods in order to protect the amenity of current and future occupants and neighbours and with regard to saved policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policy 7.15 of*

the London Plan (consolidated with alterations since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).

23 Maximum Permitted Actual Aircraft Movements (days/year)

The number of Actual Aircraft Movements at the Airport shall not exceed:

- a) 100 per day on Saturdays;
- b) 200 per day on Sundays but not exceeding 280 on any consecutive Saturday and Sunday;
- c) subject to (d) to (j) below 592 per day on weekdays; and
- d) 132 on 1 January;
- e) 164 on Good Friday;
- f) 198 on Easter Monday;
- g) 248 on the May Day Holiday;
- h) 230 on the late May Bank Holiday;
- i) 230 on the late August Bank Holiday;
- j) 100 on 26 December; and
- k) 111,000 per calendar year.

Reason: *In the interests of limiting the number of aircraft movements in order to protect the amenity of current and future occupants and neighbours and with regard to saved policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policy 7.15 of the London Plan (consolidated with alterations since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

24 Maximum Permitted Actual Aircraft Movement on Other Bank Holidays

In the event of there being a Bank Holiday or Public Holiday in England which falls upon or is proclaimed or declared upon a date not referred to in sub-paragraph (d) to (j) inclusive of Condition 23, the number of Aircraft Movements on that date shall not exceed 330 unless otherwise agreed in writing by the local planning authority but in any event shall not exceed 396.

Reason: *In the interests of limiting the number of aircraft movements in order to safeguard the quality of life in the local area.*

25 Maximum Permitted Actual Aircraft Movement limit between 0630 hours and 0659 hours on Mondays to Saturdays

The maximum number of Actual Aircraft Movements between 0630 and 0659 hours on Mondays to Saturdays (excluding Bank Holidays and Public Holidays when the Airport shall be closed for the use or operation of aircraft between these times) shall not exceed 6 on any day.

Reason: *In the interests of limiting the number of aircraft movements to protect the amenity of current and future occupants and neighbours and with regard to saved policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policy 7.15 of the London Plan (consolidated with alterations since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

26 Maximum Permitted Actual Aircraft Movement limit between 0630 hours and 0645 hours on Mondays to Saturdays

Notwithstanding the restriction on Actual Aircraft Movements between 0630 hours and 0659 hours, as set out by Condition 25, the total number of Actual Aircraft Movements in the

period between 0630 hours and 0645 hours on Mondays to Saturdays (excluding Bank Holidays and Public Holidays when the Airport shall be closed for the use or operation of aircraft between these times), shall not exceed 2 on any day.

Reason: *In the interests of limiting the number of aircraft movements and to protect the amenity of current and future occupants and neighbours and with regard to saved policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policy 7.15 of the London Plan (consolidated with alterations since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

27 Christmas Day Closure

The Airport shall be closed on Christmas Day each year for the use or operation or maintenance of aircraft or for passengers, with no Aircraft Movements and no Ground Running by aircraft engines.

Reason: *In the interests of limiting the number of aircraft movements to protect the amenity of current and future occupants and neighbours and with regard to saved policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policy 7.15 of the London Plan (consolidated with alterations since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

28 Temporary Noise Monitoring Strategy

The Airport shall only operate in accordance with the Temporary Noise Monitoring Strategy 2009 until such time as the NOMMS is approved and operational pursuant to Condition 31.

Reason: *To safeguard residential amenity and in accordance with the UES.*

29 Noise Management Scheme

The Airport shall only operate in accordance with the existing Noise Management Scheme dated December 2009 until such time as the NOMMS is approved by the local planning authority and operational pursuant to Condition 31.

Reason: *To safeguard residential amenity and in accordance with the UES.*

30 Noise Monitoring System

The Airport shall operate the Noise Monitoring System referred to in the Noise Management Scheme dated December 2009 for the purpose of:

- the Aircraft Categorisation Review;
- producing the noise contours for the Sound Insulation Scheme in accordance with the Federal Aviation Authority Integrated Noise Model Version 7 or later version and as part of the Annual Performance Report; and
- continuing to provide the noise monitors in the four locations (NMT1, NMT2, NMT3 and NMT4) shown on Plan P6, or such alternative equipment and/or locations as shall be approved in writing by the local planning authority are in place and operational provided that such equipment and locations shall be at least as effective for the purposes of monitoring aircraft noise.

The Noise Management Scheme shall remain in place until such time as the NOMMS is approved and operational pursuant to Condition 31.

Reason: *To safeguard residential amenity and in accordance with the UES.*

31 Noise Management and Mitigation Strategy

Prior to the Commencement of Development a Noise Management and Mitigation Strategy (NOMMS) shall be submitted to the local planning authority for approval in writing. The NOMMS shall be implemented as approved and thereafter the Airport shall only operate in accordance with the approved NOMMS.

Following implementation of the approved NOMMS, a report shall be submitted to the local planning authority annually on 1 June (or the first working day thereafter) as part of the Annual Performance Report on the performance and compliance with the approved NOMMS during the previous 12 month period.

The approved NOMMS shall be reviewed not later than the 5th year after approval and every 5th year thereafter. The reviews shall be submitted to the local planning authority within 3 months of such review dates for approval in writing, and implemented as so approved.

The NOMMS shall include, but not be limited to:

- Combined Noise and Track Monitoring System;
- Quiet Operating Procedures;
- Penalties and Incentives;
- Control of Ground Noise;
- Airport Consultative Committee;
- Annual Noise Contours;
- Integrity of NOMMS;
- Auxiliary Power Units;
- Reverse Thrust; and
- Sound Insulation Scheme.

Reason: *In the interests of limiting noise and to protect the amenity of current and future occupants and neighbours with regard to saved policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policy 7.15 of the London Plan (consolidated with alterations since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

32 Additional Noise Monitoring Terminals

No part of the Development shall be brought into beneficial use unless and until the Noise Monitoring Terminals (NMT) 1 to 6 inclusive as shown on Plan P6 are in place and operational or such alternative equipment and/or locations as shall be approved in writing by the local planning authority are in place and operational.

Thereafter such NMTs shall be retained and operated in accordance with details first to be submitted to the local planning authority for approval in writing.

Reason: *To ensure that adequate terminals are in place to monitor noise in the interests of residential amenity.*

33 Fixing the Size of the Noise Contour

The area enclosed by the 57dB LAeq 16hr Contour shall not exceed 9.1 km² when calculated by the Federal Aviation Authority Integrated Noise Model Version 7 or later version.

Within five years of the Commencement of Development a Noise Contour strategy shall be submitted to the local planning authority for approval in writing which defines the methods to be used by the Airport operator to reduce the area of the Noise Contour by 2030.

Thereafter the Airport shall be operated in accordance with the approved Noise Contour strategy. The approved Noise Contour strategy shall be reviewed not later than the 5th year after approval and every 5th year thereafter in order to seek further reductions in the size of the Noise Contour by 2030 and beyond. The reviews shall be submitted to the local

planning authority for approval in writing within 3 months of such review dates and implemented as approved.

Reason: *To safeguard residential amenity and in accordance with the UES*

34 Design

No building within the Development hereby approved shall be constructed until details and samples of the materials to be used in the external elevations, fenestrations and roofs of the building(s) and Noise Barriers have been submitted to and approved in writing by the local planning authority.

The Development shall be carried out in accordance with the approved details.

The details submitted shall be to a scale agreed with the local planning authority in writing prior to submission.

Reason: *To ensure a satisfactory standard of external appearance, protect local amenity and with regard to the assessment contained in the UES, policies 7.3, 7.4, 7.5 and 7.6 of the London Plan (consolidated with alterations Since 2011 and published March 2015) and policies SP2, SP3, SP4 and SP5 of the Newham Core Strategy (adopted 26 January 2012).*

35 The Temporary Facilities

The temporary coaching facility and the temporary outbound baggage extension as shown on the Temporary Facilities Drawings shall cease to operate and shall be removed no later than 5 years from the date of Commencement of Development.

Reason: *To safeguard amenity and visual appearance, as the temporary structures are not of sufficient design quality to be retained on a permanent basis.*

36 Landscape

Prior to the relevant Phase of Development Commencing full details of a landscape scheme to include all hard surfaces, grassed areas, tree and shrub planting and the proposed times of planting, relating to that approved Phase, shall be submitted to the local planning authority for approval in writing.

Each submitted landscape scheme shall be in accordance with the Landscape Drawings.

All landscaping schemes and all planting shall make such planting unattractive to birds so as not to have an adverse effect on the safety of operations at London City Airport by encouraging bird roosting and creating sources of food for birds, and thereby preventing a bird strike threat to aircraft operating at the Airport.

Within one month of the completion of the landscaping scheme for a relevant Phase written confirmation of the completion date shall be submitted to the local planning authority.

The scheme as approved shall be implemented in full within the first planting season following completion of each of the agreed Phases within the Construction Programme.

If any tree or shrub is removed, uprooted or destroyed or dies, or becomes in the opinion of the local planning authority, damaged, diseased or defective, another tree or shrub of the same species and size as that originally planted shall be replanted in the same location or as otherwise detailed in the scheme.

Reason: *To ensure a satisfactory standard of external appearance of the development and in the interest of the safe operation of London City Airport; with regard to policy OS8 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policies 3.5, 7.1, 7.2, 7.3, 7.5, 7.6, 7.8 and 7.21 of the London Plan (consolidated with alterations Since 2011 and published March 2015), and policies SP2, SP3, SP5 and INF1 of the Newham Core Strategy (adopted 26 January 2012).*

37 Dockside Access

The Taxi Feeder Park and Car Parks hereby approved shall not be brought into use unless and until measures to create and retain the pedestrian access along the Dock Edge (south of King George V Dock) and a programme for the implementation of these measures have first

been submitted to the local planning authority for approval in writing. The measures shall be completed in accordance with the approved details and programme. The pedestrian access shall be retained thereafter.

Reason: *For the purposes of good design and to improve connectivity and access around the Royal Docks.*

38 Details of Screening of Plant

Prior to the relevant Phase Commencing a plant screening strategy shall be submitted to and approved in writing by the local planning authority. No part of a relevant Phase shall be brought into use until the plant screening strategy for that Phase as approved has been implemented. The approved plant screening strategy for that Phase shall be retained thereafter.

Reason: *To ensure a satisfactory form of external appearance and in the interest of the amenity of neighbouring properties and the area*

39 Contamination

- a) Prior to the Commencement of the relevant Phase, an investigation into ground conditions of that Phase shall be undertaken in accordance with the Model Procedures for the Management of Land Contamination, Environment Agency, Contaminated Land Report 11.
- b) The report of the investigation together with a detailed remediation strategy for dealing with any identified contamination in respect of that Phase shall be submitted to the local planning authority for approval in writing.
- c) Upon Commencement of the Phase the approved remediation strategy for that Phase shall be implemented.
- d) If, during the Development of a Phase, contamination not previously identified is found to be present within that Phase then no further Development in the areas where contamination is identified shall be carried out until a further remediation strategy has been submitted to the local planning authority for approval in writing, detailing how this unsuspected contamination shall be dealt with.
- e) The further remediation strategy shall be implemented as approved.
- f) As soon as reasonably practicable, and before the occupation of any remediated area forming part of a Phase, a validation report shall be submitted to the local planning authority for approval in writing, stating what works were undertaken and that the remedial scheme was completed in accordance with the approved remediation strategy for that Phase.

Reasons: *To safeguard the public, the environment and surface and ground water, as this site may have or is known to have been used in the past for activities that are likely to have resulted in it being contaminated with material that is potentially harmful to humans or the environment.*

40 Crime Prevention Strategy

No relevant Phase of the Development shall Commence until a certificate demonstrating compliance of that relevant Phase with the Secured by Design award scheme, indicating how the principles and practices of that scheme are to be incorporated in the relevant Phase of the Development, has been submitted to and approved in writing by the local planning authority.

Each relevant Phase shall be constructed and retained in accordance with its relevant approved scheme.

Such a scheme shall be implemented as approved and thereafter the Airport shall be operated in accordance with the approved scheme.

Reason: *In the interest of amenity and creating safer, sustainable communities and with regard to policy 7.13 of the London Plan (consolidated with alterations Since 2011 and*

published March 2015), and policy SP3 of the Newham Core Strategy (adopted 26 January 2012).

41 External Lighting

No Phase of the Development shall Commence until full details of any proposed external lighting (the external lighting scheme) for the relevant Phase have been submitted to and approved in writing by the local planning authority.

Each external lighting scheme shall in respect of the relevant Phase:

- state the minimum luminance reasonably required to perform the relevant lighting task;
- minimise glare, light spillage and pollution;
- include landscaping/screening measures to screen illuminated areas in environmentally sensitive areas;
- avoid dazzle or distraction to drivers on nearby highways;
- include the location, type, number, mounting height and alignment of the luminaires;
- include the beam angles and upward waste light ratio for each light;
- include details of screening and other mitigation;
- include an isolux diagram showing the predicted illuminance levels at critical locations on the Airport Boundary of the Phase and where the Phase abuts residential properties or the public highway; and
- set out where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The approved lighting scheme(s) shall be implemented prior to occupation of the relevant Phase of the Development and shall be permanently retained thereafter.

Reasons: *To ensure that safety is not compromised with regard to the principles/practices of Secured by Design; to minimise adverse impacts of light pollution on the highway network; to minimise adverse impacts on the safeguarded area around London City Airport; to ensure that it does not cause a hazard to navigation of the Royal Albert Dock, and with regard to saved policy EQ45 of the London Borough of Newham adopted Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policies 7.3, 7.5, 7.6 of the London Plan (consolidated with alterations Since 2011 and published March 2015), and policies SP3 and SP4 of the Newham Core Strategy (adopted 26 January 2012).*

42 Passenger Terminal Opening Times

No Passenger Terminal Buildings within the Airport shall be open for use operation or trading except between the hours of:

- 0430 and 2230 Monday to Friday;
- 0430 and 1300 on Saturdays;
- 1030 and 2230 on Sundays;
- 0700 and 2230 hours on Public and Bank Holidays; and
- not at all on Christmas Day

In the event that an unavoidable operational delay occurs to an inbound or an outbound aircraft, no Passenger Terminal Building shall be open for use, operation or trading more than 30 minutes after such aircraft has landed or departed from the Airport.

Reason: *To safeguard local residential amenity.*

43 Passenger Numbers

At no time shall the passenger throughput of the Airport exceed 6.5 million passengers in any twelve month period.

A Quarterly Report of the moving annual total number of passengers through the Airport (arrivals plus departures) shall be submitted to the local planning authority no later than 28 days after the end of each Quarter to which the data relates.

Reason: *To enable the local planning authority to exercise proper control over the development, in the interests of securing a satisfactory operation of the development and to safeguard the amenities of the surrounding area.*

44 Fixed Electrical Ground Power (FEGP)

No Phase of the Development shall Commence until a strategy setting out how existing and proposed aircraft stands will be upgraded to include FEGP has been submitted to and approved in writing by the local planning authority.

Such approved strategy shall be implemented as approved and retained thereafter. No new or reconfigured Aircraft Stand shall be operational until the FEGP for that stand has been brought into operation.

Reason: *In order to minimise noise and disturbance, in the interest of residential amenity, in the interest of protecting environmental amenity, and with regard to saved policies EQ45 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27 of September 2007 in accordance with the direction from the Secretary of State) and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

45 Use of Fixed Electrical Ground Power

Except in a case of emergency or if faults occur with the FEGP, no aircraft on an operational aircraft stand with Fixed Electrical Ground Power shall use a Mobile Ground Power Unit for conditioning an aircraft prior to engine start-up or for the starting of an aircraft engine.

Reason: *In order to minimise noise and disturbance, in the interest of residential amenity, in the interest of protecting environmental amenity, and with regard to saved policies EQ45 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27 of September 2007 in accordance with the direction from the Secretary of State) and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

46 Mobile Ground Power Units

Except in emergency or if faults occur with the Fixed Electrical Ground Power Units, no Mobile Ground Power Unit shall be used anywhere within the Airport after 31 December 2020. Up to and including 31 December 2020 Mobile Ground Power Units shall only be used during, and in the period 30 minutes before and the period 30 minutes after the permitted take-off and landing times set out in Condition 17.

Reason: *In the interests of protecting environmental amenity from noise impacts and to ensure that Fixed Electrical Ground Power is installed at the Airport.*

47 Auxiliary Power Units

The use of any Phase shall not begin until an Auxiliary Power Unit Strategy for that Phase has been submitted to and approved in writing by the local planning authority and implemented as approved.

The submitted strategy shall include but not be limited to provide details of the position, orientation and use of aircraft before and after landing and taking off including conditioning of the cabin and equipment.

Except in cases of immediate emergency to persons on board an aircraft, or where fault occurs, no Auxiliary Power Unit shall be used other than for essential conditioning of aircraft cabins and equipment prior to departure limited to a maximum of 10 minutes before an aircraft's departure from the stand or 10 minutes after an aircraft's arrival on the stand.

Annually on 1 June (or the first working day thereafter) in each year after the Commencement of Development and as a part of the Annual Performance Report, LCY shall provide a report containing details of the use of Auxiliary Power Units at the Airport in the previous calendar year.

Reason: *In the interest of protecting environmental amenity from noise and pollution impacts.*

48 Ground Engine Running Strategy

No Development shall Commence until a Ground Engine Running Strategy has been submitted to and approved in writing by the local planning authority.

The Ground Engine Running Strategy as approved shall be implemented upon Commencement of Development. The local planning authority shall be notified in writing within 14 days of implementation of the Ground Engine Running Strategy.

A report shall be submitted to the local planning authority annually on 1 June (or the first working day thereafter) as part of the Annual Performance Report on the performance and or compliance during the previous calendar year with the approved targets in the Ground Engine Running Strategy.

Every 3 years after first implementation the Ground Engine Running Strategy shall be reviewed and the review shall be submitted to the local planning authority for approval in writing on 1 June (or the first working day thereafter) and implemented as approved.

The strategy shall identify measures to:

- minimise engine usage while aircraft occupy stands;
- minimise the duration of engine usage whilst taxiing; and
- ensure the operators of aircraft at the Airport comply with the approved strategy in order to mitigate as far as practicable the emissions from aircraft engines.

Reason: *In the interests of protecting environmental amenity from noise impacts.*

49 Ground Running, Testing and Maintenance Strategy

No Development shall Commence until a Ground Running, Testing and Maintenance Strategy (GRTMS) has been submitted to and approved in writing by the local planning authority. The approved GRTMS shall be implemented on Commencement of the Development.

A Report to the local planning authority shall be submitted annually on 1 June (or the first working day thereafter) as part of the Annual Performance Report on the performance and compliance during the previous calendar year with the targets in the GRTMS. Every 3 years after first implementation the GRTMS shall be reviewed and the review shall be submitted to the local planning authority for approval in writing on 1 June (or the first working day thereafter) and implemented as approved.

Within 14 days of its implementation, the local planning authority shall be notified of the implementation of the GRTMS.

The strategy shall identify:

- the long-term area for testing; and
- areas for testing during periods of construction affecting the long term agreed location.

Reason: *In the interests of protecting environmental amenity from noise impacts.*

50 Ground Running, Testing and Maintenance

Unless in exceptional circumstances, the Ground Running of aeroplane engines for testing or maintenance purposes shall only take place between the following hours:

- i. 0630 and 2200 Monday to Friday;
- ii. 0630 and 1230 on Saturdays;
- iii. 1230 and 2200 on Sundays;
- iv. 0900 and 2200 on Bank Holidays and Public Holidays (but not at all on Christmas Day); and
- v. in such locations and with such orientation of the aircraft as set out in the approved GRTMS and employing such noise protection measures as set out in the approved GRTMS;

provided that the restrictions above shall not prevent aircraft maintenance work taking place outside of these hours where that work will not be audible at the Airport Boundary or at any Sensitive Receptor and provided this restriction shall not prevent Auxiliary Power Unit usage for essential conditioning of aircraft cabins and equipment prior to departure limited to a maximum of 10 minutes before an aircraft's departure from the stand or 10 minutes after arrival on the stand.

Reason: *In the interests of protecting environmental amenity from noise impacts at sensitive parts of the day.*

51 Ground Running Noise Limit

The noise level arising from Ground Running shall not exceed the Ground Running Noise Limit.

Prior to the Commencement of the Development hereby approved a strategy demonstrating how any breach(es) of the Ground Running Noise Limit through Ground Running are to be prevented shall be submitted to and approved in writing by the local planning authority. The Strategy as approved shall be implemented upon commencement of use of the Development.

Reason: *In the interests of protecting environmental amenity from noise impacts.*

52 Ground Running Annual Performance Report

The local planning authority shall be provided with the following annually on 1 June (or the first working day thereafter) as part of the Annual Performance Report:

- a) written details of Ground Running that has taken place during the preceding calendar year including details of the number, duration and power setting of ground runs and the types of aircraft involved; and
- b) written measurements and calculations to show whether the Ground Running Noise Limit has been exceeded as a result of Ground Running during the preceding calendar year.

Reason: *In the interests of protecting environmental amenity from noise impacts.*

53 Permanent Eastern Apron Extension Noise Barrier

The Development shall not Commence until a scheme showing the location, dimensions and materials of the permanent noise barrier on the eastern apron extension has been submitted to and approved in writing by the local planning authority.

The permanent noise barrier shall be installed prior to the first operation of the stands shown in red on Plan P1 and retained thereafter.

Reason: *In the interests of protecting environmental amenity from noise impacts.*

54 Retention of all existing Noise Barriers

No part of the Airport shall be used unless all existing noise barriers shown on Plan P7 are in place or alternatives that have been approved pursuant to Condition 6 or Condition 53 are in place. Such noise barriers shall be retained thereafter (provided always that any temporary noise barrier approved pursuant to Condition 6 and/or Condition 94 can be removed subject to the prior approval in writing of the local planning authority).

Reason: *In the interests of protecting environmental amenity from noise impacts.*

55 Ground Noise Study

No Phase of the Development shall Commence until a Ground Noise Study has been submitted to and approved in writing by the local planning authority in respect of that Phase. Noise mitigation measures identified as being necessary in each Ground Noise Study as approved by the local planning authority shall be provided within six months of obtaining any necessary consents for these identified mitigation measures.

Thereafter ground noise studies shall be undertaken at intervals of not less than three years from the date of approval of the first Ground Noise Study. Such additional ground noise studies shall be submitted to the local planning authority within 30 days of their completion. Any necessary mitigation measures identified within those studies shall be implemented as approved.

Reason: *In the interests of protecting environmental amenity from noise impacts.*

56 Sustainability and Biodiversity Strategy

No Phase of the Development shall Commence until a Sustainability and Biodiversity Strategy has been submitted to and approved in writing by the local planning authority in respect of that Phase.

The relevant approved Sustainability and Biodiversity Strategy shall be implemented on Commencement of the Development of each Phase.

A report shall be submitted to the local planning authority annually on 1 June (or the first working day thereafter) as part of the Annual Performance Report on the performance and compliance during the previous calendar year with the targets in the approved Sustainability and Biodiversity Strategy/Strategies.

Every 3 years the Sustainability and Biodiversity Strategy shall be reviewed and the reviews shall be submitted to the local planning authority for approval in writing on 1 June (or the first working day thereafter) and implemented as approved.

Reason: *In the interest of impacts on biodiversity and maximising the ecological potential of the site and in accordance with policy SC4 of the London Borough of Newham Core Strategy (Adopted January 2012), policies 5.11, 7.19 and 7.21 of the London Plan (consolidated with alterations Since 2011 and published March 2015), and Paragraph 109 of the NPPF.*

57 Air Quality Monitoring

The Development shall not Commence until an Air Quality Monitoring Strategy has been submitted to and approved in writing by the local planning authority.

The Air Quality Monitoring Strategy shall be implemented on the Commencement of the Development.

The Air Quality Monitoring Strategy shall include but not be limited to the following details:

- continuous monitoring of nitrogen dioxide at two locations;
- continuous monitoring of Fine Particulates (PM₁₀) at one location;
- the monitoring of nitrogen dioxide by diffusion tube at not less than 16 locations at and around the perimeter of the Airport;
- publishing the results of the continuous monitoring at all times through a web-based system; and
- reporting to the local planning authority annually on 1 June (or the first working day thereafter) as part of the Annual Performance Report and each meeting of the Airport Consultative Committee.

Every 3 years from approval of the first Air Quality Monitoring Strategy the Strategies shall be reviewed and the reviews shall be submitted to the local planning authority for approval in writing on 1 June (or the first working day thereafter) and implemented as approved.

Reason: *In the interests of reducing air quality impacts in accordance with the UES.*

58 Air Quality Management Strategy

The Development shall not Commence until an Air Quality Management Strategy has been submitted to and approved in writing by the local planning authority.

The Air Quality Management Strategy shall be implemented on the Commencement of the Development.

The Strategy shall include but not be limited to the following details:

- measures to manage and mitigate adverse air quality impacts (including black smut and oily deposits) due to the operation of the Airport;

- measures to minimise idle and taxi times for aircraft prior to take-off;
- measures introducing and enforcing regulations to prevent airside vehicles being left unattended with engines running;
- periodic emissions-checking of airside vehicles;
- a system to check that regular maintenance of airside vehicles is being undertaken;
- measures to encourage the use by staff of the most sustainable options for travel to and from the Airport; and
- a linkage between air quality and the Staff Travel Plan and the Passenger Travel Plan.

Every 3 years from approval of the first Air Quality Management Strategy the Strategies shall be reviewed and the reviews shall be submitted to the local planning authority for approval in writing on 1 June (or the first working day thereafter) and implemented as approved.

Reason: *In the interests of reducing air quality impacts in accordance with the UES.*

59 Complaints about Environmental Impact

- 1) A summary record shall be maintained of all complaints about the environmental impact of the operation of the Airport and any action taken to deal with or remedy such complaints.
- 2) A detailed report shall be submitted of all complaints and any action taken:
 - to the local planning authority within 15 days of that complaint being made or that action being undertaken;
 - to the Airport Consultative Committee at the meeting of that Committee next following that complaint or that action; and
 - as part of the Annual Performance Report in relation to such complaints and actions in the preceding calendar year.
- 3) Complaint records shall be made available for inspection at all reasonable hours by the local planning authority pursuant to Part 1 of this condition.

Reason: *In the interests of monitoring and minimising the environmental impacts of the Airport.*

60 Use of the River Thames for Construction

Development shall not commence until there has been submitted to the local planning authority for approval in writing a strategy that seeks to maximise the use of the River Thames and other waterways for the transport of construction and waste materials to and/or from the Airport.

The approved strategy shall be implemented on Commencement of the Development.

Reason: *To ensure that the Development accords with the aims and objectives of promoting the use of sustainable use of transport.*

61 Energy Assessment and Reduction in Carbon Dioxide Emissions

- 1) No relevant Phase of the Development shall Commence until an Energy Assessment for that Phase has been submitted to and approved in writing by the local planning authority.
- 2) Each relevant Energy Assessment shall demonstrate how a minimum reduction in carbon dioxide emission of 25% over the Target Emission Rate outlined in the national Building Regulations.
- 3) The relevant Energy Assessment as approved pursuant to Part 1 of this condition shall be implemented prior to the relevant Phase of the Development being brought into use or operation and the recommendations of the approved assessment retained for the duration of the Phase.

Reason: *To ensure the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with the Mayor of London's energy hierarchy.*

62 Archaeology Scheme of Investigation and List of Historic Buildings

No Phase of the Development shall Commence other than demolition to existing ground level unless and until there has been secured the implementation of a programme of archaeological evaluation in relation to that Phase in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the local planning authority.

Such a submitted Scheme shall include details of a programme for investigating and recording archaeological assets, works and historic structures that might be found during Development of that Phase; and lists all historic buildings at the Airport.

The Phase shall be implemented in accordance with the relevant approved Scheme.

Reason: *To secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given by the local planning authority, English Heritage and in the NPPF, as the site has archaeological potential in terms of heritage assets of archaeological interest.*

63 BREEAM

No Phase of the Development shall take place until evidence that the relevant Phase of the Development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted to the local planning authority indicating that the relevant Phase of the Development can achieve the stipulated final BREEAM level. Prior to occupation of the relevant Phase of the Development a Building Research Establishment certificate confirming that the development design for the relevant part of that building/buildings in that Phase achieves a minimum BREEAM rating of Very Good shall be submitted to the local planning authority for approval in writing.

Reason: *In the interest of energy efficiency and sustainability and with regard to policies 5.1, 5.2 and 5.3 of the London Plan (consolidated with alterations Since 2011 and published March 2015), and policy SC1 of the Newham Core Strategy (adopted 26 January 2012).*

64 Photovoltaic Panels

Prior to the Commencement of any Development on the terminal buildings details of any photovoltaic panels to be used shall be submitted to the local planning authority for approval in writing.

The photovoltaic panels shall be installed and retained in accordance with the approved details.

Reason: *To encourage and establish sustainable energy use.*

65 Crossrail Method Statement

No Phase of the Development shall take place until a method statement to demonstrate and ensure that Crossrail structures and tunnels are not impeded by the relevant Phase of Development has been submitted to and approved in writing by the local planning authority. The approved method statement shall be implemented on Commencement of Development of the relevant Phase.

Reason: *To ensure there is no conflict in terms of safeguarding or safety with Crossrail.*

66 Non Return Water Valve and Sustainable Urban Drainage

No Phase of the Development shall be Commenced until details of the following have been submitted to the local planning authority for approval in writing:

- how a non-return water valve or other sustainable device will be incorporated into the waste water system within the Phase of the Development; and
- how storm flows will be attenuated or regulated into the receiving public network through on or off-site storage.

Each Phase of the Development shall be implemented in accordance with the approved details and the above waste and storm water measures shall be retained thereafter.

Reason: *To sustainably safeguard the waste and storm water system.*

67 Petrol/Oil Interceptors

Prior to operation of the relevant Phase of the Development, all new parking areas provided as part of that Phase shall be drained through a petrol/oil interceptor system. This system shall comply with the requirements of Thames Water Utilities and the Environment Agency (Water Acts). Thereafter, the system shall be cleansed and retained in accordance with manufacturer's instructions.

Reasons: *To prevent large quantities of oil, petrol and road dirt entering the existing sewerage system.*

68 Artificial Fish Refugia (Habitat)

The relevant Phase of the Development shall not be Commenced until a form of wire mesh sheeting (artificial fish refugia habitat) has been installed in King George V Dock in accordance with the Artificial Fish Refugia Details. The Artificial Fish Refugia shall thereafter be retained.

Reason: *To improve aquatic ecology in King George V Dock and compensate for the loss of dock wall habitat arising from the development.*

69 Sustainable Drainage Systems

- 1) No Phase of the Development shall be Commenced until a Surface Water Drainage Scheme for that Phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the Development, has been submitted to and approved in writing by the local planning authority.
- 2) Each scheme as approved by Part 1 of this Condition shall be consistent with the approved Flood Risk Assessment and shall include details of run-off and surface water storage in the Phase as outlined in the Flood Risk Assessment.
- 3) Each scheme as approved by Part 1 of this Condition shall be implemented before the relevant Phase is used or occupied.

Reason: *To prevent the increased risk of flooding to third parties and to the site itself; to improve water quality; to enhance biodiversity; and to ensure future maintenance of the surface water drainage system.*

70 Waste Management Strategy

No Phase of the Development shall Commence until a Waste Management Strategy for that Phase has been submitted to and approved in writing by the local planning authority. Each Waste Management Strategy shall seek to maximise the use of the River Thames and other waterways for the transport of waste materials from the Airport and shall be implemented on Commencement of the Development of the relevant Phase.

Reason: *To ensure that the development accords with the aims and objectives of promoting the use of sustainable transport.*

70 Travel Plan

Prior to first occupation of the Development a Staff Travel Plan and a Passenger Travel Plan shall be submitted to and approved in writing by the local planning authority.

Such Staff and Passenger Travel plans shall include targets for managing any impacts of the Airport's staff and passengers on the local road network; and monitoring procedures for sustainable travel initiatives such as encouraging greater use of the waterways such as the River Thames.

The Development shall be operated in accordance with both the approved Staff Travel Plan and Passenger Travel Plans thereafter.

Reason: *To ensure that the development accords with the aims and objectives of policy 6.3 of The London Plan (consolidated with alterations Since 2011 and published March 2015), and policy INF2 of the Newham Core Strategy (adopted 26 January 2012).*

72 Parking for Disabled People

The car parking accommodation of the approved Development shall include at least 3% of passenger and 5% of staff spaces suitable for use by a disabled person (in accordance with the specifications within BS8300: Design of buildings and their approaches to meet the needs of disabled people: Code of Practice)

Reason: *To ensure access for people with disabilities.*

73 Access Roads and Parking Areas

No part of the Eastern Terminal Extension hereby approved shall be occupied until the Access Roads and Parking Areas have been constructed in accordance with details that shall be submitted to and approved in writing by the local planning authority and the Access Roads and Parking Areas shall be retained thereafter.

Reason: *To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with the approved use.*

74 Use of Parking Spaces

The car parking hereby approved shall be used by the staff and visitors associated with the Airport and for no other users.

Reason: *In order to provide a satisfactory level of on-site parking.*

75 Cycle Parking

No part of the Eastern Terminal Extension shall be occupied until details of the type and location of a minimum of 70 secure and covered cycle parking facilities have been submitted to and approved in writing by the local planning authority.

The secure and covered cycle parking facilities shall be installed and available for use prior to the first occupation of the Development.

Such cycle parking facilities shall be retained thereafter.

Reason: *To ensure the provision of adequate cycle facilities to the standards adopted by policies 6.9 and 6.13 of the London Plan (consolidated with alterations Since 2011 and published March 2015), and policies SP2, SP3 and INF2 of the Newham Core Strategy (adopted 26 January 2012); and ensure that any alteration to the use of the proposed cycle spaces does not have an impact which has not been assessed by the Environmental Impact Assessment.*

76 Delivery and Service Plan

No part of the Development shall be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.

The submitted Delivery and Servicing Plan shall:

- show clear vehicle sweep paths and be based on up-to-date information in relation to overall vehicle movements associated with all sites, and include servicing from new roads and service areas;
- show service vehicle movements as indicated within the Transport Assessment, which shall be the optimum numbers, and any additional movements shall only be permitted with the approval in writing by the local planning authority; and
- be prepared in accordance with Transport for London guidance, which encourages operators to be members of the Freight Operators Recognition Scheme or similar.

The Development shall only be implemented in accordance with the approved Delivery and Servicing Plan, which shall be retained thereafter.

Reason: *To ensure that vehicle movements associated with the use hereby permitted remain consistent and that the use does not represent any unacceptable level of vehicle movements such that the safety of pedestrians and cyclists shall be unduly prejudiced.*

77 Traffic Management Plan

No relevant Phase of the Development shall be Commenced until a Traffic Management Plan has been submitted to and approved in writing by the local planning authority in respect of the relevant Phase. Each submitted Traffic Management Plan shall:

- set out the proposed management arrangements for vehicle movement within the Phase, including the internal shared access;
- include details of appropriate road markings and signage internal to the site to regulate the movement of traffic, cyclists and pedestrians; and
- ensure that the internal road network is designed, operated and retained in line with current practice on highway design for all road users, including buses, cyclists, and pedestrians.

The relevant Phases shall be operated in accordance with the approved Traffic Management Plans for those Phases thereafter.

Reason: *To prevent obstruction of the public highway surrounding the site and internal roads used by buses, taxis, delivery vehicles, cyclists and pedestrians and avoid accidents.*

78 Taxi Management Plan

No relevant Phase of the Development shall be Commenced until a detailed Taxi Management Plan has been submitted to and approved in writing by the local planning authority in respect of that Phase. The Taxi Management Plan shall be implemented as approved and retained thereafter.

Reason: *To ensure that taxi facilities are operated safely and efficiently.*

79 Transport Management Strategy

Prior to use of the Eastern Terminal Extension, a Transport Management Strategy shall be submitted to the local planning authority for approval in writing. The Transport Management Strategy shall include details regarding:

- stewardship arrangements;
- signage;
- measures to promote and provide for sustainable transport;
- times/locations notification arrangements; and
- how to encourage increased dwell time for vehicles, including hire vehicles, arriving to collect passengers.

The Airport shall only be used in accordance with the approved Transport Management Strategy thereafter.

Reason: *In the interest of residential amenity, parking congestion and highway, pedestrian and visitor safety.*

80 Bus Facilities

No works to existing bus stops, stands, infrastructure or shelters or any works that affect bus operations shall be carried out until a Bus Facilities Works Programme has been submitted to and approved in writing by the local planning authority. The Works Programme shall include infrastructure specification, maintenance and transitional arrangements. The approved facilities shall thereafter be implemented in accordance with the approved arrangements.

Reason: *To ensure that bus services can safely serve the site as if they were on the public highway including regular maintenance and appropriate management, as the forecourt design includes changes to bus facilities that are not part of the public highway and need to be accessed via private land. .*

81 Unexploded Ordnance

The Development shall not Commence until an Unexploded Ordnance (UXO) site safety and emergency procedures plan has been submitted to and approved in writing by the local planning authority.

The Development shall only be carried out in accordance with the approved UXO site safety and emergency procedures plan.

Reason: *To reduce risk from Unexploded Ordnance to an acceptable level, as the site lies within an area of the London Borough of Newham that has been identified as being at potential risk from buried explosive ordnance due to wartime bombing..*

82 Piling 1

No construction of the piles shown in the 'Yellow Area' on Plan P8, shall be carried out:

- a) for more than 32 separate weeks during the entire construction works; and
- b) within each separate week between 1300 hours Sunday and 0700 hours Monday.

Reason: *To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*

83 Piling 2

No construction of the piles shown in the 'Orange Area' on Plan P8 shall be undertaken outside 0700 hours to 2100 hours on Mondays to Fridays and 0800 hours to 2100 hours on Saturdays.

Reason: *To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*

84 Piling 3

No impact piling shall take place until there has been submitted to and approved in writing by the local planning authority a piling method statement, detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and/or minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works. Any piling shall be undertaken in accordance with the terms of the approved piling method statement.

Reason: *To ensure that the piling will not impact on local underground sewerage utility infrastructure, as it will be close to underground sewerage utility infrastructure.*

85 Construction 1

No construction works shall be carried out until:

- a) the Airport has secured consent under Section 61 Control of Pollution Act 1974 which restricts the development to the Noise Levels Assessed in the UES (September 2015); and
- b) written evidence has been submitted to and approved in writing by the local planning authority demonstrating the operation of the Construction Sound Insulation Scheme approved under Condition 89 in accordance with Conditions 90 and 91 and the Phasing Plan contained in the Construction Environmental Management Plan (CEMP) approved under Condition 88.

Reason: *To ensure a satisfactory standard of development and to safeguard amenities of the surrounding area.*

86 Construction 2

No construction works shall take place between 2000 hours on Sundays to 0700 hours on Mondays; and no construction works shall be carried out on Bank and Public Holidays.

Reason: *To ensure respite for nearby Sensitive Receptors and ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*

87 Construction Design and Method Strategy

Development of the relevant Phase of Development shall not Commence until there has been submitted to the local planning authority for approval in writing a detailed Construction, Design and Method Strategy for all of the foundations, basement and ground floor structures, and any structures below ground level including piling (temporary and permanent) for that Phase.

Such a Strategy shall include (but not be limited to) details of the following in respect of each Phase:

- specification and erection methodology for all façade treatments, roof sections and windows;
- specification, construction methodology, calculations and lifting plan for any cranes proposed to be used;
- the location of existing DLR structures and how the Phase of Development will accommodate these to demonstrate that there will be no potential security risk to DLR railway, property and structures; and
- mitigation of the effects of noise and vibration arising from the adjoining operations within the structures.

Each relevant Phase shall thereafter be carried out in accordance with the relevant approved Construction Design and Method Strategy.

Reason: *To ensure a satisfactory standard of development and to safeguard amenities of the surrounding area.*

88 Construction Environmental Management Plan (CEMP)

Prior to Commencement of Development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority.

The CEMP shall be implemented as approved.

The CEMP shall include (but not be limited to):

- a) a Construction Noise and Vibration Management and Mitigation Strategy (CNVMMS);
- b) an Air Quality Construction Management and Mitigation Strategy (AQCMMMS); and
- c) details of wheel washing equipment.

The CEMP shall be in accordance with the environmental standards, mitigation measures, embedded mitigation measures, requirements, recommendations and methods of implementing the Development contained in the UES, appendices and addenda therein relevant to the Development.

Reason: *To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*

89 Construction Sound Insulation for Sensitive Receptors

No Development shall be Commenced until a Construction Sound Insulation Scheme for the purposes of Conditions 90 and 91 has been submitted to and approved in writing by the local planning authority. The Construction Sound Insulation Scheme shall provide a sound reduction of not less than 35dB averaged over 100 Hz to 3150 Hz in accordance with the procedure of British Standard Publication BS EN ISO 140: Part 5 for each Sensitive Receptor.

Reason: *To ensure that affected Sensitive Receptors are suitably mitigated against intrusive construction noise impacts.*

90 Night time Construction Sound Insulation

Prior to Commencement of Development of the relevant Phase approved under Condition 4, any works required in accordance with the Construction Sound Insulation Scheme approved under Condition 89 shall be offered to Sensitive Receptors, predicted or measured to be exposed to construction noise levels between 2300 hours and 0700 hours the following day

above 50dB LAeq 15min at 1 metre from the façade as a result of the Construction of the Development:

- for at least 10 days in any 15 consecutive working days; or
- for at least 20 days in any consecutive 6 months;

unless sound insulation of equivalent acoustic performance to that set out in the Construction Sound Insulation Scheme has already been installed under the Airport's existing sound insulation schemes.

Where such an offer is accepted and access provided to the relevant dwelling the Airport shall implement the insulation works required under the approved Construction Sound Insulation Scheme in accordance with the Phasing Plan forming part of the CEMP approved under Condition 88.

Reason: *To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*

91 Day time Construction Noise Mitigation

Prior to the Commencement of Development of the relevant Phase approved under Condition 4, any works required in accordance with the Construction Sound Insulation Scheme approved under Condition 89 shall be offered to Sensitive Receptors predicted or measured to be exposed to construction noise levels as a result of the Construction of the Development at 1 metre from the façade in excess of those set out in the table below either:

- for at least 10 days in any 15 consecutive working days; or
- for at least 20 days in any consecutive 6 months;

unless sound insulation of equivalent acoustic performance to that set out in the Construction Sound Insulation Scheme has already been installed under the Airport's existing sound insulation schemes.

Day	Time (hours)	Averaging period, T (hours)	Noise insulation trigger level LAeq,T (façade)
Monday to Friday	0800 to 1800	10	75
	0700 to 0800 and 1800 to 2300	1	65
Saturday	0800 to 1300	5	75
Saturday	0700 to 0800 and 1300 to 2300	1	65
Sunday	0800 to 2300	1	55

Where such offer is accepted and access provided to the relevant dwelling the Airport shall implement the insulation works required under the approved Construction Sound Insulation Scheme in accordance with the Phasing Plan forming part of the CEMP approved under Condition 88.

Reason: *To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*

92 Construction Lighting

Before the Commencement of the relevant Phase of Development a Construction Lighting Scheme for that Phase shall be submitted to and approved in writing by the local planning authority.

Details shall include appearance, siting, orientation and screening of the lights to be used during construction and the means of construction and laying out of cabling for such lights. The approved Construction Lighting Scheme shall be constructed/installed prior to Commencement of the relevant Phase and shall be removed following completion of the Phase of Development.

Reasons: *To ensure that construction and community safety is not compromised.*

93 Monitoring and Reporting (Construction)

- 1) Noise and vibration monitoring shall be undertaken by LCY continuously throughout the construction of the Development at no fewer than 2 locations to ensure that demolition and construction works and associated activities are being undertaken in a manner that ensures compliance with the specified noise level limits and triggers.
- 2) Manual short-term noise measurements shall be undertaken as regularly as necessary to verify that the continuous noise monitoring is adequately reflecting the impact of noise on the surrounding buildings.
- 3) Noise monitoring shall be undertaken at one or more locations continuously around the site throughout the duration of the works by LCY to verify that the continuous noise monitoring is adequately reflecting the impact of noise on the surrounding buildings and that the construction noise levels are in compliance with planning or other legal requirements.
- 4) Suitable vibration monitoring equipment shall be made available on site to demonstrate compliance with the specified vibration level limits. The equipment shall be capable of monitoring peak particle velocity in three mutually perpendicular axes and shall be capable of measuring down to 0.1 mm/s.
- 5) An alert or traffic light type system shall be operated to warn operatives and the construction manager when the site boundary noise limit is being approached and when it is being exceeded. This will provide the facility to monitor whether limits are being approached.
- 6) The noise data from the continuous noise monitoring system shall be made accessible in real time (as far as practically possible) via a web-based system that is available to all relevant parties for viewing.

Reason: *To ensure a satisfactory standard of development and to safeguard amenities of the surrounding area.*

94 Temporary Construction Noise Barrier

Before the Commencement of the relevant Phase of Development a temporary noise barrier along the southern boundary of the Airport (between City Aviation House and the proposed construction compound at the western end of Hartmann Road) shall be erected and retained in accordance with details that shall have been submitted to and approved in writing by the local planning authority. The barrier shall meet the following minimum specification:

- 3m in height above local ground level;
- imperforate (no gaps at joints or the base); and
- minimum superficial surface mass shall be at least 7 kg/m².

The temporary construction noise barrier shall be retained for the duration of the construction works.

Upon completion of the Development the temporary noise barrier shall be dismantled and removed from the Airport in its entirety.

Reason: *To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*

95 Construction Complaints Handling

A person shall be made responsible for liaison with the local community in order to keep them informed of progress and for providing a means of treating complaints fairly and expeditiously. The details of their role and responsibilities shall be specified in the CNVMMS. A comprehensive complaints management scheme, by which complaints are received, recorded, monitored, actioned and reported, shall be put in place and implemented in accordance with the approved specification in the CNVMMS. A dedicated channel (telephone line) shall be provided to facilitate and receive complaints, staffed for 24 hours a day.

Reason: *To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*

96 Construction Compound Operations and Hoarding

Before the Commencement of Development details of the Construction compounds and any associated hoarding shall be submitted for approval in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: *To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*

97 Vibration Limits

Vibration from construction shall not exceed a Peak Particle Velocity of 1mm/s in any axis, measured adjacent to the foundations of any Sensitive Receptor and 3mm/s at commercial receptors.

Where vibration levels exceed the above limits, steps shall be taken to reduce levels to within the above limits in accordance with details to be submitted to and approved in writing by the local planning authority. Where vibration levels exceed 3mm/s works shall cease and measures shall be taken to reduce vibration levels to below 1mm/s.

Reason: *To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*

Report to the Secretaries of State for Communities and Local Government and for Transport

by Martin Whitehead LLB BSc(Hons) CEng MICE

an Inspector appointed by the Secretaries of State for Communities and Local Government and for
Transport

Date 23 June 2016

Town and Country Planning Act 1990

Appeal by London City Airport Limited

London City Airport, Hartmann Road, Royal Docks, London

Inquiry opened on 15 March 2016

London City Airport, Hartmann Road, Royal Docks, London E16 2PX

File Ref: APP/G5750/W/15/3035673

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Glossary and Abbreviations

ACR	Aircraft Categorisation Review
AMO	Airport Monitoring Officer
ANASE	The Attitudes to Noise from Aviation Sources in England (report)
ANIS	Aircraft Noise Index Study
ANS	(the Mayor of London's) Ambient Noise Strategy
Appellant	London City Airport Limited
APF	Aviation Policy Framework
AQCMMS	Air Quality Construction Management and Mitigation Strategy
ATMs	Air Transport Movements
CAA	Civil Aviation Authority
CADP1	City Airport Development Programme 1: The appeal application
CADP2	City Airport Development Programme 2: Outline application for a new Hotel at London City Airport
CEMP	Construction Environmental Management Plan
CIL	Community Infrastructure Levy Regulations 2010
CNVMMS	Construction Noise and Vibration Management and Mitigation Strategy
Council	Council of the London Borough of Newham
dB	Decibel (A-weighted Sound Pressure Level)
DCLG	Department for Communities and Local Government
Defra	Department for the Environment, Food and Rural Affairs
DfT	Department for Transport
DLR	Docklands Light Railway
ES	Environmental Statement
EU	European Union
EU Directive	Ambient Air Quality Directive 2008/50/EC
FALP	The Further Alterations to the London Plan
FEGP	Fixed Electrical Ground Power
FoE	Friends of the Earth
GLA	Greater London Authority
GRTMS	Ground Running, Testing and Maintenance Strategy
GVA	Gross Value Added (as a measure of the value of goods and services produced in an area, industry or sector of an economy)
KGV	King George V
km	kilometres
LAeq 16hr	Equivalent continuous sound level of aircraft noise in dB, taking place in the 16 hour period 0700 to 2259 hours
LBN	London Borough of Newham

LBWF	London Borough of Waltham Forest
LCY	London City Airport Limited
Lden	The day, evening, night level of noise as a logarithmic composite of the Lday, Levening, and Lnight levels but with 5dB added to the Levening value and 10dB added to the Lnight value
LOAEL	Lowest Observed Adverse Effect Level (of noise)
m	metres
m ²	square metres
mppa	million passengers per annum
MoL	Mayor of London
NATS	National Air Traffic Services (the main air navigation service provider in the UK)
NIS	Noise Insulation Scheme
NIPS	Noise Insulation Payment Scheme
NNI	Noise and Number Index
NN NPS	National Networks National Policy Statement
NOMMS	Noise Management and Mitigation Strategy
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPSE	Noise Policy Statement for England
PIM	Pre-Inquiry Meeting
PPG24	(superseded) Planning Policy Guidance Note 24: Planning and Noise
PSZ	Public Safety Zone (around the Airport)
SBINC	Site of Borough Importance for Nature Conservation
SOAEL	Significant Observed Adverse Effect Level (of noise)
SoCG(s)	Statement(s) of Common Ground
SofS(s)	Secretary of State (Secretaries of State)
SPG	Supplementary Planning Guidance
S106	Section 106 of the Town and Country Planning Act 1990
TfL	Transport for London
UES	Updated Environmental Statement
UNS	Updated Needs Statement
UXO	Unexploded Ordnance
µg/m ³	The concentration of an air pollutant in micrograms (one-millionth of a gram) per cubic metre air
2009 Agreement	Section 106 planning agreement concluded as part of planning permission Ref 07/01510/VAR
2009 Permission	Planning permission Ref 07/01510/VAR granted on 9 July 2009

File Ref: APP/G5750/W/15/3035673

London City Airport, Hartmann Road, Royal Docks, London E16 2PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by London City Airport Limited against the decision of the Council of the London Borough of Newham.
- The application Ref 13/01228/FUL, dated 26 July 2013, was refused by notice dated 12 May 2015.
- The development proposed are works to demolish existing buildings and structures and provide additional infrastructure and passenger facilities at London City Airport without changes to the number of permitted flights or opening hours previously permitted pursuant to planning permission 07/01510/VAR.

Summary of Recommendation: That the appeal be allowed and planning permission granted.

Preliminary and Procedural Matters

1. I have been appointed to hold an inquiry into the appeal (the Inquiry) and to report, with recommendations, to the Secretaries of State (SofSs).
2. At the Inquiry applications for costs were made by London City Airport Limited (LCY) against the Mayor of London (MoL), which has since been withdrawn¹, and by the Council of the London Borough of Newham (Council) against the MoL. The latter application is the subject of a separate Report.
3. The description of the development given in Annex 1 to the Application² is as above and also includes the following details:
 - (a) Demolition of existing buildings and structures;
 - (b) Works to provide 4 upgraded aircraft stands and 7 new aircraft parking stands;
 - (c) The extension and modification of the existing airfield to include the creation of a taxi-lane running parallel to the eastern part of the runway and connecting with the existing holding point;
 - (d) The creation of a vehicle access point over King George V (KGV) Dock for emergency vehicle access;
 - (e) Laying out of replacement landside Forecourt area to include vehicle circulation, pick up and drop off areas and hard and soft landscaping;
 - (f) The Eastern Extension to the existing Terminal building (including alteration works to the existing Terminal) to provide reconfigured and additional passenger facilities and circulation areas, landside and airside offices, immigration areas, security areas, landside and airside retail and catering areas, baggage handling facilities, storage and ancillary accommodation;

¹ Document LCY/123: Letter from Norton Rose Fulbright, dated 25 May 2016

² Document CD2.1.1 Annex 1

- (g) The construction of a 3 storey passenger pier to the east of the existing Terminal to serve the proposed passenger parking stands;
 - (h) Erection of a Noise Barrier at the eastern end of the proposed Pier;
 - (i) Erection of a temporary Noise Barrier along part the southern boundary of the Application Site to the north of Woodman Street;
 - (j) Western Extension and alterations to the existing Terminal to provide reconfigured additional passenger facilities and circulation areas, security areas, landside and airside offices, landside retail and catering areas and ancillary storage and accommodation;
 - (k) Western Energy Centre, storage, ancillary accommodation and landscaping to the west of the existing Terminal;
 - (l) Temporary Facilitation Works including the erection of a Noise Barrier to the south of 3 aircraft stands, a Coaching Facility and the extension to the outbound baggage area;
 - (m) Works to upgrade Hartmann Road;
 - (n) Landside passenger and staff parking, car hire parking and associated facilities, taxi feeder park and ancillary and related work;
 - (o) Eastern Energy Centre;
 - (p) Dock Source Heat Exchange System and Fish Refugia within KGV Dock; and
 - (q) Ancillary and related work.
4. A Pre-Inquiry Meeting (PIM) was held at Newham Town Hall, Barking Road, East Ham, London E6 2RP on Tuesday 21 December 2015 to discuss procedural matters relating to the Inquiry in order to make best and most effective use of inquiry time. There was no discussion of the merits of the proposal or of the cases for any parties. At the PIM I issued a statement of the matters³ that I particularly wish to be informed, which are based on the reasons for refusal. Notes of the meeting⁴ were circulated to all known prospective inquiry participants.
5. The Statement of the Matters includes the following matters:
- 1) The extent to which the proposal would be consistent with the National Planning Policy Framework (NPPF) and with policies in the London Plan, with particular regard to policies 6.6 (Aviation) and 7.15 (reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes).
 - 2) The likely environmental effects of constructing and operating the development, with particular regard to the effects of noise.

³ Document PIM/1

⁴ Document PIM/2

- 3) The measures proposed to mitigate and manage any adverse impacts of the development, with particular regard to noise.
 - 4) The adequacy of the Environmental Statement (ES) submitted with the application, in particular with regard to noise.
 - 5) The conditions proposed to be attached to the planning permission, if granted, and in particular whether the conditions satisfy the six tests referred to in the national Planning Practice Guidance (NPPG): Use of Conditions (Section ID: 21a).
 - 6) The S106 planning obligations proposed to accompany the planning permission, if granted, and in particular whether the obligations meet the tests in Community Infrastructure Levy Regulations 2010 (CIL) Regulations 122 and 123.
 - 7) Any other relevant matters raised by interested parties.
6. The Inquiry opened at 1000 hours on Tuesday 15 March 2016 and sat for 11 days at London City Hall, The Queen's Walk, London SE1 2AA, closing on Tuesday 5 April 2016. Mrs Joanna Vincent was appointed as independent Programme Officer for the Inquiry. Her role was to assist with the procedural and administrative aspects of the Inquiry, including the programme, under my direction. She helped greatly to ensure that the proceedings ran efficiently and effectively, but has played no part in this Report.
 7. I made an accompanied site visit to London City Airport on Thursday 17 March at about 1000 hours and unaccompanied site visits to sites suggested by HACAN East on Wednesday 6 April, following the close of the Inquiry. The sites that I visited were at Jameson Way E14 2DE, at about 0815 hours, a park near the junction of Agnes Road with Burdett Road E14 7DQ, at about 0845 hours, and South Birkbeck Road, Leytonstone E11 4HY at about 1150 hours.
 8. This Report sets out brief descriptions of the site and its surroundings and the proposed development and an outline of the main development plan policy and the planning history. It gives the gist of the cases for the Appellant, the Council, the MoL, other objectors and those who made written representations at the appeal and application stages, together with my conclusions and recommendations. A list of abbreviations and a glossary of terms used in this Report is given at the start of the Report and lists of those appearing at the Inquiry and of inquiry documents are appended, as are recommended conditions in the event of the SofSs granting planning permission.

The Site and Surroundings⁵

9. London City Airport is a city centre airport located in the Royal Docks between the Royal Albert Dock and KGV Dock within the London Borough of Newham (LBN). It is about 9.7km east of the City of London and about 3.2km east of Canary Wharf. The Airport is about 0.8km from ExCeL London, the exhibition and conference centre. It extends to an area of about 48.5 hectares and includes a runway, apron, main passenger terminal, a corporate aviation

⁵ Document CD6.3.1 Statement of Common Ground (SoCG) between LBN and the LCY Section 2

- building (also known as the 'Jet Centre') on the western side and other operational buildings. The runway is surrounded by water in Royal Albert Dock and KGV Dock.
10. The existing terminal includes check-in facilities, ticket desks, security, a departure lounge, domestic and international baggage reclaim, immigration and customs, shops and catering outlets. On arrival passengers enter the concourse where there are check in desks to the east and retail/catering units to the west. Security areas and the departure lounge are on the upper floor and are accessed by escalators and lifts.
 11. There are two existing passenger piers which connect the terminal to a number of the stands. The West Pier includes small passenger lounges at ground floor and serves stands 1-10. At the time of my site visit improvement works were being carried out on the West Pier under permitted development rights. The East Pier was built to serve stands 21-24. To the east of the terminal is a temporary structure used for processing out-bound baggage and an emergency vehicle access point, beyond which are kiosks used by car hire companies. There are a number of portacabins and temporary structures to the west of the terminal in a service yard known as the 'Triangle'.
 12. There is a terminal forecourt area to the south which includes vehicle drop off areas, a taxi rank, car hire parking and 3 bus stops. To the east of the terminal is short stay car parking (148 cars capacity) beyond which is long stay car parking which is also used by staff (644 cars capacity). There is also dedicated staff car parking to the south of the Jet Centre (52 spaces) with a further area of staff car parking in the Triangle (10 spaces).
 13. City Aviation House is located to the south of the short stay car parking and provides office and meeting facilities for the Airport and companies operating from the Airport. Beyond the long stay car parking is KGV House and an Engineering Facilities building which provide additional office and ancillary facilities for the Airport. Further east is a Fuel Facility which sits to the north of KGV DLR Station. Beyond this, land is either vacant or in use for temporary facilities.
 14. Hartmann Road, which is partly adopted, provides the main access to the Airport and connects to Connaught Road to the west. To the east it also connects to Woolwich Manor Way, at the junction with Fishguard Way, but a barrier currently prohibits public access. It is used by taxis to queue for the taxi rank at the terminal forecourt and accommodates approximately 200 taxis. To the south of Hartmann Road the area is largely residential with a mixture of terraced housing and apartment blocks.
 15. The Airport is connected to London's public transport rail system via the on-site Docklands Light Railway (DLR) station, which is to the south of the Airport and links directly into the terminal. Services provide connections to Bank in the City of London, Canary Wharf (via the Jubilee Line) and Stratford International. Crossrail, once completed (estimated 2018/19) will not serve the Airport directly, with the nearest stations at Custom House (to the north close to ExCeL London) and Woolwich Arsenal.
 16. The Airport has a single runway which operates in two directions. Aircraft take-off and land in both an easterly runway (09) direction and a westerly

runway (27) direction, depending on the direction of the prevailing wind. There are currently 18 stands for operational scheduled aircraft, including 4 larger stands to the east of the existing terminal that are capable of accommodating the largest aircraft currently operating at the Airport (stands 21-24). Stands 11-14 are the most distant stands from the terminal and are served by buses rather than a purpose built passenger pier.

17. There is no parallel taxi-lane and aircraft arriving or departing from runway 27 typically have to 'back-track' on the runway to take-off/taxi to the apron. A holding point for up to 3 aircraft exists at the eastern end of the runway.
18. The site that I visited at Jameson Way fronts the water at the Docks and the parties agreed that it represents the edge of the 57dB Leq 16hr contour. I observed that it is a relatively quiet location and I could hear noise from aircraft taking off from London City Airport. The site that I visited at Burdett Road consists of a small area of public amenity space fronting Burdett Road, which the parties agreed is within the 54dB Leq 16hr contour but outside the 57dB Leq 16hr contour. Although I could hear the sound of aircraft it was not very clear against the relatively loud background noise. The site that I visited in Leytonstone is outside the noise contours. It is a relatively quiet residential street and I could clearly hear the sound of aircraft flying overhead, but it was not obvious which airport they were associated with.

Planning Policy⁶

19. The development plan for the area surrounding the appeal site comprises the London Plan and the LBN's Local Plan. The relevant development plan documents are stated below.
20. The Further Alterations to the London Plan (FALP) Document was published in March 2015. It makes no material difference to the policies that the application was considered against⁷. The policies referred to in the reason for refusal are policy 6.6 (Aviation) and policy 7.15 (Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes).
21. The LBN's Local Plan includes the following:
 - Core Strategy (adopted January 2012);
 - Joint Waste Development Plan for the East London Waste Authority Boroughs (adopted February 2012);
 - Saved policies of the LBN's Unitary Development Plan (adopted June 2001, policies saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy in January 2012); and
 - Proposals Map (January 2012).

⁶ Document CD6.3.1 SoCG between LBN and the LCY Section 6

⁷ On 14 March 2016 the MoL published 'Minor Alterations to the London Plan', which update the FALP on housing standards and parking standards. I have considered them and am satisfied that they do not materially alter the policies and objectives that are relevant to the appeal

No Local Plan policies were referred to in the reason for refusal.

Proposed Development⁸

22. The proposed development is as described in the description given on the application⁹. 'Minor changes' were proposed by the Appellant on 9 September 2015, included the following :
- a) Revision to the Western Terminal Extension to reduce the degree of encroachment upon the DLR Safeguarded Zone; and
 - b) Extension of the outbound baggage deck to the east to accommodate larger screening machines necessary to accord with the Department for Transport's (DfT's) statutory requirements.

The Council agreed that the above changes are non-material and it has no in principle objection to them.

23. In summary, seven new aircraft stands, accessed by a new taxiway parallel to the runway, would be located on a deck over the KGV Dock, occupying an area of about 7.54 hectares. The stands would accommodate the larger new generation aircraft. The taxiway would run from outside the terminal to the end of runway 27 (in the east) where currently there is an area of decking allowing aircraft to be held prior to take-off. The proposal would include two extensions and an energy centre to the 'Western Terminal', one of the extensions providing further airport administration offices to replace City Aviation House; and a three storey 'Eastern Terminal Extension', with a three storey eastern pier providing circulation and waiting areas, and an energy centre. In total the development would result in an increase in the floorspace of the terminal and piers from 17,991 m² to 51,497 m².
24. A new passenger forecourt to the south and east of the extended terminal providing bus stops, a taxi pick-up/drop-off facilities and a passenger pick-up/drop off facility would be constructed. Other elements of the proposal include a Dock Source Heat Exchange system within the KGV Dock, to serve part of the heating/cooling demand of the Airport; a permanent noise barrier to the south of the eastern most new stands; a pontoon bridge for emergency vehicle access at the eastern end of the new stands; an additional 277 car parking spaces; and opening up of the eastern end of Hartmann Road to provide a further means of access to the Airport.

Planning History¹⁰

25. In May 1985 outline planning permission was granted for London City Airport or 'STOLport'. It was subject to a Section 52 agreement that restricted it to 30,160 Air Transport Movements (ATMs) per year and included a noise control system.
26. In September 1991 planning permission was granted for the extension of the existing runway and variation of conditions attached to the original 1985

⁸ Document CD6.3.1 SoCG between LBN and the LCY Section 5

⁹ Document CD2.1.3

¹⁰ Document CD6.3.1 SoCG between LBN and the LCY Section 3

- planning permission. It restricted it to 36,000 ATMs and 36,000 noise factored movements per calendar year and included a S106 agreement.
27. In July 1998 planning permission was granted, subject to a S106 agreement, for the variation of conditions attached to the original 1985 planning permission. It was restricted to 73,000 ATMs and 73,000 noise factored movements per calendar year.
 28. Planning permission Ref 07/01510/VAR was granted on 9 July 2009 (2009 Permission) under Section 73 of the Town and Country Planning Act 1990 for variation of conditions 13 and 15 of the 1985 outline planning permission to allow up to 120,000 ATMs per annum with related modifications to other limits. The Airport currently operates within the terms of this planning permission, subject to the operation of a noise factoring system and other controls.
 29. On 26 July 2013 LCY submitted two related planning applications: CADP1, which is the current appeal application for a new airfield infrastructure and extended passenger facilities at the Airport; and CADP2, which was an outline application for a new Hotel with up to 260 bedrooms (Ref 13/01373/OUT). The Council resolved at its Strategic Development Committee Meeting of 3 February 2015 to grant planning permission for both applications, subject to conditions and the completion of a legal agreement under S106.
 30. On 26 March 2015, the MoL under powers conferred on him by article 6(1) of the Town and Country Planning (Mayor of London) Order 2008 issued a direction to the LBN directing that Council to refuse the planning application for the following reason: *'Application 13/01228/FUL is contrary to London Plan policies 6.6 (Aviation) and 7.15 (Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes), as it does not adequately mitigate and manage its adverse noise impacts'*. Following this direction, the Council refused planning permission for the development proposed with this reason for refusal given on the decision notice.
 31. Having appealed against the refusal of planning permission in May 2015, the Appellant submitted an Updated Environmental Statement (UES)¹¹ in September 2015. The justification for the submission of the UES included reference to two minor changes to the proposed development, which would extend the outbound baggage deck to the east and reduce the footprint of the Western Terminal Extension in order to encroach less on the DLR Safeguarded Zone.
 32. On 20 January 2016 the Council confirmed that it *'considers the clarification provided is satisfactory and that it does not provide any information that would change the view of the Council with regard to the appropriateness of the environmental assessment, and that the proposed conditions and Section 106 agreement required to adequately mitigate the environmental impact of the development are still necessary and adequate'*¹². The UES tables relating to noise levels at schools were amended in February 2016¹³, due to *'anomalies as*

¹¹ Document CD2.6.4

¹² Document CD6.1.16

¹³ Documents CD6.1.17 and LCY/112

*a result of inaccurate information on school locations being entered into the modelling software used to undertake the UES assessment*¹⁴.

The Case for London City Airport Limited

I have reported the case on the basis of the closing submissions¹⁵ with additional references to the evidence submitted prior to and during the Inquiry. The material points are:

Air Noise

Matters not in dispute

33. The following are not identified by the MoL as being in issue on the matter of noise.
34. Firstly, the methodology and results of LCY's air noise assessment are not disputed. Extrium, in a report co-authored by an experienced air noise expert (Paul Freeborn), described the Environmental Statement (ES) as a '*comprehensive and accurate assessment*' of air noise¹⁶. It is agreed that the changes in noise level to which the appeal scheme would give rise would be very small¹⁷. The increases from CADP1 are well below 1dB LAeq 16hr¹⁸. At 7 of the 12 air noise assessment locations, which have been agreed by the MoL as being representative, the 2025 with CADP1 increase over the 2025 without CADP1 scenario would be only 0.2dB LAeq 16hr; at 4 locations it would be 0.3dB; and at the final location it would be 0.4dB¹⁹. This very small magnitude of change in LAeq 16hr noise levels reflects the introduction of a greater proportion of new quieter aircraft types, facilitated by the larger CADP1 stands, and the relatively modest increase in annual movements that CADP1 would allow, from about 95,000 in the 'without CADP1' case ('the fallback') to about 111,000 in the 'with CADP1' case; some 17% only.
35. Secondly, insulation is offered at 57dB LAeq 16hr as part of the need to mitigate and minimise impacts between the Lowest Observed Adverse Effect Level (LOAEL) and the Significant Observed Adverse Effect Level (SOAEL), agreed to be 54dB and 63dB LAeq 16hr respectively²⁰. Mitigation and minimisation between these values may be achieved by a variety of means²¹ and LCY has chosen to include noise insulation in its package of mitigation measures. The Appellant's proposal to offer mitigation down to 57dB LAeq

¹⁴ Documents CD6.1.18 and LCY/112

¹⁵ Document LCY/119

¹⁶ Document CD5.1.22 final page and Mr Fiumicelli did not disagree in cross examination on 15 March

¹⁷ Document CD5.1.22 Extrium Report page 3: '*it is agreed that this level of increase is of negligible impact and of no significance*' and Mr Fiumicelli in cross examination on 16 March stated: '*it is a very small magnitude of change*'

¹⁸ Document CD12.1.32 Table 9.11 page 121 Mr Fiumicelli describes a change in air noise level of less than 1dB LAeq 16hr as '*not significant*'

¹⁹ Document CD2.6.4 UES Table 8.27 page 49 and Mr Fiumicelli in cross examination on 16 March

²⁰ Document CD2.6.4 UES paragraph 8.187 and Document MOL/PoE/DF Mr Fiumicelli proof paragraphs 4.4.10/11

²¹ Document CD7.1.27 NPPG ID 30-008: 'How can the adverse effects of noise be mitigated?'

16hr does not, however, turn 57dB into some sort of 'absolute threshold'²². The APF as well as common sense makes it plain that the magnitude of change is of considerable relevance in determining the scale of any impacts and, therefore, the acceptability of the appeal scheme. The decision-maker must judge whether the appeal scheme would make air noise materially worse and, if so, by how much. It is for this reason that the APF only urges airport operators, as a minimum, to offer financial assistance towards insulation when dwellings experience an 'increase' of 3dB or more which leaves them exposed to noise levels of 63dB or more²³.

36. The third significant area of common ground is as to the comprehensiveness and extent of LCY's noise mitigation package²⁴. This would become even more generous with the improvements to the insulation scheme offered under CADP1, in particular the enhancements to the 57dB and 66dB tiers and the introduction of the new 63dB intermediate tier. A survey of other UK airports reveals that no other airport offers insulation at 57dB LAeq 16hr²⁵. Furthermore, there was no suggestion from the MoL or LBN that the Airport should be insulating below the 57dB LAeq 16hr contour.
37. It is not only the offer of noise insulation and the threshold at which insulation is offered that is important, but also the whole mitigation package. The appeal scheme includes a large package of noise mitigation measures²⁶ including a noise contour cap under a planning condition, which is an enhancement over the current position and effectively prevents future changes in the fleet mix to one that is noisier than that modelled with CADP1 in the UES²⁷. Both the MoL and the Council agree that LCY's noise mitigation package includes all 'four broad types of mitigation' listed in the NPPG: engineering, layout, planning conditions/obligations, and insulation²⁸. In addition to the Noise Insulation Scheme (NIS) and the noise contour cap, these include caps on hourly, daily, bank holiday, weekend, weekly and annual movements; no night flights; a 24 hour closure period over the weekend; a new Aircraft Categorisation Scheme; a new Noise Management and Mitigation Strategy; a contribution of £500,000 towards mitigating air noise effects on the enjoyment of public parks; and a 5 degree glide path rather than the 3 degrees usual at other airports²⁹. The concerns about noise insulation to schools have been addressed by revised tables that include additional schools that have been contacted regarding their eligibility³⁰.

²² As described by Mr Painting in evidence in chief on 16 March

²³ Document CD7.1.10 paragraph 3.39

²⁴ Document CD5.1.31 paragraph 5 page 5; Document CD5.1.26 section 7.0 page 26 and Mr Fiumicelli in cross examination on 15 March confirmed that the Airport '*has the most generous noise mitigation package in the UK*'

²⁵ Document LCY/PLAN/PH/2 Mr Henson Proof Appendix 7

²⁶ Document LCY/PLAN/PH/1 section 7.0

²⁷ Mr Fiumicelli in cross examination on 16 March thought that the proposed mitigation package was a '*good mixture*' and that the controls, including down to the hourly movement limits, were '*rigorous*' and he was not aware of a similar approach anywhere else in the UK

²⁸ Document CD7.1.27 NPPG ID 30-008

²⁹ Document LCY/PLAN/RN/1 paragraphs 4.4 and 9.4-5

³⁰ Document LCY/120 and oral evidence to the Inquiry

Matter in dispute: Combined single mode contours

38. The MoL's suggested combined single mode approach to the contour to delineate eligibility for noise insulation has been accepted by the MoL as being based on the 92 day summer period, mid-June to mid-September, as advised by the Government³¹. The 'westerly single mode' contour is produced, therefore, by assuming that for the 92 day summer period 100% air transport movements are in a westerly direction. The 'easterly single mode' contour is produced by assuming that for the same 92 day period 100% air transport movements are in an easterly direction. The 'combined single mode' contour is produced by adding the contours of these two modes of operation together, which in effect reflects 200% air transport movements, with 100% going in a westerly direction whilst, simultaneously during the 92 days, the same 100% also go in an easterly direction. The combined single mode contour is acknowledged by the MoL to be entirely unrealistic³² and does not reflect reality.
39. An average mode contour does reflect reality, as it reflects the fact that at London City Airport the westerly and easterly modes of runway operation do alternate and that on average there are some 70% westerlies and some 30% easterlies. The alternation on operational direction is not only over the 92 day period, but also in 88% of weeks throughout the year and even on 33% of days³³. The 16hr LAeq average mode contour represents the actual proportion of time people are overflown during the 92 day summer period and thus properly reflects the 'frequency and pattern of movements'³⁴ that people really experience.
40. The Aircraft Noise Index Study (ANIS)³⁵ is the principal social survey study underpinning the move from the Noise and Number Index (NNI) to the LAeq index that has formed the basis of national air noise policy since the 1980s. It involved extensive social surveys with the intention of correlating aircraft noise with community annoyance. The correlations that ANIS established were between annoyance and 'average' noise exposure over a defined period³⁶. Thus the surveys gathered people's responses based on their overall experience of aircraft noise in their area, not their experience of a particular day when they were overflown. The correlations set out in ANIS are expressly in the terms of 'average' exposure over a period. Graphs plot the correlation between those 'very much annoyed'³⁷ and both a three month average 24hr Leq³⁸ and a one week average 24hr Leq³⁹. ANIS contains no evidence of the correlation between annoyance and 'single mode' (also known as 'worst mode') exposure.

³¹ Document MOL/PoE/DF paragraph 4.5.9 and Mr Fiumicelli in cross examination on 15 March

³² Mr Fiumicelli in cross examination on 15 March said, '*that can't happen*'

³³ Document LBN/101 paragraph 2.1

³⁴ Document CD7.1.10 APF footnote 96 page 58

³⁵ Document CD8.1.1

³⁶ Document CD8.1.1 page 128, question 11(a): The ANIS survey asked '*tell me how much the noise of aircraft here bothers or annoys you*'

³⁷ Document CD8.1.1 page 28 question code VMANN

³⁸ Document CD8.1.1 figure 7.5 page 102

³⁹ Document CD8.1.1 figure 9.8 page 112

41. ANIS makes it clear that the statistical correlation with worst mode operation was not as good as the average mode⁴⁰ and notes that the best fit correlation was with the LAeq averaged over the week prior to the social survey, but this is still an 'average' week, not a 'worst mode' week. The study stressed the importance of 'typical' experience⁴¹. The point is re-iterated elsewhere in the study where it is stated that *'there is no strong evidence that the modes of runway usage producing the greatest noise exposure are the prime determinant of reaction'*⁴².
42. The issue of whether to use the prior week's noise exposure or the 92 day summer period for the period of average noise exposure experienced by respondents in moving from the earlier NNI to a new LAeq index was left to the 'Use of Leq report' published in 1990⁴³. The 'Use of Leq report' concluded that, as annoyance will vary from week to week (depending on airport operations), it would be impractical to base an index on the previous week's Leq⁴⁴, which would require the production of multiple contours, one for each week, and so the responses to the social surveys should be correlated to the 92 day summer period (mid-June to mid-September) as had been used for the NNI. The fact that the social surveys were undertaken during the summer months when people are most likely to be outside and with their windows open means that, if the averaging period included the winter months, *'higher noise levels might be more appropriate to particular levels of annoyance'*⁴⁵. In other words, using social surveys and a noise averaging period reflecting the summer months may actually over-estimate annual annoyance. Thus the 'Use of Leq report' ended up preferring the use of a 92 day summer averaging period to the previous week. Nowhere is there any suggestion that 'single mode' or 'worse mode' contours over any period should or could be correlated against the ANIS social survey results.
43. With regard to the daily (diurnal) period over which noise exposure should be correlated against the social survey results, ANIS had found that a good fit to disturbance was given by a 24hr Leq⁴⁶. Following the Department's consultation on the ANIS report, concern was expressed about use of a 24hr LAeq and a 16hr LAeq was suggested instead⁴⁷. There was no suggestion that the ANIS social survey data should or could be correlated against single mode contours.
44. Having identified the LAeq 16hr average summer day as the appropriate index against which to correlate annoyance, the further question arose as to the point on the dose-response curve at which to identify certain levels of annoyance. ANIS had suggested that 55dB LAeq 24hr could be used to

⁴⁰ Document CD8.1.1 paragraph 9.4: *'This averaging of Leq was preferred statistically over 'worst-mode' estimates'*

⁴¹ Document CD8.1.1 page 59 footnote 1: *'That the prior week is the best match probably only confirms that response depends strongly on recent experience when this is not atypical'*

⁴² Document CD8.1.1 paragraph 1.11(f)

⁴³ Document CD8.1.2 bottom of page 21 and bottom of page 22 / top of page 23

⁴⁴ Mr Thornley-Taylor in cross examination on 24 March

⁴⁵ Document CD8.1.2 paragraph 2.7.1 page 17

⁴⁶ Document CD8.1.1 paragraph 1.11(g) and (l)

⁴⁷ Document CD8.1.2 page 22

represent the onset of community disturbance⁴⁸. This corresponded to 35 NNI, which had been used as the threshold of community annoyance under the NNI⁴⁹. Using a 16 hour time period, as advised by the 'Use of Leq report', this value becomes 57dB LAeq 16hr⁵⁰. 57dB LAeq 16hr average summer day threshold was chosen because, at around that level, the percentage of persons highly annoyed by aircraft noise starts to increase with increasing levels of noise⁵¹. However, there exist a small percentage of people who remain highly annoyed about aircraft noise at very low levels of such noise and even at 60dB the proportion of people highly annoyed is still well below 20%⁵². Therefore, the 57dB LAeq 16hr reflects the threshold at which about 10% of the population become highly annoyed, and ANIS social surveys showed that at this level aircraft noise is still very low down the list of dislikes spontaneously mentioned by respondents⁵³.

45. The LAeq 16hr index is only correlated to annoyance if the contours used reflect the 92 day summer average mode and, without that correlation, it has no meaning in terms of annoyance. It is not known what a correlation of annoyance with worst mode contours would be or what value would correspond to the onset of significant community annoyance, but it would not be 57dB LAeq 16hr⁵⁴. The identification of 57dB LAeq 16hr as marking the onset of significant community annoyance is correlated to exposure on an average mode basis only and it cannot be applied as a threshold of annoyance independently of the average mode exposure from which it was derived. The 57dB LAeq 16hr combined single mode contour, suggested by the MoL, has no meaning in terms of community annoyance and it is meaningless to suggest that it represents a level of 'harm'⁵⁵. The combined single mode contours cover a larger geographical area, containing more people, than the average mode contours⁵⁶ as it includes people beyond the boundary of the onset of significant community annoyance⁵⁷.

National Policy

46. After publication of ANIS and 'the Use of Leq' reports, the LAeq 16hr average summer day index was adopted in government policy and 57dB threshold used to indicate the onset of significant community annoyance⁵⁸. The Future of Air

⁴⁸ Document CD8.1.1 paragraph 1.11(I)

⁴⁹ Document CD8.1.1 paragraph 1.2

⁵⁰ Document CD8.1.2 page 29

⁵¹ Document CD8.1.2 example Figure 1 page 55: graphs attached to the ANIS and Use of Leq reports show that below 57dB LAeq 16hr the percentage of highly annoyed is relatively low at around 5-10% and does not decline, even with lower noise levels

⁵² Document CD8.1.9 CAP1165 Figure 3.2 page 21 most clearly illustrates this

⁵³ Document CD8.1.2 Figure 3 page 36 shows that aircraft noise is below public services, amenities, dirt, traffic and even people in the list of dislikes

⁵⁴ Mr Henson evidence in chief 30 March

⁵⁵ Mr Fiumicelli in cross examination on 15 March suggested this and accepted that noise at 57 dB LAeq 16hr for one day of the year would not reach his '*qualifying noise level*' of 57dB

⁵⁶ Document DFA1: Appendix 1 to Mr Fiumicelli proof and Document CD6.3.5 Supplemental SoCG between MoL and LCY

⁵⁷ Mr Henson evidence in chief 30 March

⁵⁸ Document CD7.1.1 Annex 2 paragraph 4 Planning Policy Guidance Note 24 (PPG24): Planning and Noise, issued in October 1994, took 57dB LAeq 16hr to be '*the onset of*

Transport White Paper, issued in December 2003 and the immediate predecessor to the APF, similarly stated that *'Based on research the Government has used 57dBA Leq as the level of daytime noise marking the approximate onset of significant community annoyance'*⁵⁹.

47. Most recently, the APF has stated that *'We will continue to treat the 57dB LAeq 16 hour contour as the average level of daytime aircraft noise marking the approximate onset of significant community annoyance'* and that *'Average noise exposure contours are a well established measure of annoyance and are important to show historic trends in total noise around airports'*⁶⁰. Furthermore, in the APF the 63dB LAeq 16hr contour is used as a threshold above which insulation should be offered and the 69dB LAeq 16hr contour as a threshold at which purchase schemes should be implemented⁶¹. These values approximate to 45 NNI and 55 NNI respectively, which were previously used to denote moderate and high annoyance⁶². Accordingly, when the APF refers to the 57dB LAeq 16hr contour as the onset of significant community annoyance, it is clearly referring to the 57dB LAeq 16hr average mode contour⁶³ and it is not necessary to specifically refer to it as *'average mode'*⁶⁴. The APF is setting out government policy framework for aviation and Chapter 3 is concerned with a highly technical subject: *'aircraft noise'*. The text specifying what mitigation is required is clearly directed to a specialist audience: *'airport operators'*⁶⁵.
48. The matter is also expressly spelt out in Civil Aviation Authority (CAA) guidance documents, such as CAP725: *'Conventional noise exposure contours, which are produced regularly for major airports, are calculated for an average summer day over the period from 16 June to 15 September inclusive, for traffic in the busiest 16 hours of the day, between 0700 and 2300 local time. These are known as L_{eq, 16 hours} contours.'*⁶⁶
49. A correct understanding of the LAeq 16hr contours was reflected in all the Extrinsic reports and the first two Temple reports⁶⁷. The conclusion of all those reports was that the appeal scheme was in accordance with policy, including the APF, despite the insulation scheme being based on average mode contours. It was only in the January 2015 Temple report that mention was first made of *'single mode'* contours, and even then only in relation to the

annoyance as established by noise measurements and social surveys' and footnote 2 shows that this was in express reliance on ANIS and the Use of Leq reports

⁵⁹ Document CD7.1.2 page 34

⁶⁰ Document CD7.1.10 paragraphs 3.17 and 3.19

⁶¹ Document CD7.1.10 paragraphs 3.36 to 3.39

⁶² Document CD8.1.1 paragraph 3.3 and Document CD8.1.2 pages 29 to 30

⁶³ Mr Thornely-Taylor cross examination on 24 March and Mr Henson cross examination 30 March both made clear, there is no doubt whatsoever on the matter; and Document CD7.1.10 page 58 paragraph 3.15, footnote 94 states: *'this is based on an average summer day'*

⁶⁴ Document CD7.1.10 paragraph 3.17 refers to the 57dB LAeq 16hr contour without using the words *'average mode'* and Mr Thornley-Taylor and Mr Henson made clear in oral evidence that, everyone who has sufficient technical expertise to understand the contour understands that it is based on average mode

⁶⁵ Document CD7.1.10 paragraphs 3.36 to 3.39 and Document CD7.1.27 NPPG ID 30-003: *'noise is a complex technical issue'*

⁶⁶ Document CD8.1.4 Appendix B paragraph 43

⁶⁷ Document CD5.1.6 August 2014 and Document CD5.1.31 October 2014

number of people in the westerly single mode contour⁶⁸. The suggestion that a 'combined single mode' contour should be used did not appear in the January 2015 Temple report and such a 'combined' contour only first gets a mention in the March 2015 Temple report⁶⁹. These reports do not set out any rationale for the use of single or combined single mode contours, beyond the observation that the use of such contours would mean that more persons were exposed to '*the qualifying noise level for noise insulation*'⁷⁰ or suggest that the APF or earlier government policy references to the 57dB LAeq 16hr contours are in fact references to 'single mode' or 'worse mode' contours.

50. The Heathrow single mode insulation offer, which was only made on condition that a third runway is approved⁷¹, is expressly stated to go '*above and beyond UK policy requirements*'. There is a clear distinction between what an airport may voluntarily offer and what policy requires of it and the Heathrow offer is in the context of a new runway being approved with an entirely new population being overflown.
51. The Attitudes to Noise from Aviation Sources in England (ANASE) report from 2007⁷², which suggested that people's sensitivity to aircraft noise may have increased since ANIS, has been heavily criticised and does not suggest that there be a move towards the use of single mode contours as better reflecting community annoyance. The APF expressly maintains the previous approach whilst acknowledging the ANASE findings⁷³.
52. There is no support in the APF for the Airport's location within a large centre of population requiring a different approach to be adopted⁷⁴. Once an appropriate 'framework' has been established to mitigate the noise impact of an airport, it will work regardless of the location of the airport. If the airport is remote from population centres, only a few people may meet the eligibility criteria and receive mitigation, and if the airport is close to a larger population centre, the same framework will see larger numbers of people become eligible for mitigation. The individual's sensitivity remains the same. The threshold of eligibility for mitigation, and in particular noise insulation, does not need to change simply because the number of people who become eligible increases.
53. The MoL, in arguing that eligibility for insulation should be based on a combined single mode contour, flies in the face of government policy.
54. LCY's noise mitigation package complies with and exceeds what government policy requires. The three tiers of insulation offered, at 57dB, 63dB and 66dB, as well as the purchase offer at 69dB⁷⁵ go significantly beyond the Government's requirement to offer financial assistance to residential properties experiencing an increase in noise of 3dB or more which leaves them exposed

⁶⁸ Document CD5.1.25 Third Temple Report page 26

⁶⁹ Document CD5.1.32 Fourth Temple Report

⁷⁰ Document CD5.1.32 for example the response to Q3b at page 4

⁷¹ Document MOL/PoE/DF02: Appendix DFA2

⁷² Document CD12.1.29

⁷³ Document CD7.1.10 paragraph 3.14

⁷⁴ Mr Thornely-Taylor oral evidence suggested that it is wrong as a matter of principle

⁷⁵ Document LCY/104 draft S106 agreement schedule 9 and Document LCY/107

to levels of noise of 63dB LAeq 16hr or more⁷⁶. It improves what is already acknowledged to be the most generous noise mitigation package in the UK⁷⁷ and the 57dB tier is based on an average mode contour that is so extensive that it also captures everyone in the MoL's 63dB combined single mode contour⁷⁸.

55. The appeal scheme as a whole complies with the Government's overall policy on aviation noise as set out in the APF *'to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry'*⁷⁹. This indicates that aircraft noise should be controlled but is not a bar on airport development that does increase aircraft noise. The scheme would also share the benefits of noise reduction in accordance with policy, given that it would enable the introduction of a much greater proportion of 'next generation' quieter aircraft, in particular the Canadair CS100 and Embraer E2⁸⁰. The same objective would be achieved by the overall annual cap of 111,000 ATMs per year, as this would ensure that the introduction of quieter aircraft would not result in a greater number of movements; and the requirement to operate the airport in accordance with a strategy, approved by the local planning authority, which defines the methods to be used to reduce the area of the 57dB noise contour.
56. Although paragraph 3.19 of the APF makes it clear that the Government is encouraging airport operators to use alternative measures *'to explain how locations under flight paths are affected by aircraft noise'*⁸¹, the APF makes it equally clear that the Government continues to treat the 57dB LAeq 16hr contour as the approximate onset of significant community annoyance⁸². The problem with many of the other metrics that can be produced is that there is *'no evidence to inform critical threshold values'*⁸³. Also, 'community annoyance' is not the only issue around many UK airports and the Government is keen that airport operators address issues such as night noise, which is not an issue at London City Airport. APF paragraph 3.19 states, therefore, that *'The objective should be to ensure a better understanding of noise impacts and to inform the development of targeted noise mitigation measures'*, which in the context of night noise mitigation has to be targeted at the issue of sleep disturbance. It provides no policy support for a requirement that noise insulation at London City Airport should be based on a 57dB LAeq 16hr combined single mode contour.
57. The appeal scheme also complies with the requirements of the Noise Policy Statement for England (NPSE)⁸⁴ and paragraph 123 of the NPPF⁸⁵ to avoid

⁷⁶ Document CD7.1.10 paragraph 3.39

⁷⁷ Document CD5.1.31 page 5

⁷⁸ Document MOL/PoE/DF01: DFA1 Appendix 1

⁷⁹ Document CD7.1.10 paragraph 3.12

⁸⁰ Document LCY/PLAN/LC/1 Table 4.2 page 49 and Table 5.2 page 56: Some 6,650 of the Canadair CS100 and Embraer E2 aircraft are forecast in the fleet mix in the 'without development' scenario, compared to some 17,750 in the 'with development' scenario

⁸¹ Document CD7.1.10 paragraph 3.19

⁸² Document CD7.1.10 paragraph 3.17

⁸³ Document CD8.1.9 CAP1165 page 23

⁸⁴ Document CD7.1.6

⁸⁵ Document CD7.1.8

significant adverse impacts on health and quality of life, and mitigate and minimise adverse impacts on health and quality of life. The SOAEL is agreed between the parties to be at 63dB LAeq 16hr, above which threshold the Airport should offer insulation so as to avoid significant adverse effects on health and quality of life. The LOAEL is agreed to be at 54dB LAeq 16hr, and between the LOAEL and the SOAEL the Airport should offer a range of measures so as to mitigate and minimise adverse impacts on health and quality of life. In both cases (above the SOAEL and between the LOAEL and the SOAEL) the CADDP1 proposal complies with the policy objectives set out in the NPSE. The mitigation package is agreed to be comprehensive and rigorous and to encompass all four types of mitigation listed in the NPPG.

58. With regard to those residents outside the 57dB contour, there is a package of measures which already mitigate and minimise impacts below this level. The operational mitigation measures proposed in the overall LCY mitigation package actually results in a smaller 57dB LAeq 16hr contour than would otherwise be the case⁸⁶. Thus some people are outside the forecast 57dB contour because of the mitigation proposed. The mitigation package does not stop at the 57dB LAeq 16hr contour⁸⁷. It offers a considerable range of measures that mitigate and minimise impact down to the LOAEL of 54dB LAeq 16hr and beyond. A number are new and would only come forward with the appeal scheme, such as the infrastructure that would enable a greater proportion of quieter next generation aircraft to be accommodated, and the noise contour strategy to reduce the contour over time.
59. In terms of the cumulative impact of Heathrow Airport and London City Airport, there is no overlap in even the 54dB LAeq 16hr contours of Heathrow (which only reach Westminster) and London City Airport, let alone in the 57dB LAeq 16hr contours. The effects of Heathrow traffic around London City Airport are negligible⁸⁸.

Development Plan Policy

60. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan in the LBN comprises the FALP⁸⁹, the Core Strategy⁹⁰ and the Saved Unitary Development Plan policies⁹¹. Of these, the MoL's direction (and therefore the Council's reason for refusal), only alleges non-compliance with policies 6.6 and 7.15 of the FALP.
61. The MoL's position is that, if the Appellant is correct about the use of the 'average mode contour', as opposed to the 'combined single mode contour', then there is no conflict with policy and planning permission should be

⁸⁶ Mr Henson Re-examination 30 March

⁸⁷ Mr Stewart of HACAN East accepted in oral evidence

⁸⁸ Document LCY/PLAN/PH/1 paragraphs 6.58 to 6.60

⁸⁹ Document CD7.2.15

⁹⁰ Document CD7.3.6

⁹¹ Document CD7.3.7

granted⁹². Thus the question of compliance with FALP policies 6.6 and 7.15 only arises, as an issue between the MoL and the Appellant, in circumstances where both technically and in terms of government policy the onset of significant community annoyance is properly represented by the 57dB LAeq 16hr 'combined single mode' contours.

62. FALP policy 6.6 sets out the MoL's policy towards 'Aviation'. Policy 6.6A states that: *'Adequate airport capacity serving a wide range of destinations is critical to the competitive position of London in a global economy. Airport capacity serving the capital and the wider south east of England must be sufficient to sustain London's competitive position'*⁹³. Policy 6.6B(b) makes it clear that the MoL 'supports' the improvement of the facilities for passengers at Heathrow and other London airports, which would include London City Airport, *'in ways other than increasing the number of aircraft movements'*. The CADP1 proposal reduces the permitted number of aircraft movements at London City Airport from 120,000 to 111,000 and the MoL is on record as supporting the growth of London City Airport to 120,000 movements⁹⁴. The CADP1 proposal is therefore supported by policy 6.6A and is not contrary to policy 6.6B.
63. In relation to the requirement in policy 6.6C that *'the aviation industry' should 'meet its full environmental and external costs'*, rather than 'impacts' seems better suited to the issue of climate change. In relation to the exhortation to *'take full account of environmental impacts when making decisions on patterns of aircraft operation'*, the CADP1 proposal does not involve decisions on the 'patterns' of aircraft operation⁹⁵. Furthermore, the ES provides a *'comprehensive and accurate assessment'* of air noise⁹⁶. It cannot therefore properly be argued that providing noise insulation to a 57dB LAeq 16hr average mode contour threshold, rather than combined single mode contour threshold, is contrary to the text in policy 6.6C.
64. Policy 6.6D is entitled 'Planning decisions' and contains a requirement that, where development proposals affect airport operations, *'particularly those involving increases in the number of movements'* the decision-maker should *'take full account of environmental impacts (particularly noise and air quality)'*. The text indicates therefore that the policy does not represent a bar on airport development that involves an increase in aircraft movements but requires full account to be taken of noise effects. The ES made it clear that the changes to the noise climate as a result of CADP1 would be 'negligible' and certainly 'non-significant'⁹⁷. The MoL's decision failed to properly apply his own policy, as this was not drawn to his attention.

⁹² Document MOL/PoE/IP Mr Painting's proof paragraphs S1.21/22 and Mr Painting in cross examination on 17 March

⁹³ Mr Bashforth in evidence in chief on March states that this provides strong policy support for the CADP1 proposals and that must be all the more the case in circumstances where the MoL does not challenge the need for the development or its socio-economic benefits

⁹⁴ Document CD5.1.3 paragraph 13

⁹⁵ The London Airspace Management Programme (LAMP) process is entirely separate from CADP1

⁹⁶ Document CD5.1.22, Extrinsic report final page

⁹⁷ Document CD5.1.22, Extrinsic report page 3 stated that *'it is agreed that this level of increase is of negligible impact and of no significance'*

65. The Appellant has taken full account of the environmental impacts of the development, including the negligible and non-significant magnitude of the changes in aircraft noise that would result from CADP1. There is no policy requirement in the expression 'take full account' that means that mitigation must be provided such that there is no residual impact. The environmental impacts of the proposed development should be fully taken into account, both in terms of compliance with development plan policy and as part of the overall planning balance, and the proposed development is not contrary to policy 6.6D.
66. On FALP policy 6.6 generally it can be concluded that it supports the improvement of facilities at London City Airport and the air noise impacts and proposed package of mitigation (including noise insulation) are not contrary to any part of the policy. Overall, therefore, the policy should be seen as supportive of the CADP1 proposal and this was the conclusion in the MoL's own Stage 2 report⁹⁸.
67. FALP policy 7.15 sets out the MoL's overarching policy on managing noise. It receives no discussion or analysis in the MoL's Stage 1/1b/2 reports on CADP1, which may give some indication of how the Greater London Authority (GLA) officers viewed CADP1's compliance with its various parts.
68. Policy 7.15A makes it clear that the transport policies of the plan, which include policy 6.6, will be implemented in order to 'reduce' and 'manage' noise to improve 'health and quality of life' and supports 'the objectives of the MoL's Ambient Noise Strategy' (ANS). The most relevant objective of the Strategy is number five: 'To minimise the adverse impacts of aircraft noise in London, especially at night'⁹⁹, which the appeal scheme, together with its comprehensive mitigation package, clearly does.
69. Policy 46 of the ANS states that '*The Mayor urges the Government to produce guidance, such as through review of Planning Policy Guidance Note 24, on the use of 'worst mode' aircraft noise contours in assessing the need for building insulation or other mitigation for noise-sensitive uses ...*'¹⁰⁰. The Strategy is a 2004 document, PPG24 was swept away with the introduction of the NPPF in 2012 and aviation noise policy has since been reviewed with the publication of the APF in 2013. The APF says nothing about worst mode contours and policy 46 has not made its way into paragraph 3.19, or any other part, of the APF¹⁰¹. The Government thereby rejected the MoL's request and policy 46 is, effectively, spent.
70. The expression 'health and quality of life' in policy 7.15A is a reference to the NPSE and the Government's noise policy aims¹⁰². This point becomes further apparent from the wording of policy 7.15B, which states '*Development proposals should seek to manage noise by ...*' and paragraphs (a) and (b) that echo the wording and objectives of the noise policy aims of the NPSE.

⁹⁸ Document CD5.1.12 paragraph 28

⁹⁹ Document CD7.2.2 paragraph 3.3

¹⁰⁰ Document CD7.2.2 page 136

¹⁰¹ Mr Bashforth in cross examination on 31 March

¹⁰² Mr Bashforth evidence in chief on 31 March and Document CD7.1.6 paragraphs 1.7 and 2.23/5

Paragraph 7.52 of the supporting text states that it is important that noise management is considered as early as possible in the planning process and that *'In certain circumstances it can also mean preventing unacceptable adverse effects from occurring'*. The reference at footnote 227 of this text is to that part of the NPPG that introduces the concept of SOAELs and LOAELs¹⁰³. As the CADP1 proposal fully complies with the noise policy aims in the NPSE, it complies with these parts of policy 7.15B.

71. In this context, it is worth clarifying the three different uses of the word 'significant' in legislation and policy. The use of the term 'significant' in the NPSE (2010) relates to *'significant adverse effects on health and quality of life'*¹⁰⁴. The SOAEL, which is the level above which significant adverse effects occur¹⁰⁵ is set at a threshold of 63dB LAeq 16hr. This is not the same as the *'onset of significant community annoyance'*, which is a term that derived from the development of government air noise policy following the ANIS report (1985) and which is set at a threshold of 57dB LAeq 16hr. One relates to 'health and quality of life' and the other to 'community annoyance'. The fact that the values (63dB and 57dB) are different is because these are different concepts. Both of these uses of the expression 'significant' are also quite separate from 'likely significant effects' of a development on the environment, which would include humans and derives from the original European Union (EU) Environmental Impact Assessment Directive in the 1980s. Thus if CADP1 had made no difference to the London City Airport noise contours in 2025, it would have had no 'likely significant effect' on the environment, even though there would be some people within the 57dB LAeq 16hr contour marking the onset of significant community annoyance and a lesser number of people within the 63dB LAeq 16hr contour marking the threshold for a significant observed adverse effect on health and quality of life. Similarly, a very small change to the noise level experienced by receptors may not be significant, even though there are more people within the 57dB LAeq 16hr contour marking the onset of significant community annoyance.
72. Policy 7.15B paragraph (b) also refers to mitigating and minimising *'without placing unreasonable restrictions on new development or adding unduly to the costs and administrative burdens on existing businesses'*, which means that costs should only be imposed if they are necessary. Costs in the form of an insulation scheme based on combined single mode contours would not be necessary because the mitigation would not be required by policy and it is not correlated to any level of annoyance or harm. For the same reasons, an insulation scheme based on combined single mode contours would fail the test of necessity that applies to planning obligations¹⁰⁶ and conditions¹⁰⁷. The MoL's proposed approach would add up to £29,586,000 of unnecessary costs to the appeal scheme¹⁰⁸, which is clearly contrary to FALP policy 7.15B, Regulation 122 of the CIL and the NPPF.

¹⁰³ Document CD7.1.27

¹⁰⁴ Document CD7.1.6 paragraph 1.7

¹⁰⁵ Document CD7.1.6 paragraph 2.21

¹⁰⁶ Document CD7.1.8 NPPF paragraph 204 and Regulation 122 of CIL

¹⁰⁷ Document CD7.1.8 NPPF paragraph 206

¹⁰⁸ Document CD6.3.5 paragraphs 2.8 to 2.10

73. With regard to the viability of a combined single mode insulation scheme, the test for imposition of obligations is not whether the developer can afford the contribution but whether the obligation is necessary. The MoL's proposed obligation is demonstrably not necessary and it should not be imposed on the Airport, regardless of whether it would render the scheme unviable or not.
74. Policy 7.15B paragraph (c) requires that development proposals should seek to 'manage' noise by '*improving and enhancing the acoustic environment ...*'. The supporting text at paragraph 7.52 says that '*Managing noise includes improving and enhancing the acoustic environment and promoting appropriate soundscapes. This can mean allowing some places or certain times to become noisier within reason, whilst others become quieter...*'. This recognises that the term 'manage' noise is not absolute¹⁰⁹. It also reflects wider noise policy, as is made clear in the NPSE, that noise policy objectives have to be seen in the context of other sustainability objectives, including those relating to achieving a strong stable and sustainable economy¹¹⁰. The NPSE states in terms that '*... the application of the NPSE should enable noise to be considered alongside other relevant issues and not to be considered in isolation. In the past, the wider benefits of a particular policy, development or other activity may not have been given adequate weight when assessing the noise implications*'¹¹¹. Policy 7.15 and its supporting text have clearly been drafted with reference to the NPSE¹¹² and the FALP is consistent with national policy in the APF, NPPF, NPPG and NPSE. Thus policy 7.15 should properly be understood as acknowledging that 'managing' noise does involve a balance of its impacts and economic and other benefits.
75. Paragraph (f) of policy 7.15B states that development proposals should seek to manage noise by '*having particular regard to the impact of aviation noise on noise sensitive development*'. As with policy 6.6 the ES has had particular regard to the impact of aviation noise on noise sensitive development and it is in that context the Appellant has brought forward what is acknowledged to be the most generous NIS in the UK¹¹³.
76. Paragraph (g) of policy 7.15B states that development proposals should seek to manage noise by '*promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver*', which is what LCY's mitigation package seeks to achieve by, for example, allowing new quieter and more fuel efficient aircraft types, requiring steeper glide paths for arriving aircraft than is normal and locking in those benefits with a tight noise contour cap condition¹¹⁴.
77. The conclusion must be that the CADP1 proposal is not contrary to policy 7.15, which is consistent with the MoL's Stage 2 report in which the GLA's officers did not raise any policy objection on the basis of policy 7.15 and recommended that the MoL should not direct refusal. The silence of the FALP on the use of

¹⁰⁹ Mr Painting in cross examination on 17 March accepted this

¹¹⁰ Document CD7.1.6 paragraph 1.8

¹¹¹ Document CD7.1.6 Paragraph 2.7

¹¹² Mr Bashforth in cross examination on 31 March

¹¹³ Document CD5.1.31 paragraph 5 page 5; Document CD5.1.26 section 7.0 page 26 and Mr Fiumicelli cross examination on 15 March

¹¹⁴ Mr Bashforth evidence in chief on 31 March

average or single mode contours is not policy support. FALP policies 6.6 and 7.15 give no policy guidance on the appropriate threshold of eligibility for noise insulation and leave detailed policy on the assessment and mitigation of aviation noise to the APF, the principal and most detailed policy statement on this matter and one with which the appeal scheme clearly complies.

Conclusions on Noise

78. The MoL's case:
- a) is contrary to government policy in the APF, which defines annoyance by reference to average mode exposure and requires insulation based on average mode contours;
 - b) relies on combined single mode contours when there is no dose-response evidence to correlate them with community annoyance;
 - c) does not reflect reality, given that it assumes both modes are in operation simultaneously all the time;
 - d) takes no account of the benefit of periods of relief from being overflowed, the beneficial impact of such substantial periods of not being overflowed is not removed by these periods not being regular;
 - e) is not used at any UK airport; and
 - f) does not satisfy the test of necessity that applies to conditions and obligations.
79. If the Appellant is right about the use of average mode contours then there is no policy objection in terms of the FALP and the MoL's case is that planning permission should be granted. However, even if the MoL is correct that the threshold for significant community annoyance is the 57dB LAeq 16hr combined single mode contour, which it is not, the CADP1 proposal is still not contrary to FALP policies 6.6 and 7.15, as those policies do not 'require' any particular threshold of eligibility for noise insulation to be adopted. In any event, any residual air noise effects of the development would be clearly outweighed by its very substantial and unchallenged socio-economic benefits.
80. The overall position is that the appeal scheme complies with and exceeds the requirements of aviation noise policy at all levels. The scheme results in noise increases of only a fraction of a decibel, which are negligible and not significant, and mitigates its impact by way of an enhanced and comprehensive package of measures, including insulation that is described as the most generous in the UK and based on average mode contours in accordance with policy and guidance.

Need and socio-economic benefits

81. The NPSE emphasises that *'In the past, the wider benefits of a particular policy, development or other activity may not have been given adequate weight when assessing the noise implications'*¹¹⁵. Noise therefore must not be considered in isolation. The socio-economic benefits of the scheme must be

¹¹⁵ Document CD7.1.6 paragraph 2.7

taken into account and given the significant weight which national and local policy attributes to them. The APF in particular is emphatic about the importance of 'long-term economic growth', stating that '*the aviation sector is a major contributor to the economy*' and that it is the Government's intention '*to strike a fair balance between the negative impacts of noise ... and the positive impacts of flights*'¹¹⁶. In the case of the appeal scheme, these positive impacts are very substantial and have essentially been unchallenged.

82. The MoL expressly '*supports the airport's ambition to improve passenger facilities and recognises the contribution its services make to London's economy and the benefits they offer to the City of London and London's financial sector*'¹¹⁷. He does not challenge the benefits of the appeal scheme¹¹⁸ and accepts that those benefits should receive significant weight¹¹⁹. His suggestion that the weight should be reduced because the adoption of a NIS based on combined single mode contours would not prevent the benefits coming forward should be set aside, as any appeal scheme must be judged on its merits, not by reference to some hypothetical alternative scheme.

Employment

83. CADP1 would generate up to an additional 1,620 full time equivalent jobs compared with 2014 and 1,210 compared with the no development scenario. When CADP2 (the proposed hotel development which would be facilitated by CADP1) is taken into account, the increase over the 2014 situation rises to an extra 1,820 jobs¹²⁰. In addition, there would be approximately 460 construction related jobs during the build-out¹²¹, which is intended to be done in two separate phases over a seven year period, albeit the market demand would ultimately drive the pace at which infrastructure would be delivered¹²².
84. The reduction in on-site employment between 2009 and 2014 must be seen in the context of the severe recession, when passenger numbers fell leading to job reductions, but 2014 and 2015 saw strong growth in passenger numbers that is leading to the job reductions being reversed. There has been no challenge to LCY's passenger forecasts, such that there can be significant confidence in the linked job forecasts¹²³.
85. The LBN is one of the most deprived local authority areas in the country. Even on the most positive assessment it is 25th on the Index of Multiple Deprivation out of the 326 local authority areas in England¹²⁴. The Council has demonstrated the importance of these jobs and supply chain impacts in the local area¹²⁵.

¹¹⁶ Document CD7.1.10 paragraphs 5 and 3.3

¹¹⁷ Document CD6.3.2 paragraph 1.10

¹¹⁸ Mr Painting cross examination 17 March

¹¹⁹ Mr Painting cross examination 17 March

¹²⁰ Document LCY/PLAN/LC/1 paragraph 6.47

¹²¹ Document LCY/PLAN/LC/1 paragraph 6.46

¹²² Document LCY/PLAN/RN/1 paragraphs 8.5 and 8.6 and Table 8.1 page 35

¹²³ Document LCY/PLAN/LC/4 paragraphs 3.34 to 3.38; and Dr Smith confirmed in oral evidence that he considered that they may be an underestimate

¹²⁴ Document CD8.2.42 page 15

¹²⁵ Document LBN/PoE1

86. A high proportion of jobs at the Airport are already filled by local residents¹²⁶. The appeal scheme would provide an enhanced range of mechanisms to ensure that the increased employment opportunities benefit the local population, including stringent targets as to the proportion of airport jobs occupied by local people; a contribution of £5,018,112 towards employment initiatives supporting local residents accessing jobs at the Airport; an education contribution of £770,000 towards programmes for local schools and colleges; and a number of embedded posts concerned with promoting airport employment and supply chain opportunities locally¹²⁷.

Gross Value Added (GVA) impact and other quantifiable economic benefits

87. There would be an additional GVA impact in the local area of up to £63.7 million compared with the no development scenario¹²⁸. There would also be substantial benefits in terms of journey time saving, passenger expenditure and air passenger duty payments.
88. The regional and local policy framework has a very strong focus on the area around the Airport as an area where there is great potential for large-scale re-development and where the positive socio-economic impacts of such development are strongly supported. In LBN's Core Strategy, the Airport lies within the 'Arc of Opportunity'. This is a key component of the Core Strategy, which is said to be '*the primary focus for new job creation*', where '*the greatest opportunities for change will come forward*'¹²⁹. The FALP adds another layer of policy support for regenerative development in this specific area, as the Airport lies within the Royal Docks and Beckton Waterfront Opportunity Area, where policy 2.13 indicates that transport investment is an important aspect of the regeneration imperative¹³⁰.
89. The policy objective for this Opportunity Area is that '*The Royal Docks will return to its former glory at the forefront of international trade and exchange*'¹³¹. The appeal scheme would help to achieve this objective. Since the Airport's opening in the Royal Docks in the 1980s, it has transformed an historic commercial gateway into a new commercial gateway for London. It has led the regeneration of the Royal Docks in particular and east London as a whole. The Airport was an important catalyst for the development of Canary Wharf into a major financial centre and has seen the arrival in the Royal Docks of ExCel London, Europe's largest exhibition centre, as well as the University of East London and most recently the Asian Business Port office development. The appeal scheme would continue this regenerative process.
90. The FALP also contains substantial support for the appeal scheme more generally. London City Airport is the only London airport that has policy support for expansion in order to meet the objective in policy 6.6 that '*adequate airport capacity serving a wide range of destinations is critical to the*

¹²⁶ Document LCY/PLAN/RN/1 paragraphs 6.4 to 6.7

¹²⁷ Document LCY/104

¹²⁸ Document LCY/PLAN/LC/1 paragraph 6.47

¹²⁹ Document CD7.3.6 Policy S1 page 35

¹³⁰ Document CD7.2.15 page 76

¹³¹ Document CD7.2.15 page 354

competitive position of London in a global economy', given that Policy 6.6B rules out expansion at Heathrow.

91. The appeal scheme accords with the APF objectives '*to ensure that the UK's air links continue to make it one of the best connected countries in the world*' and '*to make better use of existing runways*', which is a '*key priority for Government*'¹³².

Enhancing London's connectivity and status as a world city

92. These benefits are less quantifiable, but no less substantial. One of the best measures is the extent of support from recognised business organisations that together represent thousands of businesses and employees. Those who have come out in firm support of the appeal scheme include the CBI, London First, the London Chamber of Commerce and Industry, Canary Wharf Group plc, ExCel London, the Newham Chamber of Commerce and the Barking and Dagenham Chamber of Commerce¹³³.

Design

93. The design benefits are also significant, transforming the passenger experience and providing high quality architecture for this gateway into the capital.

Need

94. Best use cannot currently be made of the existing capacity at London City Airport due to the following reasons:
- the need for backtracking along the runway, which limits the runway and taxiway infrastructure to 38 ATMs per hour;
 - the insufficient number and inadequate size of the current aircraft stands, as the existing 18 stands can accommodate only 36 ATMs per hour on a sustainable basis with only 4 stands big enough to accommodate the new larger C-series aircraft and not all at the same time; and
 - the terminal is limited to at most around 1,500 passengers per hour arriving or departing which results in compromises to the Airport's important 20:15 service proposition¹³⁴, with the recommended passenger comfort level (IATA level C) regularly broken throughout the day, particularly in the peak morning and evening periods¹³⁵.
95. The demand forecasts show a substantial and pressing need for these capacity constraints to be overcome if the Airport is to deliver its potential. Flights are forecast to reach 111,000 per year by 2025 and passengers between 6 and 6.5

¹³² Document CD7.1.10 paragraphs 1.110 and 1.60

¹³³ Document LCY/PLAN/LC/2 Appendix A

¹³⁴ Document LCY/PLAN/LC/1 paragraphs 4.15 to 4.18

¹³⁵ Document LCY/PLAN/RN/1 paragraph 4.16; Dr Smith evidence in chief 23 March: The inadequacy of the current terminal is plain for all to see; Rachel Ness answer to Inspector's question regarding complaints 30 March; and Document CD2.6.13 Update to Need Statement paragraph 4.4: Piecemeal enhancements such as currently being implemented in the West Pier provide no long-term solution

million passengers per annum (mppa), which might be an underestimate¹³⁶. The C-Series is being introduced later in 2016, which makes the apron constraints a particularly urgent problem¹³⁷. There is no scope for increasing load factors any higher¹³⁸, given that the focus of the Airport on the business market means airlines will offer flexible tickets which prevent load factors increasing to those achieved on low cost leisure routes¹³⁹.

96. The terminal has been sized by modelling based on a typical busy day to handle the anticipated passenger numbers¹⁴⁰. If the higher forecast of 6.5mppa is achieved, it would result largely from off peak growth that would not require a bigger terminal than at 6mppa but just make the terminal busier throughout the day¹⁴¹. The terminal has not been designed to accommodate a much larger number¹⁴² and each element of the proposed infrastructure has been sized by reference to detailed forecasts. In any event, planning conditions would strictly control flight and passenger numbers.

Air Quality

97. A full assessment of air quality impacts was undertaken in Chapter 9 of the UES, which concluded that the overall air quality impact, in respect of all pollutants, was not significant¹⁴³. No objection is raised on any air quality issue by the Council, whose technical advisors concluded that the air quality impacts associated with the appeal scheme were insignificant¹⁴⁴ and the MoL is also content.
98. The nitrogen dioxide impacts must be examined within two assessment regimes. The first is the Local Air Quality Management regime, whereby local authorities are required to assess air quality in their areas to identify whether the Air Quality Objectives set out in the Air Quality (England) Regulations 2000¹⁴⁵ have been achieved. The annual mean 'objective' for nitrogen dioxide is 40µg/m³.
99. Concentrations in the three assessment years of 2020, 2023 and 2025 are all predicted to be below, and mostly well below, the Air Quality Objectives, such that there is clear compliance with these objectives. The concentrations are mostly within the 20-30µg/m³ range, increasing at most to the low 30s¹⁴⁶. The percentage changes are also low, such that the UES described the impacts as being negligible in the vast majority of locations. In one location (R5: Newland Street) the impact is described as slight adverse but that, even with

¹³⁶ Document LBN/PoE3: Dr Smith suggests that the forecast ATMs, passenger numbers and load factors may in fact be underestimates

¹³⁷ Document LCY/PLAN/RN/2 appendix 3: Swiss International Airlines Limited letter of 15 October 2015

¹³⁸ HACAN East evidence suggests this

¹³⁹ Louise Congdon evidence in chief 24 March

¹⁴⁰ Document CD2.1.9 Need Statement paragraphs 4.36 to 4.43 and Appendix (Justification Statement); and Document CD2.6.13 Update to Need Statement paragraphs 4.6 to 4.10

¹⁴¹ Louise Congdon evidence in chief 24 March

¹⁴² HACAN East evidence claims this

¹⁴³ Document CD2.6.4 paragraph 9.290

¹⁴⁴ Document CD4.1.1 paragraph 7.9.11

¹⁴⁵ Document CD9.2.3

¹⁴⁶ Document CD2.6.4 UES Tables 9.25, 9.29 and 9.33

the change, the predicted concentration remains well below the objective value¹⁴⁷.

100. The second regime is that established by the Ambient Air Quality Directive 2008/50/EC (EU Directive)¹⁴⁸, as transposed into domestic law by the Air Quality Standards Regulations 2010¹⁴⁹. This establishes 'limit values' for pollutants. Whilst the annual 'limit value' for nitrogen dioxide is set at the same concentration as the relevant Air Quality Objective value ($40\mu\text{g}/\text{m}^3$), the means of determining compliance under each regime are fundamentally different and must be considered separately. Achievement of the 'limit values' is a national obligation rather than a local one. In the UK, only monitoring and modelling carried out by the UK Government meets the specification required to assess compliance with the 'limit values'. Member States are responsible for assessing and delivering compliance with the 'limit values'. The competent authority in the UK is the SofS for the Environment, Food and Rural Affairs¹⁵⁰, who has a duty to ensure that levels of nitrogen dioxide do not exceed the relevant 'limit values'¹⁵¹ and to provide details of all cases where 'limit values' are exceeded in annual reports¹⁵².
101. The UES concluded that the appeal scheme did not affect compliance with the 'limit values'¹⁵³. After publication of the UES, the Department for the Environment, Food and Rural Affairs (Defra) issued the final version of its revised Greater London urban area agglomeration air quality plan (the revised Greater London air quality plan) on 17 December 2015 pursuant to the Supreme Court's order requiring this to be done¹⁵⁴. The Airport has accordingly updated the assessment of compliance with 'limit values' provided in the UES, based on the forecasts within the revised Greater London air quality plan. This was first done by reference to Defra data that only showed predicted concentrations in bands (eg $30\text{-}40\mu\text{g}/\text{m}^3$)¹⁵⁵, but on 19 February 2016 Defra published further data that revealed more precisely the predicted values. This data has been used to further update the assessment of compliance with EU limit values¹⁵⁶.
102. The updated assessment shows a position that has improved still further. At 2025, the Defra forecast concentrations are substantially below the annual 'limit values' on all of the relevant road links in the 'with CADP1' scenario: between 28 and $32\mu\text{g}/\text{m}^3$. The increase due to the development is very small at between 0.08 and $0.52\mu\text{g}/\text{m}^3$. At 2020 there are forecast to be exceedances on the A13 and A13/A102 links ($42\mu\text{g}/\text{m}^3$), but the increase due to the development is again tiny at between 0.04 and $0.05\mu\text{g}/\text{m}^3$.

¹⁴⁷ Document LCY/PLAN/SM/1 paragraph 5.26

¹⁴⁸ Document CD9.3.4

¹⁴⁹ Document CD9.2.6

¹⁵⁰ Document CD9.2.6 regulation 3

¹⁵¹ Document CD9.2.6 regulation 17

¹⁵² Document CD9.2.6 regulation 30

¹⁵³ Document CD2.6.4 paragraph 9.257

¹⁵⁴ Document LCY/PLAN/SM/2 appendix A9 R (ClientEarth) v Secretary of State for the Environment, Food and Rural Affairs [2015] UKSC 28

¹⁵⁵ Document LCY/PLAN/SM/1 section 6

¹⁵⁶ Document LCY/PLAN/SM/6 Mr Moorcroft's supplementary proof

103. With regard to the Environmental Protection UK and the Institute of Air Quality Management joint approach set out in Planning and Development Control: Planning for Air Quality¹⁵⁷, all the impacts in both 2020 and 2025 would be described as 'negligible'¹⁵⁸.
104. In June 2013 the Highways Agency¹⁵⁹ published IAN175/13, which provides guidance on compliance with the EU Directive in the assessment of road schemes, but it notes that it could be of wider application¹⁶⁰. The guidance states that, where the changes in nitrogen dioxide concentrations are less than $0.4\mu\text{g}/\text{m}^3$, the impact can be scoped out of the assessment on the basis that it is 'imperceptible'. Applying this guidance, the increases at all of the links in 2020 are imperceptible. In 2025 one link marginally exceeds the threshold (A1020: $0.52\mu\text{g}/\text{m}^3$) but the total concentration is still well below the limit value ($28.52\mu\text{g}/\text{m}^3$)¹⁶¹.
105. The National Networks National Policy Statement (NN NPS)¹⁶² sets out government policy on certain nationally significant infrastructure projects, of which the appeal scheme is not one. On the NN NPS approach, the appeal scheme's impacts would provide no basis for objection¹⁶³, but this has not needed to be relied upon as the incremental effects of the CADP1 proposal on air quality are so small¹⁶⁴.
106. The impacts would be eliminated in very short periods of time by the revised Greater London air quality plan measures to reduce concentrations. The appeal scheme increment on the A1020 at 2020 ($0.38\mu\text{g}/\text{m}^3$) would be eliminated by the revised Greater London air quality plan measures in less than three months due to the forecast reduction of $8\mu\text{g}/\text{m}^3$ between 2020 and 2025. The increments on the A13 ($0.05\mu\text{g}/\text{m}^3$) and A13/A102 ($0.04\mu\text{g}/\text{m}^3$) would be eliminated in less than ten days¹⁶⁵.
107. The EU Directive and Air Quality Standards Regulations impose obligations on the competent authority (Defra) to have in place a plan to achieve compliance with the limit values. Such a plan (the revised Greater London air quality plan) is in place. To the extent that air quality is relevant in determining whether to grant planning permission, an assessment must be made of the 'significance' of any impact that a scheme causes¹⁶⁶. The written opinion of Robert McCracken QC states in terms that '*Where a development would in the locality either make significantly worse an existing breach or significantly delay*

¹⁵⁷ Document CD8.2.18

¹⁵⁸ Document LCY/PLAN/SM/6 paragraphs 2.3 and 2.9

¹⁵⁹ Now Highways England

¹⁶⁰ Document CD8.2.12

¹⁶¹ Document LCY/PLAN/SM/6 paragraphs 2.4 and 2.10

¹⁶² Document CD7.1.30

¹⁶³ Document LCY/PLAN/SM/6 paragraphs 2.5 and 2.11

¹⁶⁴ Mr Moorcroft in cross examination on 31 March

¹⁶⁵ Document LCY/PLAN/SM/6 paragraph 2.7

¹⁶⁶ This is stated in all three pieces of guidance, as well as Document CD7.1.12 NPPG on a number of occasions eg ID 32-005 '*considerations could include whether the development would ... significantly affect traffic*' and ID 32-006 '*whether the proposed development could significantly change air quality*'

*the achievement of compliance with limit values it must be refused*¹⁶⁷. The Appellant does not agree with the conclusion of Mr McCracken's written opinion that an exceedance of an EU limit value must lead to refusal of planning permission, but even Mr McCracken acknowledges that a development must make an existing breach 'significantly' worse.

108. The only expert evidence before the Inquiry is that the increases are insignificant¹⁶⁸. Defra's compliance is on an annual basis and, given that the increases would be eliminated in a matter of weeks by the revised Greater London air quality plan measures, they could in no way affect compliance. Also, compliance is reported to the European Commission on the basis of integer $\mu\text{g}/\text{m}^3$ values, not fractions. The approach by Friends of the Earth (FoE) that any increase above the 'limit values', no matter how small, is a reason for refusal is wholly unrealistic, as it would mean permission would have to be refused for even the smallest of developments and is also inconsistent in that it is not saying that other regeneration projects in east London that give rise to air quality impacts should be stopped¹⁶⁹.
109. The study area, which was agreed with both Transport for London (TfL) and the Council, was effectively determined by an approximately 1km radius around the runway, beyond which any effects from airport sources are barely discernible¹⁷⁰. The incremental change on the additional link, the A13/A406, would be $0.11 \mu\text{g}/\text{m}^3$ on the most pessimistic basis without an emissions reduction scenario. The forecast Pollution Climate Mapping value for this link is stated to be $40.0\mu\text{g}/\text{m}^3$, but it is an integer figure and the decimal place is an error. There would not be a new breach given that the increase is small and would be eliminated by the revised Greater London air quality plan measures in less than three weeks¹⁷¹.
110. The air quality assessment has taken full account of uncertainty and the real driving emissions issue and adopted a very conservative approach¹⁷². There is also compliance with the air quality neutral principle as set out in the FALP and the MoL's Supplementary Planning Guidance¹⁷³.

Public Safety Zones and airport safeguarding¹⁷⁴

111. The Public Safety Zone (PFZ) and safeguarding implications of the appeal scheme have been considered by experts advising LCY (Eddowes Aviation Safety Ltd and NATS), LBN (Mott MacDonald) and the MoL (Atkins) and all have concluded that the implications are acceptable. There is no expert evidence to the contrary.

¹⁶⁷ Document FOE/100 paragraph 3 and also paragraphs 41 and 67

¹⁶⁸ Mr Moorcroft in cross examination on 31 March described them as tiny and *de minimis*

¹⁶⁹ Jenny Bates for FoE in cross examination on 18 March

¹⁷⁰ Document LCY/PLAN/SM/1 paragraph 5.13 and Document LCY/PLAN/SM/4 section 2

¹⁷¹ Document LCY/PLAN/SM/4/paragraph 2.12

¹⁷² Document LCY/PLAN/SM/4 section 4

¹⁷³ Document LCY/PLAN/SM/1 paragraph 5.37-45; and Document LCY/PLAN/SM/4 section 6

¹⁷⁴ Documents LCY/PLAN/SB/1 paragraphs 7.31 to 7.60; LCY/PLAN/SB/2 appendices 7 to 10; LC/SB/4 paragraphs 3.1 to 3.6; LCY/PLAN/SB/5 appendix 3; and LCY/101: the 1:10,000 risk contour

112. The forecast PSZ in the 'with development' scenario would be smaller than in the 'without development' scenario, due to the appeal scheme facilitating the introduction of a higher proportion of scheduled aircraft movements and more modern aircraft, both of which have a lower risk profile. The appeal scheme is therefore an improvement compared to the without development scenario and consistent with government policy on PSZs.
113. The appeal scheme would not fundamentally reduce the development potential of any site, nor impact on the ability to deliver transport infrastructure such as the Silvertown Tunnel and the Thames River Crossing. The safeguarded surfaces would be unaffected by it. The PSZ forecast should be based on 111,000 ATMs per year given the condition capping flights at this level¹⁷⁵.

Blue Ribbon Network, heritage and ecology¹⁷⁶

114. There is a technical breach of FALP policy 7.28 due to the decking over of part of the KGV Dock, but the proposal would leave the majority of the Dock as open water; there are currently no organised watersports in the Dock and no public access along the Dock; the decking over is reversible and LCY has agreed to include a requirement in the S106 Agreement to remove the decking should the airport use permanently cease¹⁷⁷. The impact on the Dock would be unavoidable given that expansion out over the Dock is essential for the future operation of the Airport and the constraints of the site mean no alternatives exist. In light of that, and the substantial benefits of the appeal scheme, both the Council and MoL are satisfied that the impact on the Blue Ribbon Network is no basis to object to the appeal scheme. HACAN East's suggestion that this impact is a reason for refusal fails to consider the extent of the breach (technical at most) or the countervailing benefits (very substantial).
115. The Dock is an undesignated heritage asset and English Heritage¹⁷⁸ in its representations noted that the appeal scheme would impact on the significance of the asset. However, English Heritage did not object to the proposal and only noted that the impact should be balanced against any benefits in accordance with NPPF paragraph 135. The supporting statement on the historic environment¹⁷⁹ concludes that the harm to the non-designated heritage asset is limited. The impacts are clearly outweighed by the weighty benefits in this case.
116. In respect of ecology, the application site is part of the Royal Docks Site of Borough Importance for Nature Conservation (SBINC), but the proposed suspended structure would enable water levels to remain unaffected. LBN concluded that any impacts would not be significant¹⁸⁰ and the acceptability of the scheme is similarly confirmed by the absence of any objection from either

¹⁷⁵ HACAN East's case is based on 173,000 ATMs per year

¹⁷⁶ Documents LCY/PLAN/SB/1 paragraphs 7.1 to 7.30; LCY/PLAN/SB/2 appendices 5 and 6; and LC/SB/4 paragraphs 4.6 to 4.9

¹⁷⁷ Document LCY/104 schedule 4 of the S106 draft agreement dated 17 March 2016

¹⁷⁸ Now Historic England

¹⁷⁹ Document LCY/PLAN/SB/2 appendix 6

¹⁸⁰ Document CD4.1.2 paragraphs 2.10.21 to 2.10.24

Natural England or the Environment Agency¹⁸¹. There is no expert evidence to support any assertion to the contrary.

Climate Change¹⁸²

117. Neither the MoL¹⁸³ nor LBN¹⁸⁴ raise any objection on the issue of climate change. HACAN East has also stated that *'in HACAN East's opinion the proposed development is likely to be consistent with the targets of the Committee on Climate Change'*¹⁸⁵. In any event, the evidence is clear that the appeal scheme is consistent with government policy on climate change, the Climate Change Act 2008 and the advice of the Committee on Climate Change. Climate change impacts as a consequence of the appeal scheme are negligible. CO₂ emissions per passenger in 2025 are predicted to be less (-2%) in the 'with development' scenario than the 'without development' scenario due to the appeal scheme facilitating an increasing proportion of more modern and fuel efficient aircraft which emit less CO₂. The growth of aircraft to the currently consented limit of 120,000 ATMs per year has also already been accounted for in the DfT's and the Airport's Commission's aviation and carbon forecasts.

Compliance and implementation of the 2009 Permission

118. The proposed S106 Agreement and conditions together provide a very full package of enforceable measures to ensure that impacts would be controlled to those assessed in the UES. For that reason HACAN East's suggestions of historical non-compliance with control measures are not relevant to the determination of this appeal. In any event, the allegations of non-compliance are without merit. The Airport has an excellent overall compliance record¹⁸⁶. In respect of the most recent calendar year, the LBN has written to LCY confirming that all relevant obligations in the S106 planning agreement concluded as part of the 2009 Permission (2009 Agreement) had been met and financial contributions paid¹⁸⁷. Any operations outside the controls have been very marginal and swiftly dealt with to the satisfaction of the LBN. The evidence shows that the controls and mechanisms currently in place work and that there can be full confidence in the new and enhanced set of measures proposed for the appeal scheme.

119. HACAN East's suggestion that the 2009 Permission has not been implemented is misplaced. The 240 ATMs weekday movement limit under the preceding

¹⁸¹ Document CD4.1.2 paragraph 7.11

¹⁸² Documents LCY/PLAN/SB/1 paragraphs 7.68 and 7.69; LCY/PLAN/SB/2 appendix 12: David Thomson's Supporting Statement on Climate Change; LCY/PLAN/SB/4 paragraphs 4.3 to 4.5; and CD2.6.4 UES Chapter 17

¹⁸³ Document CD6.3.2 paragraph 5.8

¹⁸⁴ Document CD6.3.1 paragraph 8.88

¹⁸⁵ Document CD6.3.4 paragraph 8.3 and Mr Stewart confirmed in cross-examination on 18 March that HACAN East's concern was that climate change impacts were a matter to be considered in connection with future expansion projects at other airports

¹⁸⁶ Documents LCY/PLAN/RN/1 paragraphs 5.1 to 5.8; LCY/PLAN/RN/4 paragraphs 2.1 to 3.5; LCY/102: supplementary note on compliance

¹⁸⁷ Document CD14.1.2 15 July 2015

1998 permission has been exceeded in reliance on the 592 ATMs weekday limit under the 2009 Permission, so as to implement the 2009 Permission¹⁸⁸.

Conclusions

120. The Airport's new owners have set out their intention that the Appellant should implement the CADP proposals¹⁸⁹ if planning permission is granted by the SofSs. Those proposals would bring very real and substantial socio-economic benefits to that part of east London and beyond. Against that, in the planning balance, must be weighed the environmental impacts of the proposed development, including those from air noise. Those impacts would be modest and would be properly mitigated and minimised by the very large number of planning conditions and obligations to which the Appellant has agreed. In particular, it is acknowledged by the MoL that the Airport's current NIS is 'generous' and the proposed S106 Agreement would ensure that it is further enhanced. In conclusion, the proposed development is sustainable and in accordance with development plan and national policy. For the reasons set out, the Appellant asks the SofSs to allow the appeal and grant planning permission for the CADP1 development.

The Case for the Council of the London Borough of Newham

I have reported the case on the basis of the closing submissions¹⁹⁰ with additional references to the evidence submitted prior to and during the Inquiry. The material points are:

121. The FALP policy has to be read as being in line with the APF as well as other relevant government documents¹⁹¹. In making a decision in respect of the application, it is necessary to follow the terms of the development plan and apply all material considerations, as required by section 38(6) of the Act. In so doing the guidance contained within the NPPF¹⁹² will need to be followed, which requires an assessment against the three elements of sustainable development by placing equal weight upon economic, social and environmental aspects. The approach therefore has to be proactive rather than one which places obstacles in the way of development that should proceed without delay. All relevant considerations need to be taken into account, which include the economic advantage of the proposal, any social effect and the environmental consequence.

122. Specifically, in respect of noise the NPPF paragraph 123¹⁹³ draws attention to the following:

- noise which gives rise to significant adverse impacts on health and quality of life should be avoided;

¹⁸⁸ Documents LCY/111; LCY/PLAN/SB/1 paragraph 2.18; and LCY/PLAN/SB/4 paragraph 4.2

¹⁸⁹ Document LCY/108

¹⁹⁰ Document LBN/106

¹⁹¹ Document MOL/PoE/IP paragraph 5.5: *'The London Plan is required to be in conformity with Government Policy ... It is implicit in securing the Secretary of State's agreement to publication of the FALP that the London Plan is consistent with the APF, the NPSE and also the NPPF and NPPG'*

¹⁹² Document CD7.1.8

¹⁹³ Document CD7.1.8

- the approach to noise causing other adverse impacts should be reduced and mitigated and conditions can be applied to achieve that;
 - whilst recognising that development will often have noise effects and accordingly, given the desire to allow business to develop, unreasonable restrictions should not be applied to existing businesses.
123. The NPPF is supported in policy terms by the NPSE and is consistent with it. The NPSE guidance at paragraphs 2.17 and 2.18 gives the essential message that decisions should be taken '*including the impact of noise on health and quality of life. This should avoid noise being treated in isolation in any particular situation ie not focussing solely on the noise impact without taking into account other related factors*'¹⁹⁴. The Council's approach has been to follow that guidance completely. It has identified the noise and other effects arising from the proposal, identified the benefits which it sees arising from the proposal and made a decision seeking to balance and react to all those relevant factors. That decision was in favour of permission being granted.
124. The end result should therefore be one that a refusal should only follow if it is justified, taking into account all factors after ensuring that they are all raised and given full and appropriate weight. Whereas the Council has set out its position with clarity and in detail, the MoL has not provided any similar information to identify that he had regard to and gave any weight to those relevant factors arising in respect of economic return, jobs and other benefits. His witness agreed that such matters did merit significant weight being given to them in the overall planning balance, but there is nothing before the Inquiry to identify if the MoL did that and, if he did, that he gave it the weight he should have given.
125. The Council's position and the reasoning underlying it are clear¹⁹⁵. This is not the position of the MoL, and even those witnesses called on his behalf could not describe either what he did or what he had in mind in directing the refusal. All they had was the direction itself and the Inquiry is no better informed.
126. The Council's view when a proper balance is carried out is that the overall judgment, despite being finely balanced, is that planning permission should have been granted. The MoL's approach to that is not clear, other than to say that through the direction he issued he indicated that consent should be refused for the single reason he raised.
127. Aviation Policy, as identified in the APF, indicates that '*The Government's primary objective is to achieve long-term economic growth. The aviation sector is a major contributor to the economy and we support its growth within a framework which maintains a balance between the benefits of aviation and its costs, particularly its contribution to climate change and noise*'¹⁹⁶. National, Regional and Local policies are all aligned on aviation policy on the same basis.

¹⁹⁴ Document CD7.1.6 paragraph 2.18 page 18

¹⁹⁵ Documents CD4.1.2: Officer's Report to Committee; CD4.1.3: the updated Report; CD4.1.4: minutes of the discussion; and CD6.2.3: LNB Statement of Case section 10 Appendices listing all the documents

¹⁹⁶ Document CD7.1.10 paragraph 5, page 9

128. The APF advocates that Airports make the best use of existing capacity to improve performance, resilience and the passenger experience, encouraging new routes and services¹⁹⁷. Similarly, the NPPF states that local authority plans should take account of their (airport's) growth and role in serving business, leisure, training and emergency service needs¹⁹⁸. Given the location of London City Airport, that applies to LBN. Both the Mayor of Newham and also the MoL agree that the continued health, including expansion of the Airport, is beneficial and should be supported subject to its impacts being properly and appropriately dealt with. The only real difference between the Council and the MoL is the means by which the effect of achieving that beneficial growth needs to be assessed.
129. London City Airport is an existing airport operating under prescribed terms and with established controls in place. By virtue of the 2009 Permission¹⁹⁹, it is permitted 120,000 ATMs per annum. That permission was subject to a condition that placed aircraft into noise categories. This enables a noise factor to be applied to all aircraft and then the factored figure to be used against each take-off and landing, so that the total number of factored movements shall not exceed 120,000 ATMs. Other conditions restrict and control operating times, especially at night and during weekends and public holidays. Those restrictions, which were all deemed appropriate and necessary to make the operation of the Airport acceptable in 2009, would remain with CADP1.
130. The above level of operation reflected LCY's intention, as set out in the 2006 Master Plan²⁰⁰ to seek to increase the use of the Airport. That intention was therefore known about at a time prior to the 2009 Permission being granted²⁰¹, which was consequently limited to the number of flights envisaged. Both the Council and the MoL supported that level of operation and both, subject to the appropriate level of control, support it still.
131. The CADP1 proposal would bring forward changes that would allow the optimisation of the existing operations and also facilitate the introduction of the next generation of aircraft which are, in comparable terms, quieter and emit less CO₂ per flight/passenger than those that currently operate and which will continue to operate without the changes envisaged. The proposal also allows for the improvement of facilities to enhance the passenger experience, by bringing the Airport's terminal up to compliance levels for passenger processing times and allowing for the requisite throughput in line with the Airport's unique service proposition: the '20:15' approach. In so doing, the Council's view is that the proposal is acceptable in principle.
132. The APF makes it clear that *'future growth in aviation should ensure that benefits are shared between the aviation industry and local communities'*²⁰². Although there are controls already in place, which seek to provide a coordinated approach to the noise and other effects of the Airport, without a new permission being implemented the opportunity to bring forward additional

¹⁹⁷ Document CD7.1.10 paragraph 10, page 10

¹⁹⁸ Document CD7.1.8 paragraph 33

¹⁹⁹ Document CD11.1.10

²⁰⁰ Document CD 8.2.22

²⁰¹ Document CD11.1.10

²⁰² Document CD7.1.10 paragraph 3.3

measures would not necessarily arise. Through the application, it is possible to impose further conditions including one relating to the review of aircraft categorisation, which would allow greater control over noise impacts and would also gradually over time allow the ability to shrink the current and expanding noise contours, in a way that would not happen otherwise. This would therefore pass on the benefits, and would be consistent with the APF.

133. The Council's view is that the CADP1 proposal is consistent with aviation related planning policies and is in principle acceptable, aside from the policy conflict of building over the Dock. However, in making the overall planning balance, need, noise, air quality, transport, design, contamination, waste, climate change, sustainability, accessibility, biodiversity, flood risk, airport safeguarding and health impacts have been considered.

Blue Ribbon Network

134. The development proposal to deck over the Dock is seen by the Council as being in conflict with FALP policies 7.28 and 7.30²⁰³. That conflict however should be given limited weight in the overall assessment as the loss of water space would not lead to any direct reduction on the use of the Dock for recreational purposes. This is due to the lack of existing water recreation opportunities offered by that part of the Dock; its use being limited by its inaccessibility to the public; it not forming a natural backdrop to any public viewpoints of importance; and it having no current positive use, either economic or otherwise.
135. In addition, the proposal also conflicts in terms of heritage impacts. Whilst the preservation of the existing Dock has not merited statutory protection, as confirmed by English Heritage²⁰⁴, the loss and alteration of part of the Dock would have a local heritage impact that cannot be mitigated. It is however noted that LCY has offered to agree a S106 clause to reverse the development upon the Airport ceasing to operate in the future.

Need

136. The submitted Needs Statement²⁰⁵ justifying the proposal sets out the predicted increase in passenger numbers to 2023, and it has been updated by the Updated Needs Statement (UNS)²⁰⁶. The original Needs Statement was considered to present a reasonable set of forecasts and the UNS was judged by the Council to be equally reliable. Throughout the whole of the process the Council had access to Dr C Smith to help assess and make judgments about the overall need argument being put forward. He has identified areas where he was satisfied and where he would have done it differently and then proceeded to advise the Council if his approach would have led to a significantly different conclusion. He has reached an overall conclusion, even in the light of those various differences in respect of the various elements of the needs case being put forward, that those differences do not matter, given the fact that the proposal would be controlled by proper planning means.

²⁰³ Document CD7.2.15 policies 7.28 and 7.30 and paragraph 7.84

²⁰⁴ Now known as Historic England

²⁰⁵ Document CD2.1.9

²⁰⁶ Document CD2.6.13

137. Having received the advice it did, the Council considered the matter thoroughly and, given the agreed controls that would be imposed, reached a conclusion that there are no adequate grounds based on proper planning matters to justify the refusal of the scheme. Even the size of the overall building, which is in the main part a function of capacity requirements where the Council's advice was that there were questions to be asked in respect of it, could not justify a refusal, given that the quality and hence size of facilities to be offered to users was properly a matter for LCY.
138. In the Council's view the Airport is an important gateway into London and the UK and a building which reflects its status is a credit not only for users but also to the local area and the LBN. The Council therefore examined what was proposed and judged that it would be a beneficial addition to the area, it would be of high quality design, and should be welcomed in the form it was presented, even if the precise level of provision is not absolutely certain.

Construction Noise

139. In terms of construction, the Council judged that total closure of the Airport to enable the works would be likely to be financially prohibitive for the business and airlines and not sustainable in a competitive market. Therefore, having taken expert advice on the matter²⁰⁷, it considered it appropriate to allow some out of operational hours construction activity, to limit the amount of more onerous and intrusive works, such as piling, to a shorter period. LCY worked with the Council to reach a satisfactory conclusion. Within that approach LCY has agreed to enhance sound insulation for the most impacted properties. A mechanism was ultimately settled upon which would enable the works to be carried out in the most acceptable way, within a timescale that would minimise its effects, and would seek to reduce any consequential impacts on local residents²⁰⁸.

Air Noise

140. The assessment of the air noise effects of the proposal concludes that, when comparing the 'with' and 'without' development scenarios for the variety of years taken for the assessment, the development would result in no significant increases in noise exposure. However, balanced against this, is the resulting increase in the number of people exposed to noise, as the population around the Airport will continue to grow. The Council's officers considered that an improved sound insulation scheme must be secured through a S106 obligation to off-set some of this harm, and LCY agreed. The result of that approach is the measures now proposed. That does not mean the numbers affected would be reduced, as it is recognised that they are forecast to increase due to the continued growth in the use of the Airport consistent with moving towards its permitted level of usage, currently set at 120,000 aircraft movements. However, additional beneficial measures to deal with the noise would be secured.

²⁰⁷ From Dr Smith

²⁰⁸ Document LBN/PoE5 paragraphs 4.1 to 4.6 and 5.1 to 5.17

141. Existing noise controls at the Airport, which indicate that the Airport already operates a very extensive system, include²⁰⁹:
- the number of aircraft movements in total;
 - the number of such movements per day and on bank holidays;
 - the number of movements during specific operational periods (0630 hours to 0645 hours 2 ATMs, 0630 hours to 0700 hours a maximum of 6 ATMs);
 - the annual limit on noise factored movements and the restriction on such movements per week;
 - night closure 2230 hours (2200 hours plus 30 minutes) to 0630 hours and weekend closure 1300 hours (1230 hours plus 30 minutes) Saturday to 1230 hours Sunday;
 - standard noise abatement procedures;
 - glide slopes;
 - an Aircraft Categorisation Scheme;
 - continuous noise and flight track monitoring;
 - a noise management scheme;
 - a sound insulation scheme at two tiers;
 - a Noise Insulation Payment Scheme (NIPS1);
 - an annual review of noise contours; and
 - the operation of a London City Airport Consultative Committee.
142. With the proposal in place, the above existing measures would be improved to include²¹⁰:
- aircraft movements capped to 111,000 ATMs per annum;
 - an hourly cap at 45 ATMs;
 - a fixed/defined noise contour area to limit noise impacts;
 - a commitment to seek to reduce that contour over time;
 - incentives for quieter aircraft through the review of aircraft categorisation;
 - a passenger cap at 6.5mppa;
 - an enhanced sound insulation scheme via an additional tier of treatment;

²⁰⁹ Document LCY/PLAN/PH/1 pages 57, 58, 90 and 91

²¹⁰ Document LCY/PLAN/PH/1 pages 91 and 92

- an air noise mitigation scheme to compensate landowners and developers for costs of increased insulation;
 - the operation of a new noise monitoring system with additional monitors;
 - additional ground noise control schemes;
 - a commitment to use fixed electrical ground power to avoid the use of mobile ground power units;
 - the introduction of a ground engine running strategy;
 - the introduction of a Ground Running, Testing and Maintenance Strategy (GRTMS);
 - the introduction of auxiliary power unit strategy;
 - the extension of the eastern apron noise barrier;
 - a construction noise insulation and mitigation scheme to protect dwellings prior to construction; and
 - the construction of noise barriers.
143. Even with all the above measures in place, LBN acknowledges that noise impacts to open spaces and outdoor recreational spaces cannot be mitigated and there would be a residual impact arising therefrom. LCY's approach to that is to seek to provide financial compensation through the S106 Agreement at a level accepted as being appropriate. The Council also acknowledges that there would be an impact arising from the air noise in the peak periods (morning and late afternoon/early evening periods) during the day. This would be more pronounced with approximate increases of around 25% in aircraft events during these periods. However, a limit placed on the ATMs per hour would then limit the number of properties exposed to the higher noise levels. As such, the Council's officers recommended that a condition be imposed setting an hourly limit to reduce these impacts. The Council has accepted this, given the other controls and that there are currently no such controls over hourly ATMs.

Air Quality

144. Air quality impacts have been comprehensively assessed in the ES²¹¹ and the subsequent UES²¹² and, subject to the imposition of suitable conditions, the Council does not consider that there would be any negative residual impacts arising from the development. There is no expert view to support a reason for refusal of planning permission based on the air quality implications arising from the development. Although the available data at the time the evidence was originally prepared was limited, when additional and more precise information was released further comments could be made²¹³.

²¹¹ Document CD2.1.7

²¹² Document CD2.6.4

²¹³ Document LCY/PLAN/SM/6

145. The effect of the update, taken with the original evidence, is to demonstrate that the worst case effect is limited to a very short period of time after which the levels would reduce. The assessment therefore carried out on the correct basis in accordance with the appropriate and applicable guidance does not justify refusal of the proposal. The FoE's position that any development giving rise to any effect on air quality is to be deemed inappropriate conflicts with the observations of the McCracken Report importation of the 'significance' test²¹⁴.

Transport

146. The Council's officers are satisfied that the transport impacts arising from the proposal could be appropriately mitigated and, as such, CADP1 is acceptable in this respect. The proposal would improve bus, cycling and parking facilities to the site. There would also be improvements in pedestrian routes and, together with opening up the connection with Woolwich Manor Way, the proposal would greatly improve connectivity in the local area. Conditions have been included which would safeguard against on-street parking problems occurring in the local area. The Council also considers that the contribution towards improving the DLR facilities is appropriate.

Design

147. The proposed design is fully supported by the Council's officers, its Design Review Panel, and the GLA's officers. The Council has put forward the design as a positive benefit of the scheme. The proposal would create a series of striking contemporary buildings which would respond to the historic association of the Docks and the function of the Airport. In addition, the proposal would provide the opportunity to impose a planning condition which would remove the Airport's permitted development rights and thereby allow the Council greater control over the future appearance of the site than is currently possible.

Jobs and the economy

148. The CADP1 proposal, together with the CADP2 proposal, would give rise to a significant number of jobs, creating 1,640²¹⁵ full time equivalent roles. This in itself would generate job security for that part of London, and the wider area, and would trigger further investment. The S106 Agreement would ensure that these benefits could be enhanced for the benefit of local people. It is estimated that the proposed development would support an additional £51 million of GVA by 2023 when compared to a 'without' development scenario. Additionally, it is estimated that the proposed hotel could support £5.8 million of GVA.
149. The MoL and the Council share a common goal in respect of job creation generally and in this part of London specifically. The Strategic Regeneration Framework²¹⁶ is seeking to take advantage of the Olympic legacy to change the nature of the area and to move it away from severe deprivation, with high levels of unemployment and low skills amongst the local residents. The

²¹⁴ Document FOE/100

²¹⁵ Document LBN/PoE1 paragraphs 4.18 and 4.66

²¹⁶ Document CD4.1.12

ambitions for the area contained within the Arc of Opportunity are in the region of 5,000 jobs to be created along with homes, community facilities and other facilities.

150. The Airport is already a major influence on the area in terms of jobs and economic activity and the Council wishes that to continue and to grow, subject to the impact of such growth remaining within acceptable parameters. The development proposal meets that ambition.

Other Matters

151. LBN has no concerns, subject to conditions and the S106 Agreement, that any residual impacts would arise in terms flood risk, ecology, waste, climate change, sustainability, accessibility or contamination. The Council does not consider that the proposal would have any negative PSZ, 'Obstacle Limitation Surfaces' or other safeguarding impacts. The Council considers that the Health Impact Assessment²¹⁷ submitted with the proposal, which has covered all of the necessary issues, is acceptable. With regard to the consultation process²¹⁸, the Committee Report sets out the extent to which consultation was carried out by the Council²¹⁹.

The Balance

152. Weighing up the different factors, the balance comes down to jobs, job security, economic benefits for London and the Nation against quality of life and an increasing number of residents who are significantly affected by aircraft noise. The extent of representation that was made to the application and placed before the Council members indicates the strength of feeling on both sides of the argument.
153. Quality of life takes into account the effects upon local residents, the time of day this takes place, the effect on open spaces as well as within dwellings. Its consideration raises questions beyond a simple reliance on noise contours and scientific noise assessment. For that reason the Appellant has produced assessments well beyond that required by policy. That is in essence the movement in approach brought about by the NPSE (March 2010)²²⁰ and the APF (March 2013)²²¹ which indicate that, although an assessment has to be made, regard should also be had to other measures.
154. The Airport caters mainly for business travellers, which results in two pronounced peaks, one in the morning and one in the late afternoon/evening. Further, there is a growing population situated around the Airport who will be impacted by increased noise, particularly those at home during those peak times.
155. Having carried out the exercise in detail, the recommendation made and accepted by members and therefore representing the Council's considered position, was in favour of planning permission being granted. The Council's

²¹⁷ Document CD2.1.12

²¹⁸ HACAN East criticises the adequacy of the consultation

²¹⁹ Document CD4.1.2 section 7

²²⁰ Document CD7.1.6

²²¹ Document CD7.1.10

officers stated in the report: *'There are a number of matters that pull in different directions; some in favour of approval and some against. The strongest in favour would be the economic benefits of jobs, and job security and benefits for Borough, London, the South East, City of London and the Nation. The strongest against, the effects of quality of life and amenity. The assumption is made in drawing a balance that the proposed heads of terms in the S106 are included in their entirety and that they and the conditions are fully met. In addition, it is assumed that the facts and matters included in the ES are accurate in these circumstances. Furthermore, through these proposals it is possible through conditions and the S106 to impose greater controls on the Airport and how they operate into the future, such as more contributions for monitoring compliance. It will also be possible through the ACR to gradually reduce the noise footprint of the Airport than otherwise would be the case. It is concluded therefore that balance lies in favour of granting planning permission subject to the conditions and S106 proposed.'*²²²

The MoL's approach to Noise Mitigation

156. The effect of the MoL's approach to noise assessment, which arises by amalgamating the two individual single-mode contour areas, is to create a larger area than would arise from the application of the average mode contour. This approach is fundamentally flawed and conflates the effect of the aircraft flying by treating the aircraft as all moving in one direction to create one of the single mode contours and then adopts the same approach to create the other before adding the two together to create the combined single mode contour. That means taking 100% of flights to the east and then another 100% to the west to create the effect overall²²³. It is hard to see how an approach, which of necessity requires there to be 200% of the aircraft movements, can properly be said to reflect real world exposure.
157. The MoL's expert states that *'... the Mayor accepts that if the Appellant's methodology contained within Chapter 8 of the UES is found to be the appropriate method for delineating the relevant noise contours, then the measures proposed ... could in principle mitigate the impact'*²²⁴. As such, the proposal would comply with policy and could not be refused on that basis.
158. The MoL has made it clear that in reaching the decision he did, and therefore in bringing forward the direction, he was relying on the view expressed to him and the advice he received from the Temple reports. The MoL did not refer to or claim any additional support for that view and has not presented any further evidence to the Inquiry. The only support for this approach was the MoL's evidence before the Inquiry and comments made to the earlier Cranford inquiry, which has not yet been reported²²⁵. Against this there has been a consensus of view before the Inquiry which would all suggest that this is

²²² Document CD4.1.2 page 13

²²³ Mr Fiumicelli in cross examination

²²⁴ Document MOL/PoE/IP(s) paragraph S1.21

²²⁵ Mr Fiumicelli's evidence

wrong²²⁶. Also, there are other sources which demonstrate that it is not government policy²²⁷.

159. The APF²²⁸ is the only policy document which sets out detailed policies on when, and at what noise levels, insulation should be offered to mitigate adverse noise impacts. Its approach accords fully with that in the NPSE and the NPPF, both of which it post-dates. The FALP policy provides a level of generality in respect of noise but does not set out any precise requirement in a way that the APF does. It does not therefore materially add to the approach set down in the APF. The APF provides the primary policy source for determining the acceptability of noise impacts from aviation and the primary and most detailed guidance to inform the appropriate level of mitigation which should be secured. As such, a great deal of weight should be attached to it in striking the planning balance and in determining the issue in the appeal.
160. Both the NPPF and NPSE require significant adverse impacts on health and quality of life to be 'avoided' and for adverse impacts on health and quality of life to be mitigated and minimised²²⁹. The APF's approach is consistent with the NPSE²³⁰. The foreword to the APF acknowledges the importance of having a clear and consistent government policy position on the matter²³¹. Although it acknowledges that there is some evidence that peoples' sensitivity to noise appears to have changed²³², at present the Government is not making any judgments about it. It refers to a requirement to undertake the assessment and to present information in the way that it has been done since the 1980's, namely using the average mode contours²³³, which would suggest that reference to 57dB LAeq 16hr must mean on that basis, particularly in relation to footnote 94. The APF does not impose any requirement or suggest that the 57dB contour be produced in a different way²³⁴.
161. The APF states that the 57dB LAeq 16hr contour will 'continue' to be used as marking the onset of significant community annoyance²³⁵. That is a reference

²²⁶ Mr Thornely-Taylor's and Mr Henson's evidence and the Extrium and first Temple reports to the MoL

²²⁷ Documents MOL/PoE/DF02 Appendix DAF2: Heathrow Airport's new approach to noise mitigation should a third runway be permitted; MOL/PoE/IP/A Appendix IP4: Airports Commission Report; and CD7.2.2: MoL's Ambient Noise Strategy suggesting a change to the adopted approach

²²⁸ Document CD7.1.10

²²⁹ Documents CD7.1.8 paragraph 3.20 and CD7.1.6 page 4: Policy aims

²³⁰ Document CD7.1.10 paragraphs 3.12: *'to limit and where possible reduce the number of people in the UK significantly affected by aircraft noise as part of a policy of sharing benefits of noise reduction with industry'*; and paragraph 3.13

²³¹ Document CD7.1.10 page 5: *'History shows that we need an agreed policy everyone can stick to before we try to act. Our aim is to achieve this through the Aviation Policy Framework and the work of the independent Airports Commission. While the Commission is considering the need for and location of any new airport to relieve the South East I set out here a policy framework to support and challenge our airports right across the UK. The Aviation Policy Framework ... sets out the Government's objectives and principles to guide plans and decisions at the local and regional level.'*

²³² Document CD7.1.10 paragraph 3.14

²³³ Document CD7.1.10 paragraph 3.15

²³⁴ Document CD7.1.10 paragraphs 3.16 and 3.19

²³⁵ Document CD7.1.10 paragraph 3.17

to the continuation of the use on the same basis that it had been undertaken in the past and should be taken as conclusive evidence that the Government is not seeking to change the basis of the assessment. The use for average mode enjoys a correlation against reaction, whereas no such correlation exists for any other version. LCY has carried out further work to meet the objective of providing a better understanding of the situation²³⁶, with the results presented in the UES, and the APF does not impose any form of requirement to carry out any tests²³⁷. The Airport already exceeds the minimum level at which acoustic insulation should be offered to residential properties given in the APF²³⁸, and would continue to do so should the proposal go ahead. Therefore, the APF guidance does not support the approach set out and relied upon by the MoL.

162. The ANIS Study was carried out in the 1980's to try to relate a given level of aircraft noise with a community response to it and remains the most concentrated study which has given rise to the most reliable conclusions. It concluded that Leq was a good fit to the disturbance responses and that it was preferred statistically to the use of the 'worse mode' estimates where the focus would have been on the exposure when the airport runway operations were at their worse for the location in question²³⁹. The use of the average mode as the preferred approach was therefore adopted and, with subsequent development, has been taken and used. It is the correlation with reaction that gives it its value, which does not exist for the potential contours suggested by the MoL.
163. The approach in the ANIS study was adopted by the Government and continues to be the preferred basis for making the assessment. It is the defined basis²⁴⁰, and the CAP 1165 report shows in Figure 3.2 a curve line that starts to climb dramatically from around 10% at the given level of 57dB and explains that for the other metrics being identified there is neither evidence to inform the critical threshold values to adopt nor the weighting to be assigned to each of them²⁴¹. Also, the words 57dB LAeq 16hr mean the average mode, having regard to the contents of the APF²⁴².
164. It is wrong for the MoL to seek to use the correlation arising from the average mode in respect of the single mode contour. The examination of the data was carried out on a basis which informed the decision prior to the adoption of that as the approach²⁴³. It would be possible to carry out some re-evaluation of the information and it may be possible to come up with some other basis for saying that there was a correlation against a different mode of operation.

²³⁶ Document CD7.1.10 paragraph 3.19

²³⁷ Mr Fiumicelli agreed in cross examination

²³⁸ Document CD7.1.10 paragraph 3.39

²³⁹ Document CD 8.1.1 paragraph 9.4

²⁴⁰ Document CD8.1.4 CAP 725 appendix B page 12 paragraph 43; and Document CD 8.1.9 CAP 1165, 2014 Page 20: In relation to the three defined levels of 57dB, 63dB and 69dB, which correspond to 'low, moderate and high annoyance', it sets out '*In defining these three levels for policy purposes, it is sometimes forgotten that aircraft noise results in a very wide range of responses from individuals. Whilst aircraft noise attitude surveys have shown that 57dB LAeq represents overall low annoyance, they also show that around 10 percent of people would describe themselves as highly annoyed at this level as shown in figure 3.2*'

²⁴¹ Document CD 8.1.9 page 23

²⁴² Mr Thornely-Taylor in cross examination

²⁴³ Mr Thornely-Taylor's evidence

However, that has not been done and, if it were, it would give a different result. The consequence is that the MoL's approach is without any foundation and cannot be used.

165. The evidence arising from the occurrence of changes in runway mode during a single day or in a single week within the overall westerly to easterly 70:30 split has indicated that for 88% of weeks in 2015 both easterly and westerly modes occurred within the same week²⁴⁴. Accordingly only in a very small minority of weeks does pure westerly mode or pure easterly mode occur, and the rest of the time it is a mixture of both modes, averaging out at 70:30 overall. Therefore, the decision should not have been made as it was, as for the majority of weeks both modes occur²⁴⁵.

The Controls on the Airport

166. The 2009 Permission²⁴⁶ brought with it the means by which various controls could be exercised. The Council's view is that this permission was implemented, as evidenced by the change in movements as permitted by it. In any event, neither the Council nor the MoL has expressed any reservation before the Inquiry that the Airport should not be allowed to operate up to the level permitted by it despite the fact that it now appears that the infrastructure would not enable it to do so without alteration.
167. The control of the operation of the Airport prior to the 2009 Permission being implemented, including the provision for the first time of a dedicated Airport Monitoring Officer (AMO), was far less effective than is the current position. Prior to the appointment of the first AMO, the role to cover monitoring was shared between various departments and/or individuals, some element being covered by Environmental Health. Therefore, the relationship post 2009 has moved the situation forward in order to seek to remedy problems that had arisen in the past²⁴⁷.
168. The current situation is that there is in place a system to ensure the proper monitoring and subsequent control of the Airport. LCY has been willing to fund the role of the AMO and in future, with the appeal permission in place, it would seek to enhance that role. It is therefore funding the means by which the Council can guarantee that the operation of the Airport is properly assessed and any necessary controls are brought forward.
169. With regard to the aircraft which currently exceed the noise category by a marginal amount, the requirements imposed upon the Council ensure that action is only taken in appropriate circumstances taking into account all relevant matters. One of those matters would be the actual effect of a breach of planning controls. Councils are, and have been for a considerable period of time, told not to take action simply to regularise matters but only where the

²⁴⁴ Document LBN/101

²⁴⁵ Mr Fiumicelli in cross examination indicated that, although he had not ascertained the extent to which both modes have actually occurred on a daily or a weekly basis, if for the majority of time (taken to be 51%) both modes were operated in the same week then we would not be at the Inquiry as his advice would have been different

²⁴⁶ Document CD 11.1.10

²⁴⁷ HACAN East's evidence identifies some of these problems

action serves a clear and relevant planning function. The 'breach' in this case of an aircraft flying at a level which would be imperceptible is a clear indication of where a Council would be required to examine all relevant factors before deciding to take action. Both LCY and LBN were well aware of the facts surrounding this breach of control, steps have been taken to ensure that it will not continue unchecked into the future, as the aircraft that caused it is being phased out, and LBN has left the matter there.

170. The Council is well aware of its obligations and so is LCY. The Council has exercised the controls where necessary and it will continue to work with LCY to ensure that the benefits are achieved whilst seeking to minimise any adverse effects, assisted by the proposed new conditions and S106 Agreement. The breaches identified are known about and a course of action has been adopted to deal with them. The Council is the relevant body to make the judgment that no further action is necessary. A grant of planning permission for CADP1 would enhance that position and would ensure that the controls would continue into the future.

The Public Safety Zone

171. The PSZ is a zone where the risks are calculated to seek to ensure where they reach a particular level no development takes place causing people to congregate. It is drawn on that basis. The assessment was undertaken by the competent authority for carrying it out, which is the National Air Traffic Services (NATS). That assessment indicates that the relative size of the PSZ associated with CADP1 would be 16% to 18% smaller than it would be in the 'without development', arising directly from the fewer higher risk flight movements specifically from executive jets²⁴⁸. Although Mott MacDonald did not carry out an assessment from first principles, it did carry out an assessment for the Council based on what was provided²⁴⁹. This was more than adequate to meet what the Council's requirements.

Conclusions

172. The relevant factors applicable to the appeal application include that the overall aircraft movement numbers have already been permitted and the existing conditions and other controls to ensure the continuation of that situation would be added to significantly by the proposal. The issue raised in the refusal is limited, and the MoL has followed an approach which is flawed and unusual. If the usual or normal approach had been followed, then the application would have been found to be acceptable and the Inquiry would not have been necessary. That does not mean everyone would have been happy, but that is not the correct test. The test is to see if there are any valid and reasonable grounds for refusing the application based on the words of the development plan policy taking into account all material considerations. The direction should not have been issued in the terms it was and the Council should have been able to issue the permission, subject to the conditions and the S106 Agreement, in the form it intended to following the consideration by, and resolution of, the relevant Committee.

²⁴⁸ Document CD4.1.2 section 2.17

²⁴⁹ Document LBN/103

The Case for the Rule 6 Party: The Mayor of London

I have reported the case on the basis of the closing submissions²⁵⁰ with additional references to the evidence submitted prior to and during the Inquiry. The material points are:

173. In directing refusal of planning permission, the MoL did not, and does not, oppose the principle of the development. To improve the passenger experience at London City Airport accords with the MoL's policies set out in the FALP. What the MoL does not accept is the failure of the Appellant to properly mitigate and manage the adverse noise impact which the proposed development would generate.
174. The MoL's policies and those of the SofSs are wholly aligned in respect of the need for airport operators to accept and properly to address the external effects of aviation and in particular the adverse effects of aviation noise. At the heart of the MoL's policies is a requirement that *'the aviation industry should meet its full environmental and external costs'*²⁵¹. The SofSs' overall policy on aviation noise is *'to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry'*²⁵². The effect of the proposal would be to increase the existing adverse effect of London City Airport on the lives of Londoners through aviation noise but without appropriately mitigating those effects. As such, the Appellant would fail to meet in full its environmental and external costs and fail to limit, let alone reduce, the number of Londoners significantly affected by aviation noise. The Appellant's failure to mitigate, and even to acknowledge, the full impact of its proposal in this respect, and the failure of the Council to recognise that this is the case, is a serious breach of the policies of the SofSs and those of the MoL, and is inconsistent with all other material considerations.
175. London City Airport benefits operationally and commercially from its location close to the heart of London, with the ready access to the business community which London attracts. That location is such that very many residents are affected by its operations, particularly through exposure to the noise generated by aircraft serving the Airport. That part of London which is overflowed by departing aircraft when the Airport is operating on westerly mode comprises a densely populated urban area of east London²⁵³. The same may be said of the urban area to the east of the Airport which is affected most substantially when easterly mode is in operation. The sensitive environment in which the Airport operates is recognised in its designation as a 'City Airport' for the purposes of the Aerodromes (Noise Restriction) (Rules and Procedures) Regulations 2003 and Directive 2002/30/EC. This designation recognises that the Airport is *'located near the centre of a large conurbation and ... is considered to operate in a particularly noise-sensitive location'*²⁵⁴ and *'helps*

²⁵⁰ Document MOL/105

²⁵¹ Document CD7.2.15 pages 252 and 253 FALP policy 6.6

²⁵² Document CD7.1.10 paragraph 3.12

²⁵³ Document CD6.3.5 Supplemental SoCG between MoL and LCY Appendix 2

²⁵⁴ Document CD4.1.1 paragraph 6.2.7

*provide the context around the noise-sensitivity of the airport's operation*²⁵⁵. The Government, in the APF, advises that *'the extent to which noise is a source of tension between airports and local communities will vary depending on factors such as the location of an airport in relation to centres of population ...'*²⁵⁶. The application of this advice serves to confirm that the location of the Airport in relation to a substantial and densely populated part of east central London make the potential impact of aviation noise an acute consideration.

176. The area around the Airport comprises a significant resource of important brownfield redevelopment opportunities, as the Airport is located within the 'Arc of Opportunity' designated by the Council to reflect its considerable opportunities for substantial residential and other development on previously developed land in that part of the LBN which includes Beckton and the Royal Docks²⁵⁷. The Airport lies within the Royal Docks and Beckton Waterfront Opportunity Area, designated by the MoL as one of *'the capital's major reservoirs of brownfield land with capacity to accommodate new housing, commercial and other development'*²⁵⁸, and expected to deliver a minimum of 11,000 new homes by 2025²⁵⁹. Several of the strategic development sites identified within the LBN Core Strategy²⁶⁰ are located in close proximity to, and so as to be affected by, the Airport, including S31 Royal Albert North, within the S5 Beckton policy area²⁶¹ and S21 Silvertown Quays and S22 Minerva Wharf, within the S3 Royal Docks policy area²⁶². Both the MoL, in the FALP, and the Council identify the potential impact that expansion of London City Airport may have on delivery of regeneration in these areas²⁶³.
177. The Airport operates in a sensitive environment and very many people are subjected to the adverse effects from aviation noise generated by it. Moreover, the adverse effect of aviation noise must be seen in the context of the policies of the MoL and of the LBN to maximise the opportunities offered by brownfield land in the area to deliver new homes and economic regeneration, which is entirely consistent with a central policy of the Government, and which will only serve to increase the number of sensitive receptors. This provides the important context to assess the acceptability of the appeal proposal.
178. The SofSs and the MoL attach substantial weight to the adverse effect of aviation noise on communities and those who live within them. In the APF the Government states that it *'recognises that noise is the primary concern of local communities near airports and we take its impact seriously'* and that *'the*

²⁵⁵ Document CD4.1.1 paragraph 6.2.7 and Mr Thornely-Taylor evidence

²⁵⁶ Document CD7.1.10 page 55 paragraph 3.2

²⁵⁷ Document CD7.3.6 LBN Core Strategy paragraphs 3.19 and 3.20

²⁵⁸ Document CD 7.2.15 FALP paragraph 2.58

²⁵⁹ Document CD 7.2.15 FALP Annex One page 354

²⁶⁰ Document CD7.3.6

²⁶¹ Document CD7.3.6 page 68 policy S5

²⁶² Document CD7.3.6 page 51 policy S3

²⁶³ Document CD7.2.15 FALP page 354 identifies growth at the Airport as a *'key issue to be addressed'* in the Royal Docks and Beckton Opportunity Area; and Document CD7.3.6 LBN Core Strategy page 54 paragraph 5.37, in the context of policy S2 Royal Docks, acknowledges that *'the operation of the airport has impact on the local environment ... Any proposals for future expansion will need to be carefully considered in light of these impacts, and the objective to attract people to the new neighbourhoods being planned in the Docks ...'*

extent to which noise is a source of tension between airports and local communities will vary depending on factors such as the location of an airport in relation to centres of population' ²⁶⁴. The MoL, through policy 7.15(B)(f) of the FALP²⁶⁵ requires that, in determining planning applications, '*particular regard*' should be had '*to the impact of aviation noise on noise sensitive development*'. These statements underline the substantial importance that policy at all levels requires to be placed on assessing, and remedying, the harm which aviation noise may cause to local people. Given the substantial number of Londoners whose homes and lives are affected, in light of its location, by operations at London City Airport, this consideration becomes all the more important.

179. The appeal proposal would lead to an increase in the number of annualised air traffic movements at London City Airport. The Appellant has assessed the impact of the development in its UES²⁶⁶ at the principal assessment year (2025) by reference to 111,050 ATMs with the CADP1 proposal compared to 95,050 ATMs without the CADP1 proposal²⁶⁷. The MoL agrees with this basis of assessment. The 120,000 ATMs permitted by the 2009 Permission cannot practically be achieved and, as such, does not reflect any true or deliverable baseline for assessment of the proposal.
180. It is agreed that the effect of the proposed development, and the increase in annualised air traffic movements would generate an increase in the extent of the population who fall within various aviation noise contours, and those contours themselves would increase spatially as a result of the proposed development²⁶⁸. The Council considers this to be an 'adverse impact'²⁶⁹. The MoL agrees, in principle, that an increase in noise exposure contours, and in the number of Londoners who fall within the extended contours, is an adverse impact. The Appellant proposes to mitigate this impact through a NIS introduced through a planning obligation.
181. The NIS changed substantially following the MoL's direction to refuse planning permission, not least through the introduction of an intermediate tier of noise insulation at 63dB. As proposed by the Appellant, a resident's entitlement to noise insulation would be triggered by falling within one of four contours set at 57dB LAeq 16hr, 63dB LAeq 16hr, 66dB LAeq 16hr and 69dB LAeq 16hr (at which level an offer to purchase would be triggered). These are absolute levels²⁷⁰.
182. The Council, MoL and the Appellant accept that:

²⁶⁴ Document CD7.1.10 Executive Summary page 11 paragraph 16 and page 55 paragraph 3.2

²⁶⁵ Document CD7.2.15

²⁶⁶ Document CD2.6.4 UES Volume 1

²⁶⁷ Document CD6.3.2 paragraph 2.8

²⁶⁸ Document CD2.6.4 UES Volume 1 Tables 8.21 to 8.25

²⁶⁹ Document CD4.1.2 paragraph 2.5.15; and Mr Thornely-Taylor in cross examination on 24 March

²⁷⁰ Mr Henson confirmed in cross examination on 30 March

- i) A NIS/compensation scheme is necessary, as a component of the mitigation package, to make the proposed development acceptable in planning terms;
 - ii) the operation of that NIS/compensation scheme by reference to derived noise contours is appropriate, as is the use of the profile of the operation of London City Airport over the summer period to generate those contours (subject to the issue of mode);
 - iii) the trigger levels 57, 63, 66 and 69 dB LAeq 16hr are appropriate. In substance, those who experience noise at 57dB LAeq or above over a 16 hour period are adversely affected to an extent that, it is agreed, requires mitigation in the form of an offer of noise insulation or ultimately an offer to purchase; and
 - iv) the form of insulation, and the offer to purchase at 69dB LAeq 16hr, is also necessary, reasonable and appropriate.
183. The Airport operates on westerly mode (using runway 27) for approximately 70% of the operational year and on easterly mode (using runway 09) for approximately 30% of the operational year. The particular mode of operation can last several days consecutively, dependent on weather conditions²⁷¹. On the basis of an operational year at the Airport of 364 days (excluding Christmas Day), it would operate on westerly mode for typically 255 days and on easterly mode for 109 days. As such, the single mode contour westerly reflects the exposure of residents to air noise from the Airport for 70% of its operational time or 255 operational days. The single mode contour easterly reflects exposure of residents to air noise from the Airport for 30% of its operational time or 109 operational days. This reflects the real world experiences of those affected by the Airport when it is operational.
184. The Council has demonstrated no more than that there may be a few days in any year when the Airport changes mode during an operational day and other days when an occasional flight arriving or departing does not, for whatever reason, use the prevailing mode operating on that day²⁷². This does not materially detract from the description as to how the Airport in practice operates in terms of the respective modes. Those few occasions on which there is any material change in mode of operations during an operational day do not justify the assessment of its overall operation on an average mode basis.
185. The effect of triggering an entitlement to noise insulation, which forms a central element of the mitigation package offered by the Appellant, on the

²⁷¹ Mr. Henson confirmed in cross examination on 31 March; and Document LCY/PLAN/PH/1 page 78 paragraph 6.24: *'At LCY for example, communities directly to the west of the Airport experience highest noise levels when aircraft depart to the west. This typically occurs for around 70% of the time over the 3 month summer period or 12 months annual period. For communities directly to the east of the Airport, highest noise levels occur during easterly operations, for around 30% of the time.'*

²⁷² Document LNB/101

basis of average mode derived contours²⁷³ compared with the single mode derived contours proposed by the MoL²⁷⁴:

- i) 16 dwellings and 61 individuals would fall outside the 69dB LAeq 16hr contour which triggers an offer to purchase²⁷⁵;
 - ii) in excess of 350 dwellings and 1,100 individuals would fall outside the 66dB LAeq 16hr contour and the level of noise insulation to be offered within that contour²⁷⁶;
 - iii) 1,150 dwellings and 3,350 individuals would fall outside the 63dB LAeq 16hr contour and the level of noise insulation to be offered within that contour²⁷⁷; and
 - iv) in excess of 8,800 dwellings and 21,850 individuals would fall outside the 57dB LAeq 16hr contour and the level of noise insulation to be offered within that contour²⁷⁸.
186. The MoL's concern is regarding the justification for the entitlement to mitigation in the form of noise insulation or purchase to be triggered so as to deny such an entitlement to those affected by the real world operation of the Airport, namely for typically the 70% of the year in which the Airport operates on westerly mode and the 30% of the year in which the Airport operates on easterly mode. There is no policy basis for such a result and no logic to it. The use of average mode derived contours as a trigger for noise mitigation at the Airport is unjustified. The Appellant's continued insistence upon this approach, with the support of the Council, leads directly to the concern that the proposal '*does not adequately mitigate and manage its adverse noise impacts*'. By failing to do so, the appeal proposal fails to accord with the development plan, fails to accord with national planning policy and finds no support in any other material planning considerations.

Development Plan

187. The MoL supports, through the FALP, the '*improvement of facilities for passengers*' at London City Airport (policy 6.6B(b)), and recognises the importance to the London economy of securing adequate airport capacity (policy 6.6A). However, the FALP and the policies within it must be considered as a whole, whereby the support for the enhancements offered by the proposal derived from policy 6.6 is subject to the aviation industry '*meeting its full environmental and external costs*' (policy 6.6C)²⁷⁹ and subject to meeting FALP policy 7.15, concerning noise.

²⁷³ Document CD6.3.5 Supplemental SoCG between MoL and LCY; and Mr Thornely-Taylor cross examination on 24 March

²⁷⁴ Document CD6.3.5 Appendix 2: combined single mode derived contour plan; and Document CD2.6.4 Appendix 8.3: individual westerly single mode contour and easterly single mode contour

²⁷⁵ Document CD6.3.5 page 11 table 4

²⁷⁶ Document CD6.3.5 page 10 table 3

²⁷⁷ Document CD6.3.5 page 9 table 2

²⁷⁸ Document CD6.3.5 page 8 table 1

²⁷⁹ Document CD7.2.15 pages 252 and 253 FALP policy 6.6

188. Policy 7.15 of the FALP²⁸⁰ concerns '*reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes*'. It requires, in the context of planning decisions, that '*development proposals should seek to manage noise by:*
- (a) *avoiding significant adverse noise impacts on health and quality of life as a result of new development;*
 - (b) *mitigating and minimising the existing and potential adverse impact of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens on existing businesses; ...'*

To '*manage noise*' is stated to '*include improving and enhancing the acoustic environment and promoting appropriate soundscapes*'²⁸¹. The policy requires expressly that '*particular regard*' must be had to the '*impact of aviation noise on sensitive development*' (policy 7.15B(f)) and that where separation of noise sensitive development from noise sources is not possible '*any potential adverse effects should be controlled and mitigated through the application of good acoustic design principles*' (policy 7.15B(e)).

189. Policy 7.15 does not prescribe any particular means by which aviation noise must be minimised or the form of any mitigation²⁸². In particular, the FALP does not prescribe that, where noise insulation/compensation is considered necessary to mitigate the impact of development, it must be triggered by use of average mode derived contours as opposed to single mode derived contours. The policy requires '*management*' of noise by '*avoiding significant adverse effects*' and '*mitigating and minimising existing and potential noise impacts*'. How these requirements operate in the context of any particular development proposal depends upon the particular circumstances which arise, including the impact of that development and its extent, and the necessity for, and the form of, avoidance and mitigation which arises from that impact. What is required to mitigate and minimise is therefore '*development sensitive*' and there is no '*one size fits all*' approach. To offer noise insulation to those affected by aviation noise at the Airport by reference to a series of absolute thresholds but calculated on the basis of an average mode approach does not accord with the requirement to avoid and to minimise and mitigate within policy 7.15B (a) and (b).
190. The effect of the proposed development would be to increase the number of Londoners who would fall within the 57dB LAeq contour or above, which is agreed to be harmful. To permit this impact to arise without mitigation would not achieve the strategy within policy 7.15 to implement the transport policies of the plan '*to reduce and manage noise to improve health and quality of life ...*'. Therefore this strategy would also not be met by the Appellant's and the Council's approach. There is no reason and no justification to allow the impact on those who would be affected by the true operation of the Airport by

²⁸⁰ Document CD7.1.15 pages 300 and 301

²⁸¹ Document CD7.1.15 paragraph 7.52

²⁸² Mr Gurtler cross examination on 23 March; Mr Thornely-Taylor cross examination on 24 March; and Mr Henson cross examination on 31 March all agreed

reference to single mode derived contours to be denied mitigation in the form of access to the NIS on an equal basis to those affected on the average mode derived contour basis.

191. FALP policy 6.6²⁸³ requires the decision maker where '*development affecting airport operations (particularly those involving increases in the number of aircraft movements)...'* to '*take full account of environmental impacts (particularly noise ...)*'²⁸⁴. The use of average mode derived contours would fail to do this, and the proposal would fail to '*meet its full environmental and external costs*'²⁸⁵.
192. The FALP offers no policy basis or justification to insist on the use of average mode derived contours to trigger the NIS proposed by the Appellant. What it requires is for impacts to be properly identified and avoided, or mitigated and minimised. That such a substantial number of homes and residents would be denied appropriate mitigation on the Appellant's average mode approach when they experience 57dB LAeq or above for 70% of the time that the Airport is operating demonstrates that that approach fails to meet the letter or expectation of the MoL's policies.
193. The material policies of the local component of the development plan, LBN Core Strategy policy INF1²⁸⁶ and saved policies EQ45 and EQ47²⁸⁷ offer no support for use of average mode contours. Whilst the difference in absolute terms of aviation noise brought about by the development in most cases would be below 1dB LAeq 16hr²⁸⁸, a NIS/compensation scheme should not operate based on degree of change. Also, in many of the 'key locations' identified in the UES²⁸⁹ the 'without CADP1' scenario in 2025 are already well above 57dB LAeq 16hr and in several cases above 63dB LAeq 16hr²⁹⁰. Where policy requires a reduction in noise levels²⁹¹, it is wrong to approach noise insulation/compensation by reference to degree of change.
194. The proposal, with the use of average mode derived contours as the trigger for mitigation, therefore conflicts with FALP policies 6.6 and 7.15 and derives no support from the relevant elements of LBN's development plan policies. Then, pursuant to S38(6) of the Planning and Compulsory Purchase Act 2004, the usual presumption against the grant of planning permission arises.

National Planning Policy

195. National planning policy is a material planning consideration and no party to the Inquiry has suggested that there is any lack of conformity between the

²⁸³ Document CD7.2.15 pages 252 and 253

²⁸⁴ Mr Bashforth in cross examination on 31 March agreed that the requirement to '*take full account*' of noise impacts must include a requirement to address those impacts

²⁸⁵ Mr Bashforth in evidence in chief and cross examination on 31 March agreed that it includes a requirement to mitigate significant adverse effects

²⁸⁶ Document CD7.3.6 page 149

²⁸⁷ Document CD7.3.6

²⁸⁸ Document CD2.6.4 UES Chapter 8 page 49 Table 8.27

²⁸⁹ Document CD2.6.4 UES Chapter 8 page 49 Table 8.27

²⁹⁰ Document CD2.6.4 UES Chapter 8 page 48 eg Camel Road, Royal Albert Dock (north) Eastern Quays Apt, Britannia Village, Silvertown Quays

²⁹¹ Document CD7.2.15 FALP policy 7.15 and Document CD7.1.10 APF paragraph 3.12

FALP policies relied upon by the MoL in his direction, and in his evidence, and any element of relevant planning policy of the Government²⁹².

196. The NPPF²⁹³ at paragraph 123, requires that planning decision makers should aim to (a) avoid noise giving rise to significant adverse impacts on health and quality of life as a result of new development; and (b) mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development. In this respect the NPPF follows the NPSE²⁹⁴. They do not prescribe any particular form of noise mitigation, including the use of average mode derived contours as opposed to single mode derived contours, to trigger entitlement to noise mitigation at the Airport. The NPPF, like the FALP at policy 7.15 in particular, requires avoidance of significant adverse effects and the mitigation and reduction of other adverse effects of noise. How this will be achieved depends on the circumstances, in terms of impact and effect, to which any particular proposal gives rise. At London City Airport, in the light of its particularly sensitive location, a substantial number of Londoners are affected by aviation noise arising from its operation. The proposed noise insulation, which would exclude from entitlement many of those affected for 70% of the time, would fail to minimise and to reduce to a minimum the adverse effects of aviation noise as the NPPF requires.
197. In terms of the APF²⁹⁵, as with the policies of the development plan, the issue which arises is whether it requires or advises that the NIS should be triggered by reference to contours derived from an average of modes at London City Airport over the summer period or single modes. It is a statement of planning policy and, as such, the APF falls to be construed '*...objectively in accordance with the language used, read as always in its proper context*'²⁹⁶. In paragraphs 3.36 to 3.41²⁹⁷, it addresses '*noise insulation and compensation*', and paragraph 3.39 advises that: '*Where airport operators are considering developments which result in an increase in noise, they should review their compensation schemes to ensure that they offer appropriate compensation to those potentially affected.*'
198. The proposal comprises a development which would result in 'an increase in noise'²⁹⁸ and, as such, the Appellant is required to review its 'compensation schemes', which encompass compensation and NISs²⁹⁹. Paragraph 3.39 requires that the outcome of the review should be a scheme that delivers '*appropriate compensation*', but the guidance does not direct that this should be triggered by contours or any specific contours or that, if a contour-based

²⁹² Document MOL/102: Both FALP policies 6.6 and 7.15 underwent revision as part of the MoL's further alterations to the London Plan, published in March 2015, without any adverse comment in respect of either being expressed by the Minister or the examining Inspector

²⁹³ Document CD7.1.8

²⁹⁴ Document CD7.1.6

²⁹⁵ Document CD7.1.10

²⁹⁶ Document MOL/107 *Tesco Stores Limited v Dundee City Council* [2012] UKSC 13 paragraph 18

²⁹⁷ Document CD7.1.10 page 63

²⁹⁸ Mr Thornely-Taylor in cross examination on 24 March and Mr Henson in cross examination on 31 March agreed

²⁹⁹ Mr Thornely-Taylor in cross examination on 24 March and Mr Henson in cross examination on 31 March agreed

approach is used, those contours should be derived from an averaging of modes as opposed to single modes. What is 'appropriate' will depend on all the circumstances, including the effect in real terms of those affected by the actual modes or operation of the Airport. In the context of London City Airport and its sensitive location, to offer an insulation/compensation scheme which includes a threshold of noise insulation triggered at 57dB LAeq 16hr and at various levels above, but to exclude a substantial number of residents who are exposed to that level as a result of the use of average mode derived contours, cannot be an 'appropriate' scheme for the purposes of the APF at paragraph 3.39.

199. The guidance in paragraph 3.39 of the APF continues as follows: *'As a minimum, the Government would expect airport operators to offer financial assistance towards acoustic insulation to residential properties which experience an increase in noise of 3dB or more which leaves them exposed to levels of noise of 63dB LAeq 16hr or more'*. This is the 'minimum' which the Government would expect. In the appeal proposal, the Appellant and the Council consider that it is necessary to go much further than that 'minimum' and that mitigation, including a NIS/compensation scheme which is triggered at 57dB LAeq 16hr and above, is necessary. Both accept that the element of the planning obligation which delivers the NIS/compensation scheme complies with CIL Regulation 122 and, as such, is necessary. That the Appellant exceeds the minimum set out in APF paragraph 3.39 is therefore a matter of necessity and obligation.
200. If the Government had intended in all cases and for all purposes to require use of contours derived from an average mode, it would have made this clear, particularly where the effect of the use of average mode derived contours as opposed to single mode contours has such a marked effect as in the case of the appeal proposal. The reference in footnote 94 to the APF to the 57dB LAeq 16hr does not read in the qualification *'average mode'*. LCY describe the single mode contours as based on the average summer period³⁰⁰; single mode derived contours reflect an average summer day more accurately, given the disparity of impact which arises from the westerly and easterly modes of operation, than do average mode derived contours; it concerns expressly contours used in the production of *'noise contour maps for designated airports'* which are used in the production of *'noise exposure maps'* that *'for historic continuity'* use a 16hr LAeq contour; and is not therefore relevant to mitigation of impact or to how *'appropriate'* a noise insulation/compensation scheme should be formulated.
201. The NPPF was published in March 2012, with express acknowledgement that *'people have been put off from getting involved because planning policy itself has become so elaborate and forbidding – the preserve of specialists, rather than people in communities'*³⁰¹. It was *'to replace over a thousand pages of national policy with around fifty, written simply and clearly, [to allow] people and communities back into planning'*³⁰². *'Collaboration'* and *'transparency'* are

³⁰⁰ Document CD6.3.5 paragraph 2.2

³⁰¹ Document CD7.1.8 Ministerial Forward by Rt Hon Greg Clark MP

³⁰² Document CD7.1.8 Ministerial Forward by Rt Hon Greg Clark MP

the two core principles of the APF³⁰³. Against that background, on any straightforward reading of the APF, the Government does not insist on any 16hr LAeq being derived only and in all cases from use of average modes. LCY's and the Council's evidence on this³⁰⁴ do not accord with the Government's stated approach to formulation of national planning policy in general or in the APF in particular. Even if, in the interests of 'historic continuity', an average mode derived approach is advised for the production of noise exposure maps at designated airports³⁰⁵, it does not follow that the same approach must be followed when formulating contours to be used for the purposes of mitigation and in the operation of an 'appropriate' noise insulation and compensation scheme.

202. There is no reference to the ANIS Study³⁰⁶ in the APF as being the source or support for any of the guidance within that Framework. Furthermore, the ANIS Study was published in 1985 and was based on field work carried out in 1981 and 1982. The Government expressly acknowledges in the APF that *'there is some evidence that people's sensitivity to aircraft noise appears to have increased in recent years'* and that *'there are still large uncertainties around the precise change in relationship between annoyance and the exposure to aircraft noise'*³⁰⁷. Consistent with this acknowledgement, it is doubtful that the Government intended the 'statistical preference' referred to in a 31 year old study should be employed to direct use of average mode derived contours in 'appropriate' mitigation strategies produced in 2016. Moreover, paragraph 3.17 of the APF has nothing to do with mitigation in any event³⁰⁸.
203. There is nothing to suggest that the Government expects the same approach as in the preparation of noise exposure maps for noise-designated airports³⁰⁹ to be used to establishing the 'appropriate' insulation/compensation scheme as required by APF paragraph 3.36. APF paragraph 3.19 advises to the contrary when, in stating the objective of *'... inform[ing] the development of targeted noise mitigation'*, cautions against the use of *'average noise contours'*, and that the Government recognises that *'... people do not experience noise in an averaged manner and that the value of the LAeq indicator does not necessarily reflect all aspects of the perception of aircraft noise'*. As a consequence, it recommends that *'average noise contours'* should not be the only measure used and *'instead the Government encourages airport operators to use alternative measures which better reflect how aircraft noise is experienced in different localities'*³¹⁰.

³⁰³ Document CD7.1.10 Executive Summary paragraph 3

³⁰⁴ Mr Henson in evidence suggested that the APF must be assessed on an average mode basis because it 'is known in the aviation industry – in the aviation world that 16 hr LAeq means average mode contour'; and Mr Thornely-Taylor's explanation that reliance on average mode would be clear to a reader of the APF when, through a 'Google' search, that reader found the ANIS report of 1985 and absorbed its 200-odd pages

³⁰⁵ Document CD7.1.10 page 57 paragraph 3.15 and footnote 94

³⁰⁶ Document CD8.1.1

³⁰⁷ Document CD7.1.10 paragraph 3.14

³⁰⁸ Mr. Thornely-Taylor acknowledged in cross examination on 24 March

³⁰⁹ Document CD7.1.10 paragraph 3.15

³¹⁰ Mr Henson in cross examination on 31 March confirmed that this included use of single mode derived contours, as well as other metrics such as Lden

204. Footnote 96 to the APF refers to examples of those 'alternative measures' as including *'frequency and pattern of movements and highest noise levels which can be expected'*. This guidance, the objective of which is to inform *'targeted noise mitigation'*, is wholly supportive of the use of single mode derived contours. The Appellant's approach is inconsistent with the terms and aims of APF paragraph 3.19, whether or not the Appellant is correct that elsewhere and for other purposes the Government expects 16hr LAeq contours to be derived from use of average modes of operation.
205. In terms of the ANIS Study, no social survey has been identified to justify a change in the form of noise insulation at 63dB LAeq, 66dB LAeq or 69dB LAeq as proposed or demonstrate that they reflect any increased level of annoyance so as to justify enhanced insulation or compensation. Also, given the highly sensitive environment in which London City Airport operates, in particular in terms of the number of receptors, it would have been reasonable for LCY to have carried out some assessment in order to establish its true community effect. For the above reasons, the Appellant's and Council's contention that the MoL's approach should be rejected by reason of the 1985 ANIS Study's 'statistical preference' for a LAeq derived from averaging of modes does not withstand scrutiny in 2016.
206. The national policy aims of the Noise Policy Statement for England³¹¹ are reflected in the NPPF at paragraph 123. In so far as 57dB LAeq 16hr is the point between LOAEL and SOAEL at which the requirement for mitigation and minimisation is triggered, the MoL considers that this should be assessed on the basis of single mode derived contours rather than average mode and to do so is entirely 'reasonable' in the context of the proposed development.
207. The NPPG identifies what *'factors influence whether noise could be a concern'*³¹². The guidance notes that *'there is not a simple relationship between noise levels and the impact on those affected'* and that *'this will depend on how various factors combine in any particular situation'*. For non-continuous sources of noise, these factors include *'the number of noise events, and the frequency and pattern of occurrence of the noise'*, which support the use of single mode derived contours to establish those affected by aviation noise and those entitled to insulation/compensation, intended to address a noise 'concern'. Taking the westerly mode of operation as an example, contours derived from that mode reflect the number, frequency and pattern of noise experienced by those affected for 70% of the operational hours of the Airport. To approach assessment of impact and mitigation on the basis of single mode derived contours accords therefore with the NPPG.

Other Material Considerations

208. The ANS³¹³ is a material planning consideration in the context of the appeal³¹⁴, is referred to within the FALP³¹⁵ at policy 7.15A and at paragraph 7.52, and is a document which the MoL was statutorily required to produce and to keep

³¹¹ Document CD7.1.6

³¹² Document CD7.1.27 paragraph 6

³¹³ Document CD7.2.2

³¹⁴ Document CS6.3.2 paragraph 4.4 and Mr Gurtler in cross examination on 23 March

³¹⁵ Document CD 7.2.15

under review³¹⁶. The MoL has not considered it necessary to revise the ANS consistent with those obligations and the ANS therefore remains his relevant strategy. The objectives of the ANS include '*minimising the adverse impacts of aviation noise in London ...*'³¹⁷. FALP policy 7.15A requires implementation of transport policies (including through the appeal) to support the objectives of the ANS³¹⁸. Moreover, the policy in the ANS is also to '*support the view that the aviation industry should pay for the external costs which it imposes on society, including those related to noise*'³¹⁹. This same objective is now within the FALP at policy 6.6 and within National Policy. The proposal fails to do this.

209. The ANS, at box 46 and policy 46, indicate that the MoL has significant concerns if 'worst mode' contours are not used to assess the need for mitigation. These elements of the ANS, published in 2004, are wholly consistent with the approach taken by the MoL in respect of the proposal, and the request made to the Government by policy 46 has been responded to within the APF³²⁰, in particular through paragraph 3.19 which expressly advises, for the purposes of development of '*targeted mitigation*', the use of measures which '*better reflect how aircraft noise is experienced in different localities*', including through '*highest noise levels which can be expected*'³²¹.
210. The House of Commons Environmental Audit Committee in its report of 1 December 2015 into the report of the Airports Commission highlight the inadequacies of relying on averages when considering impact of airport development and mitigation³²². The Airport Commission raised similar concerns in its Discussion Paper 06³²³. London Heathrow Airport, in a press release of 2 February 2015, has committed itself, should a third runway be approved, to a mitigation zone which '*takes into account those homes who experience noise greater than 57dB LAeq noise levels, as averaged during a typical 16 hour day of easterly or westerly operations*'³²⁴. The Council considered that the NPSE and APF identified '*quality of life as a planning consideration*' which requires taking into account '*matters other than purely the scientific measures noise levels*'³²⁵.

³¹⁶ Greater London Authority Act 1999 sections 41(1) and (2) and the ANS will be subsumed in due course into the London Environment Strategy, pursuant to the amendments made to the 1999 Act by the Localism Act 2011

³¹⁷ Document CD7.2.2 paragraph 3.2 page 32

³¹⁸ Document CD7.1.15 pages 300 and 301

³¹⁹ Document CD7.2.2 page 145 policy 56

³²⁰ Document CD7.1.10; and Document CD7.1.8 Annex 3 paragraph 19: PPG 24 was not reviewed but was replaced by the NPPF

³²¹ Document CD7.1.10 footnote 96; and Mr Henson in evidence in chief and cross examination on 31 March agreed that use of single mode derived contours were amongst the alternative measures which the Government at APF paragraph 3.19 advises

³²² Document MOL/PoE/IP/A Appendix IP4 and Document CD8.3.33

³²³ Document CD10.1.12 paragraphs 3.46 and 3.47

³²⁴ Document MOL/PoE/DF02 Appendix DFA2; and Mr Thornely-Taylor in evidence in chief and cross examination on 25 March volunteered that the Council of the London Borough of Hillingdon had for some considerable time been advancing a requirement to use single mode derived contours in the assessment and mitigation of operations at London Heathrow Airport

³²⁵ Document CD 4.1.2 paragraph 3.20

211. The contour maps³²⁶ show the single mode contours combined. Single mode westerly and single mode easterly contours are available and have been produced in the UES. In any event, the single mode derived contours *'have their use in showing what the "worst case" exposure might be on a particular day*³²⁷ and that communities to the west of the Airport *'experience highest noise levels when aircraft depart to the west'* and *'This typically occurs for around 70% of the time ...'*³²⁸. The map showing a 54dB average mode contour compared to a 57dB single mode contour³²⁹ is not a like for like comparison.
212. Respite from noise³³⁰, in any meaningful form, requires certainty and predictability³³¹. Certain and predictable periods of respite are achieved for example at London Heathrow Airport through daily runway alternation. No such periods of certain and predictable respite are offered at London City Airport. The 30% of the year when those affected by westerly operations are not overflown is entirely dependent on weather conditions and does not amount to 'respite' in the acknowledged and accepted meaning of that term³³².
213. None of the NISs referred to that are used at other UK airports which have not involved use of single mode derived contours³³³ have been scrutinised or approved through the planning process post the adoption of the APF³³⁴. Moreover, there is no reason for precedent to be sought in respect of noise insulation/compensation, when the policy of the FALP and of the Government is to avoid, mitigate and minimise the impacts of the proposal and airport and to secure an 'appropriate' insulation/compensation scheme³³⁵. What may or may not be necessary or appropriate at another airport cannot therefore dictate what is necessary and appropriate at London City Airport, particularly given the large, dense and sensitive urban area which is affected directly by its operation.

The Consequences of the MoL's Case and the Benefits of the Scheme

214. The result of the MoL's case has the potential to add about £29 million of cost to the scheme, with full take up of the insulation/compensation offer. However, a NIS/compensation scheme operated by reference to single mode derived contours is necessary and wholly consistent with the letter and objectives of policy. The costs involved must be judged in the context of inter alia FALP policy 7.15B(b). There is nothing to indicate that the Investment

³²⁶ Document CD6.3.5 Supplemental SoCG between MoL and LCY Appendix 2

³²⁷ Document LCY/PLAN/PH/1 page 78 paragraph 6.23

³²⁸ Document LCY/PLAN/PH/1 page 78 paragraph 6.24

³²⁹ Document LCY/PLAN/PH/1 page 79

³³⁰ Document LCY/PLAN/PH/1 page 79 paragraph 6.30

³³¹ Document CD7.2.2 page 128 paragraph 4C.22, page 133 paragraph 4C.34 and page 138 paragraph 4C.41

³³² Mr. Henson in cross examination on 31 March accepted

³³³ Document LCY/PLAN/PH/1 page 77 paragraphs 6.21 and 6.22

³³⁴ Mr Fiumicelli evidence in chief on 15 March

³³⁵ Document CD7.1.10 page 63 paragraph 3.39

Consortium³³⁶ who now owns London City Airport would not implement the development in the event that the MoL's case prevails, notwithstanding this additional cost. It cannot be claimed therefore that the MoL's case places an 'unreasonable restriction' on the development or that it would be an undue cost or burden on the Appellant's business. Those costs must be considered in the context of the Airport recently being the subject of an investor-led acquisition which was completed on 10 March 2016 in full knowledge of the MoL's case and its implications³³⁷. That suggests that the financial consequences of the MoL's case are not viewed as unduly onerous.

215. There is no doubt that the proposed development would generate benefits³³⁸. The scheme would improve passenger facilities at the Airport as FALP policy 6.6 expects. The scheme would deliver economic benefits to LBN and to London as a whole, again as FALP policy 6.6 recognises and supports. However, and again as the FALP makes clear, these benefits should not be supported at any costs. The scheme must '*meet its full environmental and external costs*'³³⁹. It forms no part of the Appellant's case that the scheme would not proceed if the MoL's case is accepted by the SofSs and the Appellant is required, or given the opportunity, to introduce a NIS/compensation scheme based on single mode-derived contours. The new owners of the Airport have stated expressly their commitment to the proposed development and have at no point expressed that commitment as being contingent on the Appellant's case at the Inquiry succeeding³⁴⁰.
216. The Council acknowledge that its resolution to grant planning permission was a 'finely balanced decision'³⁴¹. The MoL, to whom the application was referred following the Council's resolution to grant planning permission, as he is required to do, assessed the application himself, and struck a different balance. In terms of the Council's resolution, nowhere in the report to its Strategic Development Committee is any reference made to the use of single mode-derived contours or their effect, given that the increase in the extent of those exposed to aircraft noise was identified as an 'adverse impact'. Members were not therefore advised as to the very issue that has led to the MoL's direction to refuse planning permission.
217. There is nothing to indicate that the application was referred back to the Council members following the MoL's direction. Moreover, members were not informed in any meaningful way as to the MoL's policies. There is therefore no evidence to show that Council officers and members of its Strategic Development Committee 'assessed the application against FALP policy 7.15'. The consideration of the application by the Council's Strategic Development Committee was deficient in these respects and this reduces materially the

³³⁶ Document LCY/108: the Kuwait Investment Authority, the Alberta Investment Management Corporation, Borealis Infrastructure Management and the Ontario Teachers' Pension Plan

³³⁷ Document LCY/108

³³⁸ Mr Painting acknowledged in cross examination on 17 March

³³⁹ Document CD7.2.15 policy 6.6C

³⁴⁰ Document LCY/108

³⁴¹ Document LBN/PoE4 paragraph 6.5; Document CD4.1.2 The Council's report to Strategic Development Committee Executive Summary paragraphs 3.19 and 3.20

weight which can be attached to the Council's resolution to grant planning permission and its support for this scheme.

Conclusions

218. The Government recognises that aviation noise is the primary concern of communities near airports and states that it takes the impact of aviation noise seriously³⁴². Its overall objective is to limit and where possible to reduce the number of people significantly affected by aircraft noise³⁴³. Against that background, London City Airport is located in a particularly sensitive environment and very many residents are affected adversely by its operations through exposure to aviation noise.
219. The Appellant, with the support of the Council, seeks to address the adverse impact of noise arising from its proposed development by a NIS/compensation scheme which excludes the very many Londoners who are exposed to adverse aviation noise levels based on the actual modes of operation of the Airport in favour of a constructed average approach which masks the true effect of its operation and, in turn, fails to deliver 'appropriate' mitigation. This is contrary to the policy and objectives of the FALP and also to the Government's policy within the APF, particularly paragraphs 3.39 and 3.19. To allow this appeal on the basis of what is advanced would fail to ensure that the Appellant meets in full its environmental and external costs (as required by FALP policy 6.6) or to ensure that the benefits of noise reduction are properly shared³⁴⁴.
220. The MoL accepts that the scheme would deliver benefits and to secure improvements at the Airport is embedded within the MoL's policy on aviation which comprises FALP policy 6.6. However these benefits should not be accepted at any cost. The appropriate response therefore would be to reject the proposal as formulated for the reasons given, but to offer the Appellant an opportunity before determining the Appeal to deliver a sound, realistic and policy compliant NIS/compensation scheme operated through the use of single mode-derived contours. There is every reason to expect that such an opportunity would be responded to favourably, in which case the MoL's concerns will have been addressed. If however it is not, planning permission should be refused.

The Case for the Rule 6 Party: HACAN East

I have reported the case on the basis of the proof of evidence of HACAN East³⁴⁵ with additional references to the evidence presented at the Inquiry. The material points are:

221. HACAN East has indicated that it has been established to give a voice to residents under flight paths and that it is a sister organisation of HACAN, a long-established body which represents residents impacted by Heathrow Airport. It has stated that it represents the interests of its supporters, some of which live close to London City Airport and others further away and outside the

³⁴² Document CD7.1.10 page 11 paragraph 16

³⁴³ Document CD7.1.10 page 11 paragraph 17

³⁴⁴ Document CD7.1.10 paragraph 3.12

³⁴⁵ Documents HACAN/PoE and HACAN/106

57dB Leq 16hr contour. The following are the six most relevant considerations that it wishes the SofSs to address.

Noise Mitigation Measures

222. HACAN East supports the MoL's case that the single mode assessment should be used to delineate the noise contours for London City Airport's NIS, as it is a more accurate reflection of the number of people who should benefit from insulation. In addition, it considers that there would be insufficient noise mitigation measures guaranteed to the residents of Newham, Tower Hamlets and Greenwich living within the 57dB, 63dB, and 66dB LAeq noise contours.
223. In not considering or providing mitigation measures for people outside the 57 dB LAeq 16hr contour, LCY has failed to follow government guidance and the appeal proposal is not in accordance with the FALP. The increase in the number of people impacted would be significant³⁴⁶. This demonstrates that by 2020 London City Airport is likely to impact more people than any other airport in the UK except Heathrow and Manchester.
224. LCY has not yet complied with its 2009 Permission³⁴⁷ to provide sound insulation and sound mitigation measures for eligible properties within the 57dB contour. Many of the high rise buildings within Tower Hamlets, due to their nature or build, have not received that insulation, leaving large numbers of residents living in poor noise environments for nearly a full seven years. This contradicts the evidence given by LCY that, over the years, it has provided the protection required under the NIS to those people affected by noise close to the Airport.
225. Although some of the compensation and mitigation measures offered to local communities by LCY are more extensive than at other airports in the UK, given the location of London City Airport in the middle of a densely populated area of London, it is difficult to see how the Airport would have been allowed to get away with much less. The 57dB contour includes areas of real poverty and deprivation and a lot of social housing, many of the residents of which do not have the choice of moving away. They are, therefore, dependent on LCY guaranteeing effective compensation and mitigation in order to make their lives more bearable, and on the Council making sure it is delivered.
226. There is a lack of clarity in the proposal about the mechanisms available to residents in boroughs surrounding Newham, and particularly those in Tower Hamlets, on how to apply for funding to pay for relevant mitigation and compensation measures. For example, in the First Tier Scheme, where alternative measures of sound insulation are needed, it is unacceptable, and legally questionable, that the Council could decide with a private business, LCY, what insulation a resident of Tower Hamlets receives. The Council does

³⁴⁶ Document CD2.6.4 Chapter 8 Table 8.23: shows that, if permitted but not yet built properties are excluded, in 2020 38,980 people will be within the 57dB LAeq contour with the development, and 35,200 without the development, compared to 25,000 in 2014; Table 8.25 shows that, if permitted but not yet built properties are included, in 2020 76,150 people will be within the 57dB LAeq contour with the development, and 69,500 without the development, compared to 25,000 in 2014

³⁴⁷ Document CD6.1.3 paragraph 5.2.3; and Document CD11.1.10: Planning Permission Ref 07/01510/VAR

not represent, nor have a duty of care, to the residents of a neighbouring borough like Tower Hamlets. Only the elected MoL has that duty of care to all residents in all the boroughs across Greater London.

227. LCY in its evidence has not come up with sufficient guaranteed compensation and mitigation measures for local communities living within the 57dB LAeq 16hr contour, and has historically failed to do so. This constitutes a ground for refusing the application.

Measures to assist those outside the 57dB LAeq 16hr Contour

228. Many of the supporters of HACAN East live outside the 57dB LAeq 16hr contour, with the majority living outside the 54dB LAeq 16hr contour, and they are troubled by aircraft noise. Although there are existing measures to benefit these communities, such as steeper flight paths, and incidental measures to the proposal, including less noisy aircraft if they are introduced, the appeal proposal includes no new measures for those outside the 57dB contour.
229. Section 3.9 of the APF recognises that 57dB LAeq on its own is not sufficient. LCY has not used alternative measures which better reflect how aircraft noise is experienced in different localities, as recommended in the APF³⁴⁸. Also, by excluding measures to benefit those outside the 57dB LAeq 16hr contour, LCY has failed to '*take full account of environmental impacts when making decisions on patterns of aircraft operation*', as required by FALP policy 6.6C³⁴⁹. These are reasons to consider refusal of the application.

Cumulative impact of London City and Heathrow Airports

230. LCY has accepted at the Inquiry that no work has been done to assess the cumulative impact of London City Airport and Heathrow Airport on the many communities overflowed by aircraft from and to both these airports. Communities in east and south east London are probably unique in the UK in being overflowed by aircraft from two airports at less than 5,000ft (about 1,500m). It is difficult to see how a decision on the proposal can be taken without knowing this cumulative impact.

Public Safety Zone (PSZ)

231. There are remaining doubts about the size of the PSZ that would result from the proposal. The Council failed to independently consider the impacts and risks of the London City Airport PSZ. It therefore, could not, and should not have resolved to approve CADP1. The DfT's Control of Development in Airport Safety Zones³⁵⁰ sets out the guidance on acceptable development and considerations to be used regarding safety zones.
232. The Council's consultant's report on this matter³⁵¹ is a review into whether Mott MacDonald agreed or disagreed with the conclusions/assertions made by LCY and its consultants, NATS. In so doing, the Council has taken the model of the PSZ done by NATS at face value. The traffic forecasts provided by LCY

³⁴⁸ Document CD7.1.10 paragraph 3.19

³⁴⁹ Document CD7.2.15 policy 6.6C

³⁵⁰ Document CD7.1.4

³⁵¹ Document LBN/103: Mott MacDonald Technical Note January 2015

at the time of the Council's resolution to approve the application³⁵² contained no independent validation of their appropriateness. The Council ignored the conclusions of Mott MacDonald that it could not comment on the validity of the forecast fleet mix used in the test scenario and hence could not confirm the accuracy of the conclusions drawn by RPS, LCY's consultants. Furthermore, the Council did not have information to confirm the PSZ size. Therefore, as it did not have proper independent evidence, or independent validation, of the appropriateness of the forecasts of the impacts on the PSZ, the Council should not have resolved to approve the application.

Blue Ribbon Network

233. The proposal would encroach on a protected open space, as it would cover and infill part of KGV Docks which forms part of the Blue Ribbon Network. The FALP states development proposals should enhance the Blue Ribbon Network and argues it is '*strategically important*' and '*contributes to the overall quality and sustainability of London*'³⁵³. CADP1 would result in the direct loss of approximately 18% of the total existing water area as well as significant habitat loss in KGV Dock. FALP policy 7.28³⁵⁴ directs planning to prevent development and structures into the water space unless it serves a water related purpose to protect the open character of the Blue Ribbon Network.
234. Whilst LCY and the Council have given evidence about the restoration of the Docks, this would only happen if the Airport ceased its operations. The only conclusion which can be reached is that, if the proposal is permitted, 18% of the total water area would be lost and would not be restored except in the extreme case of the Airport closing, contrary to the FALP, and it is a reason to refuse planning permission.

The Consultation Processes and Enforcement of the S106 Obligations

235. The consultation processes have been inadequate and unsatisfactory, including additional consultations, often covering geographical areas that had previously been overlooked, and further consultation taking place in the days after the Inquiry had opened. This is unfair on local people, who have felt overwhelmed by the planning application which has lasted over two and a half years.
236. In addition to the concerns about the many consultations, there are concerns about the Council's approach to LCY's non-compliance with sections of the existing 2009 Agreement³⁵⁵. Aircraft have been allowed to operate annually outside of the noise categorisation and agreed insulation for properties inside the 57dB contour has not been carried out. LCY has not been in compliance with that policy since 2009, resulting in thousands of residents living in poor noise environments, especially in Tower Hamlets. The proposed development relies on the implementation of mitigation measures to address the adverse effects, which may never be delivered, as they are overseen by a single borough, LBN, while impacting many other boroughs. Of the seven

³⁵² Documents CD4.1.2, CD4.1.3, CD4.1.4: Strategic Development Committee Report 13/01228/FUL February 2015

³⁵³ Document CD7.2.15: FALP policy 7.24 page 313

³⁵⁴ Document CD7.2.15: FALP policy 7.28 page 318

³⁵⁵ Document CD11.1.10

neighbouring councils required to be consulted on the proposal, only one gave its support.

237. The Council's AMO has been able to decide what constitutes a serious breach in the 2009 Agreement, and what action to take. This should be addressed in the S106 Agreement for the appeal proposal which would require the Council to be publicly accountable for its decisions. Therefore, if the development is permitted, it is essential that it is accompanied by tough planning conditions to ensure that the Council effectively oversees the implementation of the conditions.

Conclusions

238. Insufficient evidence has been put forward to allow the SofSs to grant planning permission. Parts of the proposal are contrary to both the Government's aviation policy and the FALP. However, if the development is permitted, it should be accompanied by foolproof conditions to ensure all the planning conditions and S106 obligations are fully implemented.

The Case for the Rule 6 Party: Friends of the Earth

I have reported the case on the basis of the proof of evidence of Jenny Bates³⁵⁶ with additional references to the evidence presented at the Inquiry. The material points are:

239. The objection to the proposal from FoE is based on its effect that it would have on air quality. FoE suggest that it would cause a new breach of the EU Nitrogen Dioxide Limit Value³⁵⁷, would worsen existing breaches³⁵⁸ and would fail to preserve air quality below Limit Values, when the NPPF requires planning policies to contribute towards EU limit values and contribute to reducing pollution³⁵⁹. FoE has referred to the following points in relation to air quality.
240. The McCracken QC opinion indicates that it would be unlawful to allow development which would lead to a breach of the Limit Values, unless immaterial, but such an identified increase of more than $0.1\mu\text{g}/\text{m}^3$ must at least be seen as material when 1 decimal point is regularly used in relation to air quality³⁶⁰. The EU Directive³⁶¹ has a threshold of $40\mu\text{g}/\text{m}^3$, and does not set any minimum level by which an increase on this would amount to a breach. The UK is out of time, and beyond time, in meeting those Limit Values which

³⁵⁶ Document FOE/103

³⁵⁷ Document LCY/PLAN/SM/4 paragraphs 2.6 and 2.7: air pollution on the A13 east of the A406 (North Circular Road) junction would be just at, but not exceeding the EU Nitrogen Dioxide annual limit of $40\mu\text{g}/\text{m}^3$ in 2020 and CAPD1 would increase levels by 0.11 in the 'No Emissions Reductions' case and 0.08 in the 'With Emissions Reductions' case; and LCY/PLAN/SM/7 air pollution levels for 2020 with the new Defra baseline and Defra Air Quality Plan factored in show some areas without CADP1 to be on the edge of the limit values

³⁵⁸ Document FOE/100 McCracken QC opinion states that new development should not be allowed to '*significantly increase non-compliance*'

³⁵⁹ Document LCY/PLAN/SM/1 paragraphs 3.10 and 3.11

³⁶⁰ Document FOE/100 paragraphs 41 and 42

³⁶¹ Document CD9.3.4

are absolute and have to be met irrespective of cost, and the UK Supreme Court³⁶² requires them to be met in the shortest time possible.

241. The NN NPS test for compliance³⁶³ is only one thing by which to judge compliance with the EU Directive³⁶⁴. Other material legislation and policy and information must also be taken into account, in particular the overarching requirements of the EU Directive³⁶⁵, and the recent UK Supreme Court judgment. The London Plan Inspector did not rely on the NN NPS test, but his requirement for at least full mitigation ie Air Quality Neutral is not even the case with the proposed scheme³⁶⁶. Even if it was, the scheme should still not be allowed to add any pollution, in order to comply as soon as possible³⁶⁷.
242. Protection of the health and lives of local people must be put before the interests of the Airport and sustainable development must be pursued whereby economic goals are achieved in a way that builds a just society and where environmental limits are respected³⁶⁸. Local people have not had a chance to comment on the seriousness of the air pollution impacts that have been shown would result, as key issues have not been properly put before them³⁶⁹. In the

³⁶² Document LCY/PLAN/SM/2 Appendix 9 UK Supreme Court judgment requires Nitrogen Dioxide levels to be brought within legal limits in the shortest possible time

³⁶³ Document LCY/PLAN/SM/1 paragraphs 3.16: The NN NPS has a test for compliance which covers when a scheme would worsen air pollution that is non-compliant; Document FOE/100 McCracken QC opinion paragraph 58 finds that relying on the NN NPS test would amount to a body misdirecting itself on the law; and Document CD16.1.6 The cross party House of Commons Environmental Audit Committee report section 3 from page 11, and particularly paragraphs 40 to 43

³⁶⁴ Mr Whitehouse in cross examination on 23 March and Mr Moorcroft in cross examination on 31 March both agreed

³⁶⁵ Document CD9.3.4

³⁶⁶ Document FOE/101 paragraph 52: The Inspector was '*mindful that the overarching objective is to improve air quality*' and that it must be clearly demonstrated that '*mitigation measures outweigh the predicted 0.5% decrease in air quality*'

³⁶⁷ Document FOE/PoE section 6 and oral evidence on 18 March

³⁶⁸ Document CD7.2.15 FALP Glossary definition of sustainable development; Document CD7.1.8 NPPF Box on page 2 regarding 'Achieving sustainable development: '*International and national bodies have set out broad principles of sustainable development. Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The UK Sustainable Development Strategy Securing the Future set out five 'guiding principles' of sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly*'; and Document FOE/102 Securing the future delivering UK sustainable development strategy sections 3 and 4 pages 15 to 17

³⁶⁹ Examples of key issues not properly put before the public are Document CD8.2.22 Airport Master Plan Table 10 page 55: growth in road traffic on Silvertown Way; The impact of the change of entrance on roads to the east of the Airport; Document LCY/PLAN/SM/1 paragraphs 5.7 and 5.8: baseline exceedences in the areas to the west and east of the Airport, paragraphs 5.32 and 5.33: UES using data for 2025 derived from an Environmental Information Regulations release flagged a worsening with the scheme of an existing breach at the west side of the Airport, and Table 11 page 35: Forecasts with Air Quality Plan Measures-A1020 North of Gallions roundabout 30-40µg/m³, A13 Newham Way 40-50µg/m³ and A13/A102 40-50µg/m³ and the scheme would either take these levels over limits or potentially worsen the existing breaches

above special circumstances, due to failure to address the problem adequately, full mitigation or Air Quality Neutral is not even adequate. Therefore, all possible measures proposed as mitigation must be pursued, but not the proposed scheme which would add emissions.

The Cases for other interested parties appearing at the Inquiry

Oral representations were made at the Inquiry by 4 parties in addition to those of the main parties. These are summarised below and are supported by written statements³⁷⁰. The material points are:

243. John Cryer, MP for Leyton & Wanstead, represented his constituents, who he indicated were under the flight path of London City Airport and suffer from noise due to both that airport and Heathrow airport flights. He raised the issues mentioned in the following paragraph.
244. Passenger numbers have increased at London City Airport and new routes are now in operation. Though no proposal is in place to increase 'noise factored movements', looking at past trends in both routes and passenger numbers, it is inevitable that bigger aircraft and more passengers will end up using the Airport to make use of the proposed increase in the size of the terminal, the hardstandings and taxiways. The consultation on the proposal did not go far enough, as the noise and pollution impacts are felt across London, and especially in east London. The proposal is counter to the APF, which aims to limit the number of people affected by aircraft noise.
245. Councillor Clyde Loakes spoke in his capacity as a representative of Leytonstone ward and also Deputy Leader of Waltham Forest Council with responsibility for transport and the environment. He suggested that residents all over the London Borough of Waltham Forest (LBWF) are subject to aircraft noise, in particular from planes landing and taking off at London City Airport and that it is particularly acute in the south of the LBWF, including in Leyton and Leytonstone. In autumn 2015, the LBWF conducted a survey with residents which had 726 responses, of which 81% were already disturbed by the current levels of aircraft noise at home³⁷¹ and more than half said that it disrupts activities such as conversation, meal times, and listening to the radio or watching television.
246. Councillor Loakes expressed concern that the above situation would be made worse if the proposal was implemented, and it would be exacerbated by the introduction of the RNAV guidance system which leads to a greater concentration of flights over particular areas. In addition, 38% of the LBWF survey responses were concerned by the increased road traffic that the proposal could bring, with critical junctions having emissions way above EU limits. The proposed additional staff and passenger car parking and taxi and car hire expansion would increase traffic pressure on already congested roads close to the Airport, including High Road Leytonstone and High Road Leyton/Leyton Road (A112). This would increase local air pollution from traffic, having a huge impact on the residents' quality of life. 84% of responders to the survey said that they were concerned about the proposed

³⁷⁰ Documents LBWF/100, CR/100 and JC/100

³⁷¹ Document LBWF/101

expansion plans. The residents have made it clear that they do not want development to be granted planning permission.

247. Clem Riches spoke as a resident of the London Borough of Redbridge. He suggested that he had been affected by noise from London City Airport for about 10 years. His fundamental issue is regarding the intrusive nature of the noise that he experiences from London City Airport, even though the noise contours indicate that he is not significantly impacted. He supports the MoL's direction to refuse planning permission. Sooz Belnavis-Abbott³⁷² expressed concerns about the noise that she experiences due to aircraft from London City Airport and Heathrow Airport, even though she does not live within the noise contour that indicates that she would be eligible for sound insulation.

Written Representations

Written representations were made at the appeal and application stages, including from HACAN East, FoE and LBWF who were represented at the Inquiry and a significant number of standard letters. The material points made by those objecting are similar to those made by HACAN East, and additional relevant points are summarised below:

248. A number of representations expressed a desire for London City Airport not to operate from the site and concerns about the present level of noise and pollution experienced by residents in the area surrounding the Airport, together with the insufficient mitigation that has been provided. Other concerns were related to the noise, pollution and fumes from aircraft using the Airport, particularly with regard to the need to have windows closed during the summer months, and its effect on listening to the television and on the use of outdoor space. In addition, there were concerns about the effect of the proposal on traffic in the area, climate change due to increases in carbon dioxide levels, risks of accidents in a densely populated area and that it might lead to greater expansion of the Airport.
249. The Councils for the London Boroughs of Redbridge and Havering opposed the proposal on the grounds of the effect of noise and mitigation, lack of adequate formal consultation and the RNAV replication of the conventional flight routes. Other concerns that have been expressed are regarding the larger planes that would be able to use the Airport due to the proposal, as they would bring a greater number of passengers into the area with the associated problems and there is no guarantee that they would be any quieter. Residents have also commented on the effect of the proposal on nature conservation, whether there is an identified need for it, given the other airports and proposed Heathrow expansion, and that it should have a station provided on CrossRail.
250. The representations of the Council of the London Borough of Tower Hamlets oppose the proposal on the basis that it relies upon the implementation of mitigation measures to address its adverse effects. This is because the previous permissions have shown that mitigation is not always completed, and not always possible, particularly in 'High Rise' buildings due to the buildings' construction and/or the management agency and the need for active ventilation. This has led to residents living in poor noise environments. Also,

³⁷² Oral evidence given at the Inquiry on 18 March

the increase in the noise contour would adversely affect open space within that Borough which cannot be mitigated.

251. One of the local residents, Graham Teale, has opposed the proposal on the grounds of 'breaching' his and his family's human rights, contrary to Article 2 of the First Protocol (right to education) and Article 8 (right for respect for private and family life) to the Convention, as incorporated by the Human Rights Act 1998, due to the effect of noise on his children's school and his family's enjoyment of their home.
252. With regard to the amendments to the UES tables relating to noise levels at schools³⁷³, it has led to additional schools being included within the 57dB contour and there has been a complaint that one of these schools (St Joachim's Catholic Primary School) has not been properly informed when an acoustic survey that it had taken contradicted the information originally given by LCY³⁷⁴.
253. A significant number of representations were received in support of the proposal on appeal, including from the University of East London, Newham Chamber of Commerce, the CBI, Excel London, London First and the London Chamber of Commerce & Industry. In addition to these, many of which were based on a standard letter outlining the economic and employment benefits, the Councils for the London Boroughs of Barking & Dagenham and Greenwich offered their support, provided that there would be sufficient monitoring and mitigation of the adverse environmental effects and, in the case of Greenwich, the proposal would secure a Value Compensation Scheme as in the 2009 Permission and would not harm future development due to the PSZ.

Planning Obligations

254. Following the close of the Inquiry, the Appellant has submitted an engrossed S106 Agreement³⁷⁵, which includes those planning obligations in the Draft S106 Agreement that were examined at the Inquiry.
255. The Council has agreed that the S106 Agreement would supersede the S106 planning agreement (2009 Agreement) concluded as part of 2009 Permission. To the extent still considered to be necessary, the obligations in the 2009 Agreement are, therefore, carried over to the S106 Agreement to ensure their continuing effect. The obligations in the S106 Agreement include securing the following:
- i. A 'Bus and Taxi Access Scheme' to include the opening of the eastern access to Hartmann Road and access by buses and taxis to the replacement forecourt, with approval by TfL of operational and design details³⁷⁶.
 - ii. A 'Restoration Scheme', to include the future removal of the deck structure forming part of the proposal in the event that the Airport

³⁷³ Documents CD6.1.17, CD6.1.18 and LCY/112

³⁷⁴ Document CD6.1.20

³⁷⁵ Document LCY/122

³⁷⁶ Document CD6.3.3 SoCG between TfL and LCY paragraphs 3.10, 3.11 and 3.14; and Document CD6.3.1 SoCG between LBN and LCY paragraph 8.71

ceases to operate in order to ensure that the encroachment into KGV Dock would be reversible³⁷⁷.

- iii. The funding of the cost of additional DLR rolling stock, equating to £2.6 million; carrying forward the balance of the previously agreed contribution towards DLR rolling stock required in association with the 2009 Permission, at £2.125 million; and a payment of £300,000 to fund the initial additional DLR staff at the Airport station for a period of 3 years, which would address additional pressure on the capacity of DLR trains serving the Airport due to the proposed increase in passengers.
- iv. An 'Employment Contribution' to fund training and employment initiatives in order to ensure that the potential of the Airport as an employment hub would be maximised and that these employment benefits would be secured and enhanced for local residents³⁷⁸.
- v. An 'Education Contribution' to fund programmes for local schools and/or colleges which assist pupils and students with employment and interviewing skills, general career advice, and knowledge of the Airport and job opportunities in the aviation industry to support local residents to gain access to the jobs generated by the proposed development.
- vi. A 'Parking Improvement Contribution' to the provision for offsite parking control and other traffic management measures to mitigate the increased risk of unauthorised offsite parking and drop-off by passengers or private hire vehicles as a result of the proposed increased peak hour capacity of the Airport.
- vii. A 'Road Signage Contribution' to ensure that the eastern access would function adequately.
- viii. A 'Walking and Cycling Contribution' towards a study and implementation of a scheme to improve pedestrian and cycling routes to and from the Airport³⁷⁹.
- ix. An 'ANCS Contribution' to the cost of a public consultation exercise into a proposed Aircraft Noise Categorisation Scheme (ANCS).
- x. A 'Community Recreation Contribution' to enhance the enjoyment of relevant public parks and recreation grounds through bespoke activities and other initiatives organised by LBN, in order to compensate for public open spaces that would be exposed to air noise impacts as a result of the proposal.
- xi. The provision for locally generated energy through the commissioning of two energy centres during delivery of the proposed development in order to comply with LBN Core Strategy policy S3 and FALP policy 5.2.
- xii. The provision of historical information boards along the new dock side pedestrian walkway to the south of KGV Dock to help to mitigate the

³⁷⁷ Document CD6.3.1 SoCG between LBN and LCY paragraph 8.10

³⁷⁸ Document CD6.3.1 SoCG between LBN and LCY paragraphs 8.124 to 8.127

³⁷⁹ Document CD6.3.3 SoCG between TfL and LCY paragraph 3.13

- harm to the significance of KGV Dock as a non-designated heritage asset.
- xiii. The appropriate methodology for modelling the noise contours, requiring publication of the noise contours each year and providing LBN with the ability to verify the methodology and data associated with noise contour modelling in order to assist with the control of noise at the Airport.
 - xiv. The provision of Air Noise Mitigation, including sound insulation and the purchase of dwellings within the actual 69dB LAeq 16hr average mode, summer day contour, many of the measures being carried over from the 2009 Agreement.
 - xv. The provision for 'Neighbouring Authority Agreements' with boroughs other than LBN to enable them to have a direct contractual relationship with LCY to secure the benefit of, and the ability to enforce, the air noise mitigation measures, which would be extended from the 2009 Agreement to include any borough within the 57dB LAeq 16hr contour.
 - xvi. The provision for a 'Construction Sound Insulation Scheme' to address any adverse effects of night time construction works.
 - xvii. The provision for consultation with the MoL and a contribution towards the cost to the MoL of engaging expert advice to assist with his response to consultation on the evolution of the proposed Aircraft Noise Categorisation Scheme and the proposed noise monitoring and mitigation strategy.
 - xviii. Funding for environmental improvements deemed necessary for the grant of the 2009 Permission to compensate for the impact of air noise on private open space within the already consented residential development at Silvertown Quays (STQ Payment).
 - xix. The provision of further measures over and above the Employment Contribution and the Education Contribution in order to maximise the potential of the Airport as an employment hub and ensure that the employment benefits of the proposed development would be secured and enhanced for local residents.
 - xx. The provision of 'Value Compensation Schemes', one carried over from the 2009 Agreement and the other relating to the change in PSZs due to the proposed development, to offset the potential blight effect of the extension of the PSZs over undeveloped land as a result of the appeal proposal.
 - xxi. The carrying out of a 'Wake Turbulence Study' in which LCY shall investigate and address reports of damage to properties caused by wake turbulence from aircraft using the Airport, carried over from the 2009 Agreement.
 - xxii. The provision for the London City Airport Consultative Committee and the Airport Transport Forum in order to encourage public participation and engagement with local people and stakeholders on significant issues that affect the community, which involve the operational impacts of the Airport and surface access.

- xxiii. Continuing the requirement for an annual performance report first secured by the 2009 Agreement and making additional provision for regular liaison meetings between LCY and LBN to monitor and report on compliance by LCY.
 - xxiv. An 'Annual Monitoring Payment' for a dedicated officer role (AMO), established with the 2009 Permission, as well as external consultancy support in monitoring and enforcement of the controls and measures on the Airport operation.
 - xxv. A 'Development Management Contribution' to fund the additional cost to LBN of processing applications for approvals and consents under the S106 Agreement and the Planning Permission.
 - xxvi. An 'Environmental Health Monitoring Contribution' towards the costs of monitoring environmental health issues for the duration of the construction of each phase of the CADP1 scheme.
 - xxvii. LCY to report any breaches of condition or S106 Agreement of which LCY becomes aware to assist further with monitoring and enforcing the controls and mitigation measures.
256. At the Inquiry, I requested evidence to demonstrate that the above planning obligations meet the statutory tests in CIL Regulation 122³⁸⁰ and NPPF paragraph 204³⁸¹. These are that the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonable related in scale and kind to the development. In addition, CIL Regulation 123(3) states that a planning obligation may not constitute a reason for granting planning permission if it provides for the funding or provision of an infrastructure project or type of infrastructure and five or more separate planning obligations that relate to planning permissions granted for development within the area of the charging authority and which provide for the funding or provision of that project or type of infrastructure have been entered into on or after 6 April 2010.
257. At the Inquiry, documents were submitted by LCY³⁸² and TfL³⁸³ giving details of the compliance of the planning obligations in the S106 Agreement with Regulation 122 and Regulation 123(3) of the CIL Regulations, and including the Council's list of infrastructure which it intends to fund, or would be funded, by CIL. Based on these documents, which were agreed with the Council, together with discussions at the Inquiry, I am satisfied that all the planning obligations in the S106 Agreement meet the tests in CIL Regulations 122 and 123(3). I have therefore taken them into consideration in reaching my conclusions and recommendation on the proposed development.
258. HACAN East suggested amendments to the S106 Agreement³⁸⁴ that were discussed at the Inquiry. Some of its suggested amendments were addressed

³⁸⁰ Document CD9.2.7 Regulation 122

³⁸¹ Document CD7.1.8 paragraph 204 page 47

³⁸² Document LCY/109

³⁸³ Document MoL/104

³⁸⁴ Document HACAN/104

by LCY in its written response to the Inquiry³⁸⁵. These included a requirement to measure the 54dB LAeq 16hr contour, but this would not be significantly different from the 55 Lden contour that LCY is required to produce every 5 years under Environmental Noise Regulations³⁸⁶. As such, this requirement would not satisfy the test of necessity under CIL Regulation 122. Another suggested measure to ensure that the Council would hold a public meeting to present the Annual Monitoring Report is included in the S106 Agreement and the meetings are listed 2 weeks in advance to allow public attendance, even though there is currently no provision to allow the public to speak at the meeting.

259. HACAN East's suggestion to ensure that London City Airport is included in Newham Air Quality Management Area is not directly related to the proposed development. Its suggested requirement for LCY to adopt the 'London Minimum Wage' is not possible as LCY's concessionaires would not be able to sign up to such an agreement³⁸⁷. The suggestion for a definition of a 'habitable room' has been included in the S106 Agreement³⁸⁸. With regard to its suggested requirement to consult with neighbouring boroughs regarding breaches, the S106 Agreement allows for the making of 'Neighbouring Authority Agreements'.
260. The effect of increased traffic noise on Woodman Street residents would be addressed by them benefitting from sound insulation under the Airport noise mitigation scheme³⁸⁹. With regard to the sound insulation scheme for those living in 'High Rise' developments, LCY has developed a workable secondary glazing system with trickle vents³⁹⁰ and, failing this, the possible cash alternative in the mitigation scheme has been shown by LCY not to be insufficient³⁹¹. The impact of odours from the Airport on DLR staff is a separate health and safety issue. The 'Community Recreation Contribution' could be claimed by other boroughs if they have open space within the 57dB LAeq 16hr contour³⁹². Therefore, I am satisfied that the concerns expressed by HACAN East regarding the S106 Agreement have been addressed or would not meet the CIL Regulation 122 tests for planning obligations and/or could be addressed by other means.

Conditions

261. The conditions agreed by the Council and LCY prior to the Inquiry³⁹³ were discussed at the Inquiry. Following these discussions, the Council has issued a final set of conditions with reasons³⁹⁴ to take on board the agreed amendments. These form the basis of my recommended conditions in Appendix C to this report, which also gives definitions used in the conditions

³⁸⁵ Document LCY/120

³⁸⁶ Oral evidence by Mr Henson on 1 April

³⁸⁷ Oral evidence by Rachel Ness on 1 April

³⁸⁸ Document LCY/120 page 4

³⁸⁹ Oral evidence by Mr Bashforth on 1 April

³⁹⁰ Document LCY/102

³⁹¹ Document LCY/120 pages 2 and 3

³⁹² Document LCY/120 page 5

³⁹³ Document CD6.3.1 SoCG between LBN and LCY Appendix 5

³⁹⁴ Document LBN/107B

and the reasons for each condition. I am satisfied that all these conditions are reasonable and necessary and meet the tests in the NPPF³⁹⁵. I have worded them to reflect the advice given in the NPPG. For the same reasons as with the planning obligations, I find that HACAN East's suggestion to provide contours at 54dB LAeq 16hr is unnecessary and would not meet the tests in the NPPF.

³⁹⁵ Document CD7.1.8 paragraph 206

Inspector's Conclusions

The numbers in square brackets [] refer back to earlier paragraph numbers which are relevant to my conclusions.

262. I have addressed below each of the matters that I raised in my Statement of Matters, submitted to the parties at the PIM. I am satisfied that these matters include the issues raised by the MoL in the reason for refusal, together with other issues raised by third parties. However, in order to find whether or not the proposal would be consistent with the NPPF and with policies in the London Plan, I have first looked at the likely environmental effects of constructing and operating the development. I have then concluded on the planning obligations and conditions that have been put forward. **[4 and 5]**
263. Before arriving at an overall conclusion on the merits of the proposal, I have looked at the benefits that have been put forward by the Appellant, which have been accepted by the Council and not contested by the GLA/MoL. My overall conclusion is based on a balancing exercise in which I have weighed the benefits against the harm I have found that would result from the proposed development, based on the evidence that has been put before me at the Inquiry and in writing.

The environmental effects of constructing and operating the development

264. Noise has been identified as the main adverse environmental effect with regard to both the construction and the operation of the proposed development. All the main parties have accepted that the proposal would result in additional noise that would have an adverse impact on residents in the area during construction and an increase in the number of people exposed to noise during the operation of the Airport. **[139, 140 and 174 to 180]**
265. In terms of construction noise, I am satisfied that this would be adequately controlled by suitable planning conditions, including a condition to secure the construction of temporary noise barriers. In this respect, such conditions would ensure that any work that would need to be carried out during unsocial hours would be kept to a minimum and would be controlled to prevent excessive harm to the living conditions of local residents during the possible 7 year phased construction period. Furthermore, the Council has indicated that LCY has agreed to enhance sound insulation for those properties that would suffer the greatest adverse impact during construction. **[83, 139 and 142]**
266. With regard to the operation of the Airport, the effect of the proposal would be to increase the number of affected people within the 57dB LAeq 16hr contour. As there would be a relatively high number of residential properties in the vicinity of the Airport, due to its urban location and future development, the number of residents within the noise contours would greatly increase by any slight expansion of the contours, making the contours particularly sensitive. This would also be the case without CADP1. At present, and partly due to its sensitive location in a relatively densely populated area, the Airport already does not operate at night and much of the weekend, and aircraft take-off and land using a steeper than normal glide path. Both of these measures would be retained under the proposal. **[34, 37, 52, 76, 140 and 141]**

267. Even 'without CADP1' there is a predicted increase in ATMs to about 95,000 per year. 'With CADP1', the number of ATMs per annum would be capped by planning condition at 111,000, and the proposed larger stands and new taxiway would enable a greater number of more modern and quieter aircraft to use the Airport. As a result of the above improvements and measures, the forecast levels of increase in noise from the proposal, taken at 12 locations that have been agreed as being representative by the MoL, are significantly below 1dB LAeq 16hr in 2025. **[34, 140 and 179]**
268. With regard to air quality, which is the main concern of FoE, I recognise the need to comply with the obligations imposed by the EU Directive and Air Quality Standards Regulations and the Air Quality (England) Regulations 2000, which for nitrogen dioxide sets an annual mean 'objective' level at 40µg/m³. However, the expert evidence that has been presented indicates that the proposal would not result in any significant harmful effect on air quality. The Appellant has demonstrated that the forecast increases in nitrogen dioxide levels at road junctions would be so small as to not to be registered as an increase in Defra reports to the European Commission, and would be eliminated by the revised Greater London Air Quality Plan measures in less than three weeks. Therefore, whilst there are areas near to the Airport where there is a breach of the objective 40µg/m³ nitrogen dioxide level, they would not be made significantly worse by the proposal. **[97 to 110, 144, 145 and 239 to 242]**

The measures proposed to mitigate and manage any adverse impacts of the development

269. A comprehensive package of measures to mitigate and manage adverse impacts is proposed. In respect of noise, this includes an insulation scheme based on average mode contours, and it has been shown to be one of the most generous compensation schemes for any UK airport. The agreed approach to address the effect of noise on local residents is by way of sound insulation. However, LCY also proposes other measures to mitigate the effect of noise, some of which are already in place. New measures would be secured through planning conditions, such as a noise contour cap that effectively would prevent changes in fleet to noisier aircraft; and restricting peak hourly ATMs and annual ATMs. Some of these measures would benefit residents outside the 57dB LAeq 16hr contour, the extent of which would be reduced due to the operational mitigation measures. **[37, 58, 80, 141, 142 and 255]**
270. Noise impacts on open spaces and outdoor recreational spaces cannot be fully mitigated and it has been recognised that there would be a residual impact. However, this impact would be lessened by the use of noise barriers, limitations on weekend flights and the steeper glide path. Furthermore, compensation would be provided through a S106 obligation to secure a financial contribution towards existing and proposed open space and recreational facilities. **[76, 141 to 143, 153 and 255 x]**
271. With regard to noise insulation, the Government, and the FALP, seek to avoid, mitigate and minimise the impacts of the proposal and of the Airport and to secure an 'appropriate' insulation/compensation scheme. Whilst the guidance in the APF indicates a minimum qualification for insulation to residential properties to those that *'experience an increase in noise of 3dB or more which*

leaves them exposed to levels of noise of 63dB LAeq 16hr or more', LCY and the Council have accepted that a more generous compensation scheme would be necessary, in terms of a S106 planning obligation. Following the refusal of planning permission, LCY has enhanced the sound insulation scheme to include an additional tier at 63dB. This has resulted in the current proposed compensation scheme consisting of three tiers of insulation, at 57dB, 63dB and 66dB, as well as an offer to purchase at 69dB³⁹⁶. These noise levels are all based on LAeq 16hr average noise contours over a 92 day summer period (mid-June to mid-September). **[54, 80, 120, 139, 181, 199 and 213]**

272. The MoL's case is that the above compensation scheme should be based on combined single mode contours, which would effectively enlarge the contours and significantly increase the number of residential properties that would qualify for noise insulation and purchase. However, there appears to be no sound or established basis for the use of such contours in determining NISs for airports. The additional estimated cost of up to about £29 million, and its affordability by the developer, should not be part of the consideration of whether or not such a scheme would be reasonable or necessary. **[72, 73, 185 and 214]**
273. Whilst the MoL has suggested that the contours would reflect the 'real world', as the average contours would not take sufficient account of those residents that would be flown over about 30% of the time to the east of the Airport, they would also result in an increase in residents that would be eligible to noise insulation to the west of the Airport. In effect, they would be modelling the noise that would result from aircraft being flown for the whole of the 92 day period in a westerly direction, combined with that resulting from aircraft being flown for the whole of the 92 day period in an easterly direction. Whilst each of the easterly and westerly noise contours would model the 'worst case', they would not allow for any periods of relief which would occur on average for about 70% of the time in the east and about 30% of the time in the west. This should be taken into account, even though that 'relief' would be unpredictable as it would be dictated to by the wind direction. The MoL's suggested contours would therefore artificially increase the number of residents that would qualify for noise insulation/compensation. **[38,39, 78, 156, 165, 183, 186 and 212]**
274. The average mode contours would take account of the density of the residential properties in the area by the number of properties that would be eligible for noise insulation that would be included within the contours. The location of the Airport in a 'noise sensitive' area, such as around London City Airport, is therefore not a valid reason for using the MoL's suggested combined single mode contours. **[52 and, 175]**
275. The current government policy on aviation noise is given in the APF, 2013, which is highly technical and aimed at specialists, unlike the NPPF, which the Government has indicated was published to simplify the planning system to make it accessible for everyone. The historical basis for the established use of the LAeq 16hr contours for noise insulation has been shown to be from the ANIS survey in the 1980s and further reports based on that survey, all of

³⁹⁶ Document LCY/104 draft s.106 agreement schedule 9 and Document LCY/107

which correlated the noise levels with annoyance. It therefore seems to me to be logical to assume that references in the APF to LAeq 16hr are to average mode contours, which were correlated with community annoyance in the ANIS survey, particularly as the document does not refer specifically to the use of other 'worst case' contours. This is backed up by references to 57dB LAeq 16hr in paragraphs 3.15, 3.17 and 3.19 of the APF, together with the reference to 'average sound level' in footnote 94. Whilst these references are not included in the section on 'Noise insulation and compensation', there is nothing to show that the noise exposure levels given should not be based on anything other than average contours. **[40 to 44, 46, 47, 55, 56, 78, 159 to 163, 201, 202 and 205]**

276. I have noted that paragraph 3.19 of the APF recommends that average noise contours should not be the only measure used when airports seek to explain how locations under flight paths are affected by aircraft noise and encourages airport operators to use alternative measures which better reflect how aircraft noise is experienced in different localities, giving examples in footnote 96. However, it indicates that this is to ensure a better understanding of noise impacts and to inform the development of targeted noise mitigation measures. Furthermore, paragraph 3.40, dealing with noise insulation and compensation, refers to new nationally significant airport development projects, which is not what is being proposed, with regard to the consideration of tailored compensation schemes. Therefore, there is nothing in the APF to support the MoL's suggested use of combined single mode contours for use in noise insulation and compensation schemes. Neither do any of the other government documents referred to recommend such a use, including the NPSE, to which the approach in the APF is consistent, and the ANASE report, which does not recommend the use of any particular noise contours. **[36, 51, 56, 57, 69, 196 to 200, 203, 204 and 210]**
277. There is also no support in any relevant documents for providing noise insulation to residential properties outside the 57dB LAeq 16hr contours as suggested by HACAN East. Although I noticed aircraft noise at my site visits outside the identified 57dB contour, this does not mean that a significant number of people would be annoyed by that noise to justify sound insulation being carried out at those properties. The only survey that has been identified that correlates the relationship between noise and community annoyance, which is the ANIS study, has shown the 57 dB LAeq contour to be a significant indicator of the onset of community annoyance, even though some people would be annoyed when exposed to noise below this level. **[18, 71, 223, 228, 229 and 245]**
278. The use of average mode contours to determine eligibility for noise insulation has been used at other UK airports, whereas there is no evidence that single mode contours have been used for this purpose. Even though the press release for Heathrow has indicated that it would use this 'worst case' method for sound insulation should the proposed new runway go ahead, that would involve significantly different circumstances from this appeal proposal, as it would include existing night time flights and would introduce completely new flight paths due to the location of the runway. **[50 and 213]**
279. The support for the MoL's approach appears to me to have arisen from a suggestion in a report for the MoL by an external noise consultant (Temple

Group Ltd), dated 24 March 2015 (Temple Report), which considered the Council's resolution to grant planning permission. The conclusions from this report were given in the GLA's officers' Stage 2 Report, which advised the MoL that he should not give a direction but should leave the decision to the Council. Even though it reported the findings of the Temple Report, including the recommended use of combined airport westerly and easterly mode of operation noise contours, it advised that any permission could be conditioned and a S106 obligation used to mitigate noise impacts so that the proposal would fully comply with national and FALP policies. **[49, 158 and 217]**

280. A previous Temple report to the MoL, dated 6 October 2014, concludes that policy considerations do not provide robust justification for refusing planning permission; and earlier technical reports to the MoL from Extrium conclude that the ES assessment provides a comprehensive and accurate assessment of the potential noise and vibration impacts that are likely to arise from the development and the proposal is in general compliance with the relevant policies. In addition, the advice given at application stage and during the Inquiry to the Council and LCY by experts in the field of aviation noise concurs with the view that average mode contours are the most appropriate method for assessing eligibility for noise insulation at airports. **[34, 49 and 158]**
281. Whilst I have found that the proposed noise insulation would be necessary to make the development acceptable in planning terms, for the reasons given above, the NIS put forward by the MoL based on combined single mode contours would fail to satisfy this statutory test that applies to planning obligations. It has also not been shown to be needed to make the development acceptable in planning terms with regard to the test for planning conditions. **[72 and 78]**
282. In conclusion on this matter, I find that the proposed measures to mitigate and manage any adverse impacts of the development would be comprehensive and would be an improvement on those measures that are currently in place. The proposed noise insulation based on average mode contours would be the most appropriate method to determine eligibility for residential properties and the proposed three tier system for noise insulation/compensation would go beyond that at other airports and the minimum recommended by the Government. The mitigation measures would be secured by planning obligations and conditions. As such, I am satisfied that they would ensure that any adverse noise impacts of the development would be appropriately managed to ensure that the proposal would not result in any significant unacceptable harmful effect on the living conditions of local residents.

National Planning Policy Framework (NPPF) and policies in the London Plan

283. The NPPF generally supports sustainable development, which includes three dimensions: economic, social and environmental. In terms of the economic role, the MoL and the Council have both acknowledged that the proposal would provide significant benefits. They have not disputed that London City Airport is a major contributor to jobs and the economy in the area and have accepted the scale of the economic benefits that LCY has shown would result from the proposed development. HACAN East has questioned the likelihood of the forecast number of jobs that would be provided as a result of the development. However, it has not provided any substantive evidence to show

that the forecasts are flawed. The past failure for the projection of jobs arising from the Airport to be fulfilled has been addressed by the Appellant as being due to the impact of the recession and it has shown that the number of jobs has increased since that time. **[120, 121, 123, 124, 148 to 150, 187 and 215]**

284. Amongst the socio-economic benefits of the proposal that LCY has highlighted are those associated with the increased connectivity that the proposed improvements to the Airport would bring to that part of London and London as a whole. These would include not only the number of flights that would be able to be offered but also improvements to the DLR, bus, cycling, pedestrian and parking facilities. The value of these economic benefits is demonstrated by the significant number of letters of support that have been submitted by major companies and those representing commerce in the area. Furthermore, the NPPF in paragraph 33 recognises the importance of airports in serving business, leisure, training and emergency service needs. Therefore, the evidence provides strong support for the proposal with respect to the resulting economic benefits. **[82 to 92, 128 and 146]**
285. The social role would be fulfilled by securing a much needed greater level of local employment, through the S106 Agreement, in what is a relatively deprived area of the Country. LCY would also commit to invest through the S106 Agreement in employment training. I am therefore satisfied that the S106 planning obligations would ensure that the proposal would make a significant contribution to supporting the community through local employment and training. **[149 and 255 iv, v and xix]**
286. With regard to the environmental role, I am satisfied that the planning conditions that I have recommended would address most of the residual impacts of the development, including those related to flooding, ecology, climate change and contamination. It has not been contested at the Inquiry that the proposed design would enhance the appearance of the area, and the Council would be given greater control over future proposed buildings through planning conditions. I have found that the air quality concerns of FoE are not supported by the insignificant level of pollution that the ES, and subsequent surveys, have shown would result from the proposal and that the proposal would enable an increase in the use of more modern less polluting aircraft in the future, which would represent a potential benefit. **[93, 97 to 110, 138, 147, 151 and 239 to 242]**
287. The objectives of the NPPF in terms of noise, given in paragraph 123, seek, amongst other things, to avoid noise giving rise to significant adverse impacts on health and quality of life as a result of new development; and to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development. These objectives are consistent with those in the NPSE, and that paragraph in the NPPF specifically refers to the NPSE for an explanatory note on them. **[57, 122, 123, 144, 145, 160, 196 and 206]**
288. The MoL and Council have both agreed with the Appellant that the proposed mitigation package would be comprehensive and rigorous and would include all four types of noise mitigation listed in the NPPG. On the engineering side, it would include controls over the type of aircraft to use the Airport, the layout

would include noise barrier construction and planning conditions and obligations would be used to control the noise and secure the provision of mitigation, including noise insulation. The MoL has accepted that neither the NPPG, nor the NPPF, nor the NPSE recommend the use of any particular method to determine the entitlement to noise mitigation. Based on this, and my findings on the proposed mitigation for the appeal proposal, I am satisfied that the proposal would comply with the NPPF with regard to its impact due to noise. **[57, 122, 123, 141, 142, 160, 196 and 206]**

289. Turning to the FALP, the two policies that the MoL has indicated that the proposal would not be in compliance with, which are in the reason for refusal, are policy 6.6, regarding aviation, and policy 7.15, which deals with noise generally. I agree with the main parties that these policies are consistent with the NPPF and the latest government policies and guidance on noise. Policy 6.6 appears to me to be generally supportive of the proposed development in that it would improve facilities at the Airport, optimise efficiency and sustainability, enhance the user experience and would ensure the availability of public transport options. Whilst the number of ATMs would be restricted to below the number that is already permitted, at 120,000 per year, the proposal in effect would result in an increase in ATMs per year, as the MoL, the Council and LCY have all accepted that the current Airport facilities would only be capable of handling up to 95,000 ATMs per year. **[30, 60, 62, 66, 90, 179 and 187]**
290. In terms of the requirements in policy 6.6C, the proposal would meet its full environmental and external costs through the NIS and other measures, including financial contributions, that would be secured through the S106 planning obligations and planning conditions. In doing this, LCY as the Airport operator, would have taken full account of the environmental impacts when making its decisions on patterns of aircraft operation, which currently exclude night time flights and flights during some of the weekend. I am satisfied that the proposed use of average mode contours to determine eligibility for noise insulation would be in accordance with policy 6.6D, regarding planning decisions, particularly as the proposed insulation package would be more generous than that recommended as the minimum in the APF and the FALP does not specifically state that average mode contours should not be used for this purpose or give any particular threshold for considering noise insulation. Therefore, I find that the proposal would accord with policy 6.6. **[63 to 66, 79, 187, 191 and 192]**
291. FALP policy 7.15 and the accompanying explanatory text in paragraph 7.52 both refer to the MoL's ANS. Although the ANS, 2004, is therefore a material consideration in the determination of this appeal and some of its objectives are reflected in the FALP policies, its reference to the use of 'worst mode' aircraft contours in policy 46 and Box 46 is a recommendation for reviewing government policy. There is nothing in the subsequent review of government policy in relation to aviation noise, culminating in the APF, or that is specifically included in the FALP, which states that worst mode contours should be used or on how they should be calculated. In terms of the objectives in the ANS, I find no conflict. **[68, 69, 79, 208 and 209]**
292. Much of the wording of FALP policy 7.15 is similar to that in the NPSE and I have found that the proposal would accord with the NPSE, particularly with regard to the measures that it would use to manage noise, which is referred to

in 7.15B. I have also found that a noise mitigation scheme based on combined single mode contours, as recommended by the MoL, would not be necessary and would add a significant additional cost to the scheme. It would therefore be contrary to 7.15B(b). I have previously concluded that the proposed NIS would ensure that the resulting noise would be adequately managed, having regard to its impact on noise sensitive development, which is mainly residential development in the vicinity of the Airport. As such, I conclude that the proposal would comply with FALP policy 7.15. **[70 to 77, 178, 179 and 188 to 190]**

293. In terms of the effect of the proposal on the Blue Ribbon Network, the Appellant has accepted that the proposed decking would cover about 18% of the total existing water in KGV Docks, which forms part of the Blue Ribbon Network. I agree that the use of the space provide by this decking is essential to the proposed development. However, it would be contrary to FALP policy 7.28, which seeks to ensure that new development restores and enhances the Blue Ribbon Network by, amongst other things, preventing new structures in the water space unless they serve a water related purpose. The MoL and the Council have both accepted that this conflict is insufficient reason to refuse planning permission, as the loss of this water space would not lead to any direct reduction in its use for recreational purposes, and the water space does not have public accessibility, does not affect any important public views and has no current positive use. **[114, 134, 233 and 234]**
294. The Council has suggested that the loss and alteration of part of the Dock would have a local heritage impact. FALP policy 7.30 requires new development to protect and promote the vitality, attractiveness and historical interest of London's docks by, among other things, preventing their partial or complete infilling. However, English Heritage did not object, and the decking would not completely 'infill' the water space. Furthermore, a S106 planning obligation would ensure that the decking would be removed and the water space restored should the Airport cease to operate in the future and another obligation would secure the provision of historical information boards as mitigation. **[115, 134, 135, 234 and 255 ii and xii]**
295. Taking account of the above, I find that the proposal would be in general conformity with the NPPF and policies within the FALP and other development plan policies, even though it would fail to fully accord with FALP policy 7.28, as it would result in part of the Blue Ribbon Network not being used for a water related purpose; and policy 7.30, as it would partially infill part of London's docks by the use of decking. In addition, I am satisfied that the proposal would represent sustainable development in accordance with the NPPF. **[19 to 21]**

The adequacy of the Environmental Statement

296. The ES was updated in September 2015, following the appeal, to form the UES, which has been referred to in the evidence given at the Inquiry. In February 2016, the UES tables relating to noise levels at schools were amended. There is no evidence to show that these updates and amendments have had any significant effect on the adequacy of the original ES, which had been accepted as being accurate and comprehensive by the Council and MoL. I have therefore been given no reason to doubt that the ES, and its final

version as the UES, are adequate and fit for purpose. **[31 to 32, 34, 37, 63 and 155]**

Planning Conditions and Obligations

297. I have found that all the planning obligations in the S106 Agreement submitted on the 28 April 2016 meet the statutory tests in CIL Regulations 122 and 123(3) and given in NPPF paragraph 204. I am therefore able to take them into account in my conclusions and my recommendation on the proposed development. **[254 to 260]**
298. Should the SofS be minded to grant planning permission, I recommend that the conditions set out in Appendix C of this report be imposed. They are based on the conditions suggested by the Council should the appeal be allowed that have been discussed and subsequently amended at the Inquiry. **[261]**

Other Relevant Matters

299. The concerns about public consultation are not supported by substantive evidence. It appears to me that these complaints are in relation to the number of consultations that have been carried out, together with the volume and complexity of the supporting documents. However, there is nothing before me to show that any relevant parties have been unfairly prejudiced by the consultation process or that the process failed to follow statutory procedures. With regard to the late amendments to the UES noise level tables in relation to schools, I am satisfied that interested parties have been given sufficient notification and any concerns from those schools would be addressed within the proposed NIS. **[32, 37, 151, 235, 243, 249 and 253]**
300. I have dealt with most of the concerns about air quality and noise earlier in my conclusions. In this respect, I am satisfied that the suggested planning conditions and obligations in the S106 Agreement would ensure that there would be sufficient measures and monitoring to prevent any significant harm to the environment or to local residents' living conditions as a result of noise and air pollution arising from the proposed development. There is very little evidence to show that there would be any significant cumulative effect due to noise from Heathrow Airport and London City Airport. **[59, 97 to 110, 144, 145, 222 to 230 and 239 to 242]**
301. Whilst concerns have been expressed about the enforcement of controls and the monitoring of noise under the previous planning permission to allow up to 120,000 ATMs per year, the proposal should help to address some of these concerns as, through the planning obligations and conditions, it would provide tighter controls, improved mitigation and an increased budget for monitoring. The Council has demonstrated that it is willing and able to enforce the proposed conditions and planning obligations and significant sums of money would be secured under the S106 Agreement to finance this monitoring and enforcement, which should deal with residents' complaints more effectively and keep them better informed. Any past breaches are not the concern of this Inquiry. I am also satisfied that sufficient evidence has been provided to demonstrate that the 2009 Permission and 2009 Agreement have been fully implemented. **[118, 119, 166 to 170, 236 and 237]**

302. The PSZ has been assessed by NATS, who are the competent authority. The evidence before me indicates that the PSZ would be smaller with the proposed scheme than without it, as a result of fewer higher risk flight movements. The Council has used an independent expert consultant to carry out an assessment on the information provided and I have no other substantive evidence to demonstrate that this information is inaccurate or significantly wrong. There is limited evidence to show that the proposal, with the appropriate planning conditions, would have any significant adverse impact with regard to flood risk, ecology, waste, climate change or contamination. The only non-compliance with planning policy would be with regard to the effect of the proposal on the Blue Ribbon Network in terms of heritage and loss to water related activities, due to the additional decking that would be required over the water in the KGV Dock. I have taken this into account in my assessment of the overall planning balance. **[111 to 117, 134, 135, 151, 171 and 231 to 234]**
303. In terms of Mr Teale's claims regarding him and his family's human rights, I am satisfied that there would be no breach of Article 2 of the First Protocol or Article 8 to the Convention, as incorporated by the Human Rights Act 1998. This is because the effect of noise that would result from the proposed development on his children's school and the family home would not be sufficient to result in any material interference with his and his family's right for education or private and family life. **[251]**

Balancing Exercise

304. I have assessed whether the proposal would represent sustainable development in accordance with the NPPF. In doing so, I have examined the benefits that it would offer in terms of employment and increased economic activity, due to the improved communication encouraging development. In addition, there would be an improved passenger experience and environment due to better designed buildings and layout making more efficient use of the Airport. These significant benefits have not been challenged by the Council or MoL and are supported by a significant number of businesses and commercial organisations. Although these benefits could come forward with a different scheme or with a greater level of noise mitigation, this should not reduce the weight that is attached to them in relation to the merits of this appeal proposal. The projected employment figures both during construction and operation of the proposal have been disputed solely by local objectors who have based this on employment that has been generated by previous development at the Airport. However, no alternative figures have been provided or correlated with the identified increase in passenger numbers that would result from the development, which have not been challenged. **[81 to 84, 87 to 93, 127, 128, 173 to 176 and 215]**
305. By means of planning obligations in the S106 Agreement to secure finance for training and local employment, the above economic benefits would be directed towards LBN, which has been shown to be one of the most deprived areas in the Country. LCY has demonstrated that there is an urgent need for the improved facilities at the Airport that the proposal would offer, as well as a need to cater for a proven increased demand in travel in the area of the Airport, particularly by businesses. The proposal would allow the Airport to increase its flights within its already permitted level and also increase the

likelihood that these flights would be made by more efficient modern aircraft. **[85, 86, 94 to 96, 129 to 133, 136 to 138 and 255 iv, v and xix]**

306. I have weighed the above benefits against the adverse environmental impacts that I have identified, which are mainly focussed on noise. However, through planning conditions and obligations, the proposal would bring benefits over operating the Airport without the proposed development, due to improved controls and mitigation. It also would offer a noise insulation scheme that seems to me to be more generous than that currently offered at any other UK airport. Taking account of the mitigation and the benefits that it would bring by making more efficient use of an existing airport, the proposal would accord with the relevant development plan and national policies. The only conflict with development plan policies that has been identified is that related to the area of the proposed development being part of the Docks. However, I have found that this would have a relatively small impact on the objectives of those policies in terms of protecting the open character, increasing the habitat value and water related activities, and protecting local heritage. **[120 to 126, 134, 135, 152 to 155, 216 to 220, 233 and 234]**

Overall Conclusions

307. For the reasons given, my overall conclusions are that the significant socio-economic and employment benefits that would result from the proposal would outweigh the harm that I have identified due to increased noise and conflict with FALP policies regarding the use of the Docks, when taking account of the controls and mitigation that would be provided under planning conditions and the S106 Agreement. I have found that the proposal would accord with FALP policies 6.6 and 7.15 and would comply with the development plan as a whole. It would also represent sustainable development in accordance with the NPPF. Therefore, I conclude that the appeal should succeed.

Recommendation

308. I recommend that the appeal be allowed, and planning permission be granted subject to the conditions set out in Appendix C.

M J Whitehead

INSPECTOR

APPENDIX A: APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Simon Randle Marc Samuels	of Counsel, and of Counsel both instructed by Amanda Campbell, Senior Solicitor for the Council of the London Borough of Newham
They called Amanda Reid BA(Hons)UEP Dave Whittaker	Senior Development Manager, Council of the London Borough of Newham Airport Monitoring Officer, Council of the London Borough of Newham
Robin Whitehouse DipEH DipAc Dr Christopher Smith BA(Hons) MA David Gurtler BA DipSur MRTPI	Manager, Environmental Control Team, Council of the London Borough of Newham Chris Smith Aviation Consultancy Limited Director, Alpha Planning Ltd
Rupert Thornely-Taylor FIOA MINCE MIIAV	Head of Rupert Taylor Ltd

FOR THE APPELLANT:

Michael Humphries Hugh Flanagan	QC, and of Counsel both instructed by Duncan Field, Norton Rose Fulbright LLP
They called Louise Congdon BA MSc Rachel Ness BSc	Managing Partner, York Aviation LLP Director of Infrastructure, Strategy and Planning, London City Airport
Peter Henson BSc MSc MIOA Stephen Moorcroft BSc MSc MIES MIAQM CEnv Sean Bashforth BA BSc MRTPI	Partner, Bickerdike Allen and Partners Director, Air Quality Consultants Director, Quod

FOR THE RULE 6 PARTY: THE MAYOR OF LONDON

Douglas Edwards	QC instructed by Joanna King of Transport for London Legal
He called Daniele Fiumicelli DipEnv Health BSC(Hons) MSc MCIEH MIOA Iain Painting BSc(Hons) DipTP MRTPI	Technical Director, Temple Group Limited Senior Planning Partner, Barton Willmore LLP

FOR THE RULE 6 PARTY: HACAN EAST

John Stewart	Chair
Alan Haughton	Local resident

FOR THE RULE 6 PARTY: FRIENDS OF THE EARTH

Jenny Bates

OBJECTORS:

Clem Riches	Local resident
Sooz Belnavis-Abbott	Local resident
Councillor Clyde Loakes	Deputy Leader of Waltham Forest Council
John Cryer MP	MP for Leyton & Wanstead

APPENDIX B: DOCUMENTS

Core Documents

CD1.1 Appeal Submission: May 2015

- CD1.1.1 Online Appeal Form May 2015
- CD1.1.2 Cover Letter May 2015
- CD1.1.3 Certificate C and Annexes 1-3 May 2015
- CD1.1.4 Notice Letters May 2015
- CD1.1.5 Draft Statement of Common Ground May 2015
- CD1.1.6 Draft S106 May 2015

CD2.1 CADP1 Application Documentation (subject of appeal)

- CD2.1.1 Completed Application Form and Certificates CADP1 July 2013
 - CD2.1.2 Cover Letter 26 July 2013
 - CD2.1.3 Scheme Description July 2013
 - CD2.1.4 Community Infrastructure Levy Form CADP1 July 2013
 - CD2.1.5 CADP Application Drawings list and Application Drawings July 2013
 - CD2.1.6 Design and Access Statement July 2013
 - CD2.1.7 CADP Environmental Statement (Volumes 1, 2 and Non-Technical Summary) July 2013
 - CD2.1.8 Planning Statement July 2013
 - CD2.1.9 Need Statement July 2013
 - CD2.1.10 Statement of Community Involvement June 2013
 - CD2.1.11 Energy and Low Carbon Strategy July 2013
 - CD2.1.12 Health Impact Assessment July 2013
 - CD2.1.13 Sustainability Statement - July 2013
 - CD2.1.14 Transport Assessment (Volumes 1 and 2) July 2013
- #### **CD2.2 Revised Information March 2014 (ES Addendum ESA)**
- CD2.2.1 Cover Letter 7 March 2014
 - CD2.2.2 Revisions to Application Drawings list and Revised Application Drawings March 2014
 - CD2.2.3 Design and Access Statement Addendum January 2014
 - CD2.2.4 Environmental Statement Addendum (Including Appendices and Non-Technical Summary Update) March 2014
 - CD2.2.5 Planning Statement Addendum March 2014
 - CD2.2.6 Energy & Low Carbon Strategy Addendum (Including Appendices) March 2014

CD2.3 Further Information May 2014 (ES Second Addendum ESSA)

- CD2.3.1 Cover Letter 28 May 2014
- CD2.3.2 CADP Part 1 Environmental Statement Second Addendum (Including Appendices) May 2014
- CD2.3.3 CADP Part 2 HIA and Technical Assessment Review May 2014
- CD2.3.4 CADP Part 3 Second Updated Non-Technical Summary May 2014
- CD2.3.5 CADP Part 4 Response to May 2014 NEF Report

CD2.4 Revised Information November 2014 (Consolidated ES)

- CD2.4.1 Cover Letter 10 November 2014
- CD2.4.2 Guide to Consolidated Environmental Statement November 2014
- CD2.4.3 Non-Technical Summary of Consolidated Environmental Statement November 2014
- CD2.4.4 Consolidated Environmental Statement (ES Guide and Volumes 1–4) November 2014
- CD2.4.5 Equalities Impact Assessment November 2014

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- CD2.5** ***Revised Information November 2014 (Consolidated ES Addendum)***
- CD2.5.1 Consolidated Environmental Statement Addendum (Volumes I, II and III) November 2014
- CD2.5.2 Proposed Gallions Quarter Scheme and CADP - Supplementary Cumulative Effects Assessment and Section 106 Offer Letter December 2014
- CD2.6** ***September 2015 Submission (UES)***
- CD2.6.1 Guide to September 2015 Submission September 2015
- CD2.6.2 UES Covering Letter to Planning Inspectorate 9 September 2015
- CD2.6.3 Notice of UES Submission September 2015
- CD2.6.4 UES Volumes 1-5 and Non-Technical Summary September 2015
- CD2.6.5 Consolidated Application Plans and Drawing List (drawings last revised February 2014) September 2015
- CD2.6.6 Proposed Minor Changes (Dividers 1 – 5 including Proposed Minor Changes to Application Plans (A1), Update to the Design and Access Statement, Revised Scheme Description and Floorspace Schedule, Audit of Changes Drawn from UES, Update to the Sustainability Statement and Update to the Energy and Low Carbon Strategy September 2015
- CD2.6.7 Description of Development September 2015
- CD2.6.8 Update to Design and Access Statement September 2015
- CD2.6.9 Updated Transport Assessment September 2015
- CD2.6.10 Update to Energy and Low Carbon Strategy August 2015
- CD2.6.11 Update to Sustainability Statement September 2015
- CD2.6.12 Updated Health Impact Assessment September 2015
- CD2.6.13 Update to Need Statement September 2015
- CD3.1** ***CADP2 Application Documentation (not part of the appeal)***
- CD3.1.1 Completed Application Form and Certificates CADP2 July 2013
- CD3.1.2 Community Infrastructure Levy Form CADP2 July 2013
- CD3.1.3 CADP Application Drawings list and Application Drawings July 2013
- CD3.1.4 Hotel Design Code CADP2 July 2013
- CD4.1** ***LBN Documentation***
- CD4.1.1 Amec Report – CADP Technical Assessment Review January 2015
- CD4.1.2 Strategic Development Committee Report 13/01228/FUL February 2015
- CD4.1.3 Strategic Development Committee Update 13/01228/FUL February 2015
- CD4.1.4 Strategic Development Committee Minutes 13/01228/FUL February 2015
- CD4.1.5 Decision Notice 13/01228/FUL 12 May 2015
- CD4.1.6 Report to Development Control Members Forum 15 January 2016
- CD4.1.7 London City Airport: Economic and Social Impact Study, York Aviation and London East Research Institute, 2005
- CD4.1.8 Aviation Services and the City, Prepared for the City Corporation by York Aviation, 2008
- CD4.1.9 London's Turning: The Making of Thames Gateway (Chapter 14 The Airport Next Door: London City Airport – Regeneration, Communities and Networks), Philip Cohen and Michael Rustin, 2008
- CD4.1.10 Aviation Services and the City (Update), Prepared for the City Corporation by York Aviation, 2011
- CD4.1.11 Employment Land Review, GVA Grimley, 2011
- CD4.1.12 Strategic Regeneration Framework, 2009
- CD4.1.13 Newham's Sustainable Community Strategy, 2010
- CD4.1.14 Newham Mayor's Priorities

- CD4.1.15 H4 Odour Management
- CD4.2 LBN Correspondence**
- CD4.2.1 Pre-application Advice Letter 10 January 2013
- CD4.2.2 13/01228/FUL Additional Information Letter 20 December 2013
- CD4.2.3 London City Airport Regulation 22 Letter 21 January 2014
- CD4.2.4 Letter to S Sahadevan (LBN) to extend time period for determination 9 April 2014
- CD4.2.5 2nd London City Airport Regulation 22 Letter 23 May 2014
- CD4.2.6 LBN letter re construction noise impacts letter 18 June 2014
- CD4.2.7 Combined LCY Response Letter 7 July 2014
- CD4.2.8 Letter to S Sahadevan (LBN) to extend time period for determination 14 July 2014
- CD4.2.9 3rd London City Airport Regulation 22 Letter 20 August 2014
- CD4.2.10 Letter to LBN 30 September 2014
- CD4.2.11 Letter to S Sahadevan re GLA 10 October 2014
- CD4.2.12 RPS Note on Assessment Years October 2014
- CD4.2.13 Letter to S Sahadevan (LBN) from Declan Collier, LCY 15 October 2014
- CD4.2.14 Letter to S Sahadevan (LBN) from Sean Bashforth re Equalities Impact Assessment 17 November 2014
- CD4.2.15 Letter in Response to GLA Response 5 December 2014
- CD4.2.16 *Not Allocated, previously duplicate of CD4.2.15*
- CD4.2.17 Letter to S Sahadevan (LBN) 30 January 2015
- CD4.2.18 Letter from Rosemary Lansdowne re Stage 2 Referral to GLA 13 March 2015
- CD4.2.19 Letter from LCY to LBN on Heads of Terms 2 December 2015
- CD5.1 MoL Documentation and Correspondence**
- CD5.1.1 Aether Air Quality Assessment Review CADP Technical Comments October 2013
- CD5.1.2 Aether Air Quality Assessment Review CADP Summary October 2013
- CD5.1.3 GLA Stage 1 Report 5 November 2013
- CD5.1.4 GLA Stage 1b Letter and Report 25 June 2014
- CD5.1.5 Technical Note - LCY PSZs Issue 1 August 2014
- CD5.1.6 LCA Final Report rev1 August 2014
- CD5.1.7 GLA letter to LCY with Stage 1b Update 7 October 2014
- CD5.1.8 *Not Allocated - previous duplicate of CD4.2.11*
- CD5.1.9 GLA letter to LCY Stage 1b Update 31 October 2014
- CD5.1.10 GLA letter to LCY Stage 1b Update 4 December 2014
- CD5.1.11 GLA letter to LBN with Stage 1b Update 26 January 2015
- CD5.1.12 GLA Stage 2 Letter - Refusal and Report 26 March 2015
- CD5.1.13 Letter to Joanna King (TfL) 7 May 2015
- CD5.1.14 Letter to Duncan Field (Norton Rose Fulbright) 13 May 2015
- CD5.1.15 Bickerdike Allen Partners Note, dated 23 March 2015
- CD5.1.16 Bickerdike Allen Partners Note, dated 11 December 2015
- CD5.1.17 Bickerdike Allen Partners Note, dated 7 January 2016
- CD5.1.18 Letter from Barton Willmore to London City Airport, 23 December 2015
- CD5.1.19 Letter from Barton Willmore to Quod, 23 December 2015
- CD5.1.20 Letter from London City Airport to Barton Willmore (Aircraft Category Review), 18 January 2016
- CD5.1.21 Letter from London City Airport to Barton Willmore (Sound Insulation Scheme), 18 January 2016

- CD5.1.22 Extrium Project Technical Note, Review of Noise Specific Elements of Documents for the London City Airport Development Programme, 18 October
- CD5.1.23 Extrium Project Technical Note, Review of Noise Specific Elements of Documents for the London City Airport Development Programme – Review of Environmental Statement Addendum, 22 May 2014
- CD5.1.24 Report for GLA, London City Airport CADP Planning Application, Review of Noise Information, Final Rev 1 29 August 2014
- CD5.1.25 Report for GLA, London City Airport CADP Planning Application, Review of Consolidated ES and Technical Appendices Noise and Vibration 25 January 2015
- CD5.1.26 Email from GLA to Norton Rose Fulbright re Freedom of Information Regulations 14 October 2015
- CD5.1.27 GLA letter to Norton Rose Fulbright Environmental Information Regulations Response (disclosing documents referenced as 5.1.23, 5.1.25 and 5.1.28 to 5.1.32) 14 October 2015
- CD5.1.28 Email exchange between Mr Fuimicello and the GLA and others between August 2014 and March 2015
- CD5.1.29 Average v Single Mode contours
- CD5.1.30 Extrium Report 10 June 2014
- CD5.1.31 Temple Report to GLA 6 October 2014
- CD5.1.32 Temple Report to GLA 24 March 2015
- CD6.1 Appeal Correspondence**
- CD6.1.1 Planning Inspectorate letter to Quod re Secretary of State's recovery 17 December 2015
- CD6.1.2 TfL Comments to Planning Inspectorate 10 June 2015
- CD6.1.3 London Borough of Tower Hamlets Comments to Planning Inspectorate September 2015
- CD6.1.4 Sandra Macphee Response 22 September 2015
- CD6.1.5 London Borough of Redbridge Comments to Planning Inspectorate 28 September 2015
- CD6.1.6 London Borough of Redbridge Email and Comments to Planning Inspectorate 8 October 2015
- CD6.1.7 London Borough of Barking and Dagenham Comments to Planning Inspectorate 16 October 2015
- CD6.1.8 Sandra Macphee Response to Planning Inspectorate 18 October 2015
- CD6.1.9 Barton Willmore GLA Response to Planning Inspectorate 26 October 2015
- CD6.1.10 LBN Letter to Planning Inspectorate re UES 27 October 2015
- CD6.1.11 LBN Letter to Planning Inspectorate re UES Consultation 27 October 2015
- CD6.1.12 LCY Response to LBN Letter 4 November 2015
- CD6.1.13 London Borough of Greenwich Response to Planning Inspectorate 9 November 2015
- CD6.1.14 London Borough of Havering Comments to Planning Inspectorate 18 November 2015
- CD6.1.15 LBWF Comments to Planning Inspectorate 25 November 2015
- CD6.1.16 LBN Further Comments to Planning Inspectorate re UES 20 January 2016
- CD6.1.17 Revised Tables 8.35, 8.36 and 8.37 of the UES (Relating to Noise Levels at Schools) February 2016

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- CD6.1.18 Letter from Quod, dated 26 February 2016, accompanying the note relating to revised tables 8.35, 8.36 and 8.37 of the UES (Relating to Noise Levels at Schools) and Annexes giving lists of Newspaper Publications and statutory and non-statutory consultees
 - CD6.1.19 Letter from HACAN East, dated 26 February 2016, regarding consultation for the UES
 - CD6.1.20 E-mail from James Allen, St Joachim's School, dated 1 March 2016, regarding the revised tables 8.35, 8.36 and 8.37 of the UES (Relating to Noise Levels at Schools)
 - CD6.2** **Statements of Case**
 - CD6.2.1 HACAN East Statement of Case October 2015
 - CD6.2.2 LCY Statement of Case May 2015
 - CD6.2.3 LBN Statement of Case August 2015
 - CD6.2.4 MoL Statement of Case August 2015
 - CD6.3** **Statements of Common Ground (SoCGs)**
 - CD6.3.1 SoCG between LBN and LCY December 2015
 - CD6.3.2 SoCG between MoL and LCY November 2015
 - CD6.3.3 SoCG between TfL and LCY November 2015
 - CD6.3.4 SoCG between HACAN East and LCY December 2015
 - CD6.3.5 Supplemental SoCG between MoL and LCY March 2016
 - CD7.1** **National Policy**
 - CD7.1.1 Planning Policy Guidance PPG24: Planning and Noise October 1994
 - CD7.1.2 The Future of Air Transport- White Paper December 2003
 - CD7.1.3 The UK Government Sustainable Development Strategy March 2005
 - CD7.1.4 DfT Control of Development in Airport PSZs March 2010
 - CD7.1.5 Defra The Air Quality Strategy for England, Scotland, Wales and Northern Ireland July 2007
 - CD7.1.6 Noise Policy Statement for England March 2010
 - CD7.1.7 HM Treasury Plan for Growth March 2011
 - CD7.1.8 NPPF March 2012
 - CD7.1.9 Technical Guidance to the NPPF March 2012
 - CD7.1.10 Aviation Policy Framework March 2013
 - CD7.1.11 Defra Waste Management Plan for England December 2013
 - CD7.1.12 Air Quality NPPG March 2014
 - CD7.1.13 Climate Change NPPG March 2014
 - CD7.1.14 Conserving and Enhancing the Historic Environment NPPG March 2014
 - CD7.1.15 Consultation and pre-decision matters NPPG March 2014
 - CD7.1.16 Design NPPG March 2014
 - CD7.1.17 Determining a planning application NPPG March 2014
 - CD7.1.18 Duty to cooperate NPPG March 2014
 - CD7.1.19 Environmental Impact Assessment NPPG March 2014
 - CD7.1.20 Flood Risk and Coastal Change NPPG March 2014
 - CD7.1.21 Health and wellbeing NPPG March 2014
 - CD7.1.22 Land affected by contamination NPPG March 2014
 - CD7.1.23 Light pollution NPPG March 2014
 - CD7.1.24 Local plans NPPG March 2014
 - CD7.1.25 Making an application NPPG March 2014
 - CD7.1.26 Natural environment NPPG March 2014
 - CD7.1.27 Noise NPPG March 2014
 - CD7.1.28 Planning obligations NPPG March 2014
 - CD7.1.29 HM Treasury National Infrastructure Plan December 2014
 - CD7.1.30 National Policy Statement for National Networks December 2014

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- CD7.1.31 HM Treasury Fixing the Foundations: Creating a more prosperous nation July 2015
- CD7.2 GLA Policy**
- CD7.2.1 Biodiversity Strategy – Connecting with nature Supplementary Planning Guidance (SPG) July 2002
- CD7.2.2 MoL's Ambient Noise Strategy March 2004
- CD7.2.3 Health Issues in Planning Guidance November 2007
- CD7.2.4 Transport Strategy May 2010
- CD7.2.5 Air Quality Strategy December 2010
- CD7.2.6 Convergence Framework and Action Plan 2011-2015, The Mayor of London and the elected Mayors and Leaders of the six Olympic Host Boroughs 2011
- CD7.2.7 Royal Docks Vision March 2011
- CD7.2.8 Royal Docks Parameters for Development March 2011
- CD7.2.9 The London Plan, The Spatial Strategy for Greater London July 2011
- CD7.2.10 Use of Planning Obligations and Mayoral CIL SPG April 2013
- CD7.2.11 GLA Air Quality Neutral Policy Final Report May 2013
- CD7.2.12 2020 Vision: The Greatest City on Earth June 2013
- CD7.2.13 Sustainable Design & Construction SPG April 2014
- CD7.2.14 The control of dust and emissions during construction and demolition SPG July 2015
- CD7.2.15 The London Plan, The Spatial Development Strategy for Greater London Consolidated with Alterations since 2011 March 2015
- CD7.2.16 Housing Standards Minor Alterations to the London Plan
- CD7.3 LBN Policy**
- CD7.3.1 LBN Air Quality Action Plan Consultation Report 2003
- CD7.3.2 LBN Town Centre and Retail March 2010
- CD7.3.3 Newham Economic Development Strategy October 2010
- CD7.3.4 Newham Local Economic Assessment 2010 to 2027 October 2010
- CD7.3.5 Newham Character Study September 2011
- CD7.3.6 Newham's Local Plan – Core Strategy January 2012
- CD7.3.7 Newham's Saved Unitary Development Plan (UDP) Policies February 2012
- CD7.3.8 Newham's Local Plan Proposals Map January 2012
- CD7.3.9 Joint Waste Development Plan for East London Waste Authority Boroughs February 2012
- CD7.3.10 Detailed Sites and Policies DPD Proposed Submission Draft September 2015
- CD7.3.11 Newham CIL Charging Schedule January 2014
- CD7.3.12 ED6 LBN-Regeneration 123 List CIL January 2014
- CD7.3.13 Royal Docks Infrastructure Study (Strategic Transport Study), TfL in partnership with LBN March 2012
- CD8.1 Civil Aviation Authority Standards**
- CD8.1.1 DORA Report 8402: United Kingdom Aircraft Noise Index Study: Main Report January 1985
- CD8.1.2 DORA Report 9023: The Use of Leq as an Aircraft Noise Index September 1990
- CD8.1.3 CAP 738: Safeguarding of Aerodromes December 2006
- CD8.1.4 CAP 725: Airspace Change Process Guidance Document March 2007
- CD8.1.5 CAP 791: Procedures for Changes to Aerodrome Infrastructure June 2010

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- CD8.1.6 Economic Research and Consultancy Department Report 1208: Aircraft Noise, Sleep Disturbance and Health Effects: A Review January 2013
 - CD8.1.7 CAP 1129: Noise Envelopes December 2013
 - CD8.1.8 CAP 168: Licensing of Aerodromes March 2014
 - CD8.1.9 CAP 1165: Managing Aviation Noise May 2014
 - CD8.1.10 CAP 1164: Aircraft noise, sleep disturbance and health effects June 2014
 - CD8.1.11 European Aviation Safety Agency Explanatory Note to Decision 2015/001/R
 - CD8.1.12 DORA Communication 7907 (2nd Edition) September 1981: The Noise and Number Index
 - CD8.2 *Guidance and other documents***
 - CD8.2.1 The Committee on the Problem of Noise (Final Report) July 1963
 - CD8.2.2 World Health Organisation (WHO)– Guidelines for Community Noise 1999
 - CD8.2.3 Sustainable Aviation- A Strategy Towards Sustainable Development of UK Aviation 2005
 - CD8.2.4 WHO- Night noise guidelines for Europe 2009
 - CD8.2.5 Local Air Quality Management Technical Guidance LAQM.TG(09) February 2009
 - CD8.2.6 The Committee on Climate Change- Meeting the UK Aviation Target December 2009
 - CD8.2.7 European Environment Agency's Good Practice Guide on Noise Exposure and Potential Health Effects 2010
 - CD8.2.8 World Health Organisation - Burden of Disease from Environmental Noise
 - CD8.2.9 The Committee on Climate Change- International Aviation and Shipping Review April 2012
 - CD8.2.10 London City Airport: Air Quality Action Plan 2012-2015 June 2012
 - CD8.2.11 Sustainable Aviation - A Noise Road-Map: a Blueprint for managing noise from aviation sources to 2050 - 2013
 - CD8.2.12 Interim Advice Note 175/13 June 2013
 - CD8.2.13 London City Airport: Annual Progress Report 2014
 - CD8.2.14 The Committee on Climate Change- Meeting Carbon Budgets 2014 Progress Report to Parliament July 2014
 - CD8.2.15 Institute of Environmental Management and Assessment Guideline for Noise Impact Assessment October 2014
 - CD8.2.16 National Noise Attitude Survey 2012 December 2014
 - CD8.2.17 Building Bulletin 93: Acoustic Design of Schools: Performance Standards February 2015
 - CD8.2.18 EPUK/IAQM: Land-Use Planning & Development Control – Planning for Air Quality May 2015
 - CD8.1.19 House of Commons, Environment Audit Committee – The Airports Commissions Report: Carbon Emissions, Air Quality and Noise November 2015
 - CD8.2.20 Emissions of Nitrogen Oxides from Modern Diesel Vehicles January 2016
 - CD8.2.21 London City Airport: Air Quality Action Plan 2016-2018 February 2016
 - CD8.2.22 Airport Master Plan November 2006
 - CD8.2.23 DfT: UK Aviation Forecasts January 2013
 - CD8.2.24 English Partnerships Additionality Guide: A Standard Approach to Assessing the Additional Impact of Interventions, 3rd Edition October 2008

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- CD8.2.25 Employment Densities Guide, Homes & Communities Agency, 2nd Edition 2010
 - CD8.2.26 Department for Business, Innovation & Skills; Research to Improve the Assessment of Additionality October 2009
 - CD8.2.27 HM Treasury Fixing the Foundations: Creating a more prosperous nation July 2015
 - CD8.2.28 DCLG English Indices of Deprivation 2010 March 2011
 - CD8.2.29 House of Commons Transport Committee: Oral Evidence 10 December 2012
 - CD8.2.30 Civil Aviation Authority: Future Air Space Strategy for the United Kingdom 2011-2030 June 2011
 - CD8.2.31 DfT: General Aviation Strategy March 2015
 - CD8.2.32 *Not Allocated – previously a duplicate of CD8.2.12*
 - CD8.2.33 Environment Audit Committee The Airports Commission Report: Carbon Emissions, Air Quality and Noise November 2015
 - CD8.2.34 *Not allocated*
 - CD8.2.35 *Not allocated*
 - CD8.2.36 EPUK/IAQM: Land-Use Planning & Development Control – Planning for Air Quality May 2015
 - CD8.2.37 London City Airport: Annual Progress Report 2014
 - CD8.2.38 Emissions of Nitrogen Oxides from Modern Diesel Vehicles January 2016
 - CD8.2.39 House of Commons, Environmental Audit Committee– The Airports Commission Report: Carbon Emissions, Air Quality and Noise November 2015
 - CD8.2.40 European Environment Agency's (EEA's) Good Practice Guide on Noise Exposure and Potential Health Effects 2010
 - CD8.2.41 *Not Allocated – previously a duplicate of CD8.2.8*
 - CD8.2.42 DCLG English Indices of Deprivation Statistical Release 2015
 - CD8.2.43 Circular 06/04 Compulsory Purchase and the Crichel Down Rules 31 October 2004
 - CD8.2.44 DCLG Guidance: Compulsory Purchase Process and the Crichel Down Rules 29 October 2015
 - CD8.2.45 Improving air quality in the UK: Tackling nitrogen dioxide in our towns and cities -UK Overview Document (Defra) December 2015
 - CD8.2.46 Metrics for Aircraft Noise report January 2009
 - CD9.1 Primary legislation (as amended)**
 - CD9.1.1 Control of Pollution Act 1974
 - CD9.1.2 Town and Country Planning Act 1990
 - CD9.1.3 Planning and Compulsory Purchase Act 2004
 - CD9.1.4 The Airports Act 1986
 - CD9.1.5 The Acquisition of Land Act 1981
 - CD9.1.6 The Civil Aviation Act 1982
 - CD9.2 Secondary legislation (as amended)**
 - CD9.2.1 Noise Insulation Regulations 1975
 - CD9.2.2 Town and Country Planning (Mayor of London) Order 2008
 - CD9.2.3 Air Quality Regulations 2000
 - CD9.2.4 Aerodromes (Noise Restrictions) (Rules and Procedures) Regulations 2003
 - CD9.2.5 Environmental Noise (England) Regulations 2006
 - CD9.2.6 Air Quality Standards Regulations 2010
 - CD9.2.7 Community Infrastructure Levy Regulations 2010

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- CD9.2.8 Town and Country Planning (Environmental Impact Assessment) Regulations 2011
 - CD9.2.9 The Town and Country (Development Management Procedure) (England) Order 2015
 - CD9.2.10 The Town and Country Planning (General Permitted Development) Order 2015
 - CD9.3 *European legislation***
 - CD9.3.1 European Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment
 - CD9.3.2 European Parliament and Council Directive 2002/30/EC of 26 March 2002 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Community airports
 - CD9.3.3 European Directive 2002/49/EC of 25 June 2002 relating to the assessment and management of environmental noise
 - CD9.3.4 Directive 2008/50/EC of 21 May 2008 on ambient air quality and cleaner air for Europe
 - CD9.3.5 European Parliament and Council Directive 2011/92/EU of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment
 - CD9.3.6 European Parliament and Council Directive 2014/52/EU of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment
 - CD10.1 *Airports Commission***
 - CD10.1.1 Airports Commission Interim Report December 2013
 - CD10.1.2 Airports Commission Interim Report Appendix 1 December 2013
 - CD10.1.3 Airports Commission Interim Report Appendix 2 December 2013
 - CD10.1.4 Airports Commission Interim Report Appendix 3 December 2013
 - CD10.1.5 Airports Commission Additional Airport Capacity: Local Economy Impact Analysis November 2014
 - CD10.1.6 Airports Commission Final Report July 2015
 - CD10.1.7 Airports Commission Option Consultation- Local Economic Impacts: Assessment November 2014
 - CD10.1.8 *Not Allocated – previously a duplicate of CD10.1.6*
 - CD10.1.9 Airports Commission Strategic Fit: Forecasts July 2015
 - CD10.1.10 Airports Commission Economy: Wider Economic Impacts Assessment July 2015
 - CD10.1.11 Airports Commission – Economy: Transport Economic Efficiency Impacts July 2015
 - CD10.1.12 Annex C of the Airports Commission’s noise discussion paper No 5 July 2013
 - CD10.1.13 Airports Commission Appraisal Framework April 2014
 - CD11.1 *Planning History Documents***
 - CD11.1.1 N/82/104 (Application Form and Decision Notice) May 1985
 - CD11.1.2 LRP4/G57501/01; LRP219/J9510/017 September 1991
 - CD11.1.3 P/97/0826 July 1998
 - CD11.1.4 Deed of Variation relating to an Agreement under S106 Town and Country Planning Act 1990 October 1999
 - CD11.1.5 Deed pursuant to S106 Town and Country Planning Act 1990 September 2001
 - CD11.1.6 P/00/1215 (Western End Improvement Scheme) February 2002
 - CD11.1.7 P/00/1323 Operational Improvement Programme) (OIP) February 2003

- CD11.1.8 03/1096 November 2003
- CD11.1.9 06/01310/VAR July 2007
- CD11.1.10 07/01510/VAR (The 2009 Permission) July 2009
- CD11.1.11 09/01536/FUL January 2010
- CD11.1.12 11/00701/FUL June 2011
- CD11.1.13 12/0892/VAR June 2012
- CD11.1.14 13/00267/FUL April 2013
- CD11.1.15 13/02311/VAR June 2014
- CD11.1.16 13/01373/OUT (Recommendation to approve) February 2015
- CD11.1.17 07/01510/VAR ES Addendum 2009
- CD11.1.18 06/01310/VAR 2007 Planning Statement
- CD11.1.19 07/01510/VAR Planning Statement
- CD12.1 Other Documents/Research**
- CD12.1.1 *Not Allocated*
- CD12.1.2 *Not Allocated*
- CD12.1.3 *Not Allocated*
- CD12.1.4 *Not Allocated*
- CD12.1.5 *Not Allocated*
- CD12.1.6 *Not Allocated*
- CD12.1.7 *Not Allocated*
- CD12.1.8 *Not Allocated*
- CD12.1.9 *Not Allocated*
- CD12.1.10 *Not Allocated*
- CD12.1.11 *Not Allocated*
- CD12.1.12 19th International Congress On Acoustics Madrid, 2-7 September 2007
Associations Between Road Traffic Noise, Aircraft Noise And Noise
Annoyance Preliminary Results Of The Hyena Study
- CD12.1.13 *Not Allocated*
- CD12.1.14 *Not Allocated*
- CD12.1.15 *Not Allocated*
- CD12.1.16 *Not Allocated*
- CD12.1.17 *Not Allocated*
- CD12.1.18 *Not Allocated*
- CD12.1.19 *Not Allocated*
- CD12.1.20 *Not Allocated*
- CD12.1.21 Visit Greenwich Business Plan 2015-16
- CD12.1.22 London Borough of Tower Hamlets: Employment Strategy April 2011
- CD12.1.23 London Borough of Tower Hamlets: Enterprise Strategy May 2011
- CD12.1.24 A Quieter Heathrow May 2013
- CD12.1.25 The effect of numbers of noise events on people's reactions to noise: An
analysis of existing survey data February 1984
- CD12.1.26 Community reaction to aircraft noise: Time-of-day penalty and trade-off
between levels of overflights June 2000
- CD12.1.27 Trading Level for Number of Aircraft Immissions: A Full-factorial
Laboratory Design
- CD12.1.28 George Best Belfast City Airport report on air noise aspects of planning
application for runway extension CAA 8 July 2006
- CD12.1.29 Attitudes to Noise from Aviation Sources in England (ANASE) 2007
- CD12.1.30 Attitudes to Noise from Aviation Sources in England: Non SP Peer
Review 2007
- CD12.1.31 Aircraft noise annoyance estimation: UK time-pattern effects 2010

- CD12.1.32 Plymouth City Airport Enhancement Programme ES Volume 1 October 2008
- CD13.1 *Need Related Documents***
- CD13.1.1 Study into the Impact of London City Airport on the Economy of Docklands and London, York Aviation February 2011
- CD13.1.2 Integral to Growth Brochure February 2011
- CD13.1.3 London City Airport Social Impact Survey, York Aviation (in association with McCallum Layton) February 2011
- CD13.1.4 The Social & Economic Impact of Airports in Europe, York Aviation for ACI EUROPE January 2004
- CD13.1.5 London City Airport Community and Environment Review 2012
- CD13.1.6 Euro control Long-Term Forecast: Flight Movements 2010-2030 December 2010
- CD13.1.7 York Aviation: The Economic Value of General Aviation in the UK for DfT February 2015
- CD13.1.8 London City Airport RNAV Replications: Stakeholder Consultation Document September 2014
- CD13.1.9 NATS London Airspace Consultation: Design Report February 2015
- CD13.1.10 Economic Value of International Connectivity April 2013
- CD14.1 *LCY Monitoring/Compliance***
- CD14.1.1 2014 S106 Annual Performance Report (including appendices) July 2015
- CD14.1.2 LBN Letter to LCY confirming that relevant Planning Obligations are met and financial contributions have been paid 15 July 2015
- CD14.1.3 LBN Officer report to Committee relating to 2014 Annual Performance Report 20 October 2015
- CD14.1.4 ISO 14001:2004 Environmental Management System Certificate 26 October 2015
- CD14.1.5 Airport's Noise Action Plan 2013-2018 and letter of Adoption August 2014
- CD15.1 *Historic Environment Documents***
- CD15.1.1 Chartered Institute for Archaeologists: Standard and guidance for historic environment desk-based assessment December 2014
- CD15.1.2 Historic England: The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning, Note 3 March 2015
- CD15.1.3 Historic England: Guidelines for Archaeological Projects in Greater London, Greater London Archaeological Advisory Service April 2014
- CD16.1 *HACAN East Documents***
- CD16.1.1 Royal Docks Revival New Economics Foundation April 2014
- CD16.1.2 No Place to Hide by Bureau Veritas July 2007
- CD16.1.3 No Place to Hide by Bureau Veritas summary
- CD16.1.4 The Committee on Climate Change Aviation Fact Sheet 4 March 2013
- CD16.1.5 The Committee on Climate Change report, Meeting the UK Aviation target options for reducing emissions to 2050
- CD16.1.6 The Environmental Audit Select Committee The Airports Commission Report: Carbon Emissions, Air Quality and Noise 1 December 2015
- CD16.1.7 *No longer Allocated*
- CD16.1.8 *No longer Allocated*
- CD16.1.9 The economics of Heathrow expansion CE Delft February 2008

Pre-Inquiry Documents

- PIM/1 Statement of the Matters
- PIM/2 Notes of the Pre-Inquiry Meeting

Proofs of Evidence and Rebuttals

London City Airport (LCY)

LCY/PLAN/LC/1	Proof of Evidence of Louise Congdon
LCY/PLAN/LC/2	Appendices to Proof of Evidence of Louise Congdon
LCY/PLAN/LC/3	Summary of Proof of Evidence of Louise Congdon
LCY/PLAN/LC/4	Rebuttal Proof of Evidence of Louise Congdon
LCY/PLAN/LC/5	Appendices to Rebuttal Proof of Evidence of Louise Congdon
LCY/PLAN/PH/1	Proof of Evidence of Peter Henson
LCY/PLAN/PH/2	Appendices to Proof of Evidence of Peter Henson
LCY/PLAN/PH/3	Summary of Proof of Evidence of Peter Henson
LCY/PLAN/PH/4	Rebuttal Proof of Evidence of Peter Henson
LCY/PLAN/RN/1	Proof of Evidence of Rachel Ness
LCY/PLAN/RN/2	Appendices to Proof of Evidence of Rachel Ness
LCY/PLAN/RN/3	Summary of Proof of Evidence of Rachel Ness
LCY/PLAN/RN/4	Rebuttal Proof of Evidence of Rachel Ness
LCY/PLAN/RN/5	Appendix to Rebuttal Proof of Evidence of Rachel Ness
LCY/PLAN/SB/1	Proof of Evidence of Sean Bashforth
LCY/PLAN/SB/2	Appendices to Proof of Evidence of Sean Bashforth
LCY/PLAN/SB/3	Summary of Proof of Evidence of Sean Bashforth
LCY/PLAN/SB/4	Rebuttal Proof of Evidence of Sean Bashforth
LCY/PLAN/RB/5	Appendix to Rebuttal Proof of Evidence of Sean Bashforth
LCY/PLAN/SM/1	Proof of Evidence of Stephen Moorcroft
LCY/PLAN/SM/2	Appendices to Proof of Evidence of Stephen Moorcroft
LCY/PLAN/SM/3	Summary of Proof of Evidence of Stephen Moorcroft
LCY/PLAN/SM/4	Rebuttal Proof of Evidence of Stephen Moorcroft
LCY/PLAN/RM/5	Appendix to Rebuttal Proof of Evidence of Stephen Moorcroft
LCY/PLAN/SM/6	Supplementary Proof of Evidence of Stephen Moorcroft
LCY/PLAN/SM/7	Appendices to Supplementary Proof of Evidence of Stephen Moorcroft

London Borough of Newham (LBN)

LBN/PoE1	Proof of Evidence of Amanda Reid
LBN/PoE2	Proof of Evidence of David Whittaker
LBN/PoE2(r)	Response to Proofs of Evidence by David Whittaker
LBN/PoE3	Proof of Evidence of Dr Christopher J Smith
LBN/PoE4	Proof of Evidence of Rupert Thornely-Taylor
LBN/PoE(s)	Summary Proof of Evidence of Rupert Thornely-Taylor
LBN/PoE4(r)	Response to the Evidence of the Mayor of London by Rupert Thornely-Taylor
LBN/PoE5	Proof of Evidence of Robin Whitehouse
LBN/PoE6	Proof of Evidence of David Gurtler
LBN/PoE6(s)	Summary of Proof of Evidence of David Gurtler
LBN/PoE6(r)	Response to the Evidence of HACAN East by David Gurtler

Mayor of London (MoL)

MOL/PoE/DF	Proof of Evidence of Daniele Fiumicelli
MOL/PoE/DF01	Appendix DFA1 to Proof of Evidence of Daniele Fiumicelli
MOL/PoE/DF02	Appendix DFA2 to Proof of Evidence of Daniele Fiumicelli: Heathrow Press Release, submitted on 15 March
MOL/PoE/DF(s)	Summary Proof of Evidence of Daniele Fiumicelli
MOL/PoE/IP	Proof of Evidence of Iain Painting
MOL/PoE/IP/A	Appendices to Proof of Evidence of Iain Painting
MOL/PoE/IP(s)	Summary Proof of Evidence of Iain Painting

HACAN East

HACAN/PoE	Evidence from HACAN East and Addendum
HACAN/PoE(s)	Summary of Evidence from HACAN East
HACAN/PoE(s1)	Summary of Evidence from HACAN East by John Stewart
HACAN/PoE(s2)	Summary of Evidence from HACAN East by Alan Haughton
HACAN/PoE(r1)	HACAN East Rebuttal by John Stewart
HACAN/PoE(r2)	HACAN East Rebuttal by Alan Haughton

Friends of the Earth (FoE)

FOE/PoE	Proof of Evidence of Jenny Bates
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Documents submitted after opening the Inquiry

London City Airport (LCY)

LCY/100	Opening Statement submitted on 15 March
LCY/101	CAPD HACAN East Rebuttal: Note on Road Links within the 1 in 10,000 per annum risk contour, submitted on 17 March
LCY/102	Response to Planning Compliance Points in HACAN East Rebuttal, submitted on 17 March
LCY/103	Site Visit Itinerary and plans, submitted on 17 March 2016
LCY/104	Clean Draft Section 106 Agreement with Plans as at 17 March 2016, submitted on 18 March
LCY/105	Guide to the CADP Section 106 Agreement, submitted on 18 March 2016
LCY/106	Draft Section 106 Agreement comparing against March 2015 Mayoral Referral Draft, submitted on 18 March
LCY/107	Annexures accompanying clean Draft Section 106 Agreement as at 17 March 2016, submitted on 19 March
LCY/108	Letter of support with signatures from consortium of investors, submitted on 30 March
LCY/109	Statement of Compliance regarding the proposed Section 106 Agreement, submitted on 31 March
LCY/110	Note to Appendix of Air Quality Matters Rebuttal Proof of Evidence - Stephen Moorcroft, submitted on 31 March
LCY/111	Response to point raised by HACAN East during Inquiry in respect of the implementation of the 2009 Planning Permission, submitted on 31 March
LCY/112	Letter from Quod, dated 26 February 2016, accompanying the note relating to revised tables 8.35, 8.36 and 8.37 of the Updated Environmental Statement (Relating to Noise Levels at Schools) and Annexes giving lists of Newspaper Publications and statutory and non-statutory consultees, submitted on 31 March
LCY/113	Pages from Agreement under Section 106 Town & Country Planning Act 1990 relating to Land at City Airport, submitted on 31 March
LCY/114	Survey on Aircraft Noise in Waltham Forest, submitted on 31 March
LCY/115	CAA Western Pier Development Parts 1 and 2 confirmation, submitted on 1 April
LCY/116	Amendments to Draft Section 106 Agreement since 17 March 2016, submitted on 1 April
LCY/117	Comments on Draft CADP1 Conditions with plans, submitted on 1 April
LCY/118	Application for Costs on behalf of the Appellant, submitted on 1 April
LCY/118A	Application for Costs on behalf of the Appellant (updated), submitted on 5 April
LCY/119	Closing Submission on behalf of the Appellant, submitted on 5 April
LCY/120	Response to HACAN East comments on draft Section 106 Agreement, submitted on 5 April

- LCY/121 Final Draft Section 106 Agreement, submitted on 5 April
LCY/122 Letter, dated 28 April 2016, and final signed and dated Section 106 Agreement, submitted on 28 April
LCY/123 Letter, dated 25 May 2016 from Norton Rose Fulbright withdrawing the application for costs

London Borough of Newham (LBN)

- LBN/100 Opening Statement, submitted on 15 March
LBN/101 Supplementary Proof of Evidence for Rupert Thornely-Taylor, submitted on 22 March
LBN/102 Planning Enforcement Policy adopted March 2015, submitted on 23 March
LBN/103 Mott MacDonald Technical Note January 2015, submitted on 30 March
LBN/104 Correction to Robert Whitehouse Evidence, submitted on 30 March
LBN/105 Draft Planning Conditions, submitted on 30 March
LBN/106 Closing Submissions, submitted on 5 April
LBN/107A Track change Conditions, submitted on 5 April
LBN/107B Suggested Planning Conditions, submitted on 5 April
LBN/108 Costs Application, submitted on 5 April

Mayor of London (MoL)

- MOL/100 Opening Statement, submitted on 15 March
MOL/101 Executive summary of ANASE 2007, submitted on 15 March
MOL/102 DCLG Letter to MoL, dated 27 January 2015, submitted on 16 March
MOL/103 Quod letter to MoL dated 9 April 2014, submitted on 16 March
MOL/104 CIL Regulation 122 Compliance Note, submitted on 30 March
MOL/105 Submissions for the Mayor of London, submitted 5 April
MOL/106 Response to costs applications, submitted on 5 April
MOL/107 Legal Authority: Tesco Stores Ltd v Dundee City Council Supreme Court 21 March 2012 [2012] UKSC 13 [2012] 2 P & CR 9

HACAN East

- HACAN/100 Opening Statement, submitted on 15 March
HACAN/101 Addendum to Statement of Evidence, submitted on 18 March
HACAN/102 Form 288a– Appointment of director or secretary Richard Gooding, submitted on 22 March
HACAN/103 Form TM01– Termination of director or corporate director Richard Gooding, submitted on 22 March
HACAN/104 HACAN East Section 106 Considerations, submitted on 1 April
HACAN/105 HACAN East response to LCY/120, submitted on 5 April
HACAN/106 Closing Statement, submitted on 5 April

Friends of the Earth (FoE)

- FOE/100 Clean Air in London Opinion of Robert McCracken QC, submitted on 18 March
FOE/101 Report to the MoL 15 December 2015, submitted on 5 April
FOE/102 The UK Government Sustainable Development Strategy March 2005, submitted on 5 April
FOE/103 Closing Statement of Jenny Bates, submitted on 5 April

London Borough of Waltham Forest (LBWF)

- LBWF/100 Statement of Evidence of Councillor Clyde Loakes, submitted on 21 March
LBWF/101 Residents Survey Questionnaire 2015, submitted on 21 March

Other Parties

- CR/100 Statement of Clem Riches, submitted on 18 March
JC/100 Statement of John Cryer MP, submitted on 21 March

APPENDIX D: RECOMMENDED CONDITIONS

Defined Terms

'Access Roads and Parking Areas' means the details shown on the following drawings:

9.1 Hartmann Road & Dockside Key Plan	LCY-CADP-ATK-H-0001
9.2 Proposed Hartmann Road Works – Sheet 1 of 9	LCY-CADP-ATK-H-0002
9.3 Proposed Hartmann Road Works – Sheet 2 of 9	LCY-CADP-ATK-H-0003
9.4 Proposed Hartmann Road Works – Sheet 3 of 9	LCY-CADP-ATK-H-0004
9.5 Proposed Hartmann Road Works – Sheet 4 of 9	LCY-CADP-ATK-H-0005
9.6 Proposed Hartmann Road Works – Sheet 5 of 9	LCY-CADP-ATK-H-0006
9.7 Proposed Hartmann Road Works – Sheet 6 of 9	LCY-CADP-ATK-H-0007
9.8 Proposed Hartmann Road Works – Sheet 7 of 9	LCY-CADP-ATK-H-0008
9.9 Proposed Hartmann Road Works – Sheet 8 of 9	LCY-CADP-ATK-H-0009
9.10 Proposed Hartmann Road Works – Sheet 9 of 9	LCY-CADP-ATK-H-0010

'Actual Aircraft Movements' means the number of Aircraft Movements that take place at the Airport. These are independent of the weighting used to assess noise factored movements.

'Air Quality Construction Management and Mitigation Strategy' (AQCMMS) means a strategy in accordance with the environmental standards, mitigation measures, embedded mitigation measures, requirements, recommendations and methods of implementing the Development contained in the Updated Environmental Statement, appendices and addenda, to include (but not limited to) the following:

- a Construction Delivery Management Strategy (to include, but not limited to):
- hours of deliveries;
- delivery routes into and out of the Airport;
- areas for deliveries;
- haul routes within the Airport and along Hartmann Road;
- measures to minimise reversing of vehicles;
- measures to minimise queuing of vehicles outside of the Airport;
- measures to maximise the use of the River Thames and other waterways for the transport of construction materials ; and
- measures to ensure daytime deliveries are maximised.

'Aircraft Categorisation Review' (ACR) means a review of Aircraft Categorisation to reassess the methodology, categories, noise reference levels, noise factors and procedures for categorisation, with the objective of providing further incentives for aircraft using the Airport to emit less noise.

'Aircraft Movements' means the take-off or landing of an aircraft at the Airport, other than those engaged in training, or aircraft testing.

'Airport' means the land and premises edged red and shown on the Site Plan.

'Airport Apron' means the area of the Airport where the aircraft are parked, unloaded or loaded, refuelled or boarded.

'Airport Boundary' means the area outside of the Airport adjoining the red line shown on the Site Plan.

'Airport Consultative Committee' means the facility for users of the Airport, local authorities and persons concerned with the locality of the site to consult with respect to matters that relate to the management or administration of the Airport and which may affect those parties' interests. Such a facility being an Airport Consultative Committee, currently known as the London City Airport Consultative Committee.

'Airport Website' means www.londoncityairport.com or any future replacement website for the Airport.

'Airside' means the part of the Airport directly involved in the arrival and departure of aircraft, separated from landside by security check, customs and passport control.

'Annual Performance Report' means a report produced annually on 1 June (or the first working day thereafter) each year by London City Airport Limited to demonstrate the performance of the Airport over the previous calendar year and its compliance with the planning obligations and conditions under which the Airport operates.

'Approved Plans' means the following drawings:

1 Site Plan	LCY P+W 4486 B SI20001
2 Demolition Plan (including tree removal)	LCY P+W 4486 B SI20003
5.2 Proposed Airfield Layout	CAOL-002 F
5.4 Key Engineering Features	CAOL-004 E
5.5 Proposed Aircraft Stands	CAOL-020 D
5.6 Site Clearance and Demolition – Sheet 1 of 4	CAOL-090 C
5.7 Site Clearance and Demolition – Sheet 2 of 4	CAOL-091 C
5.8 Site Clearance and Demolition – Sheet 3 of 4	CAOL-092 B
5.9 Site Clearance and Demolition – Sheet 4 of 4	CAOL-093 B
5.10 Existing And Proposed Airfield Design Levels	CAOL-210 E
5.12 Proposed Apron Floodlighting – Sheet 1 of 2	CAOL-521 E
5.13 Proposed Apron Floodlighting – Sheet 2 of 2	CAOL-522 E
5.14 Proposed Deck Structure And Foundations - General Arrangement	CAOL-900 E
5.15 Proposed Deck Structure – Typical Longitudinal Section	CAOS-910 B
5.16 Proposed Deck Structure – Typical Transverse Sections	CAOS-911 C
5.17 Proposed Deck Structure Engineering Details – Sheet 1	CAOD-920 C
5.18 Proposed Deck Structure Engineering Details – Sheet 2	CAOD-921 B
5.19 Noise Barrier Details	CAOD-930 D
5.20 RVP Pontoon General Arrangement	5115752/RC/100 P2
5.22 Proposed Airfield Layout Facilitating Works	CAOL-050 F
5.23 Facilitating Works Demolition Layout	LCY P+W 4486 B DE10002
5.25 Facilitating Works Ground Level 00	LCY P+W 4486 B GA10004 A
5.27 Facilitating Works First Level 10	LCY P+W 4486 B GA11002 B
5.29 Facilitating Works Roof Level 20	LCY P+W 4486 B GA12002 B
5.32 Facilitating Works Demolition Elevations	LCY P+W 4486 B DE1XX02
5.33 Facilitating Works Coaching Facility & OBB Extension Elevations – Sheet 1	LCY P+W 4486 B GA1XX05 A
5.34 Facilitating Works Coaching Facility & OBB Extension Elevations – Sheet 2	LCY P+W 4486 B GA1XX06 A

5.35 Facilitating Works Site Elevations	LCY P+W 4486 B GA1XX07 A
5.36 Facilitating Works Coaching Facility & OBB Extension Sections	LCY P+W 4486 B GA1XX08 A
Apron Floodlighting Facilitating Works – Sheet 1 of 2	CA0D-523 B
5.41 Proposed Apron Floodlighting Facilitating Works – Sheet 2 of 2	CA0L-524 B
6.2 Demolition Layout	LCY P+W 4486 B DE10001
6.3 Proposed Western Energy Centre Basement Level B1	LCY P+W 4486 B GA1B101 A
6.5 Proposed Phase 1 Western Terminal Extension Ground Level 00	LCY P+W 4486 B GA10003 B
6.7 Proposed Phase 1 Western Terminal Extension First Level 10	LCY P+W 4486 B GA11001 B
6.9 Proposed Phase 1 Western Terminal Extension Second Level 20	LCY P+W 4486 B GA12001 B
6.11 Proposed Phase 1 Western Terminal Extension Roof Plant Level 30	LCY P+W 4486 B GA13001 B
6.12 Proposed Phase 1 Western Terminal Extension Roof Level 40	LCY P+W 4486 B GA14001 B
6.15 Demolition Elevations	LCY P+W 4486 B DE1XX01 A
6.16 Proposed Phase 1 Western Terminal Extension Elevations – Sheet 01	LCY P+W 4486 B GA1XX01 A
6.17 Proposed Phase 1 Western Terminal Extension Elevations – Sheet 02	LCY P+W 4486 B GA1XX02 A
6.18 Proposed Western Energy Centre – Elevations & Sections	LCY P+W 4486 B GA1XX09 B
6.19 Proposed Phase 1 Western Terminal Extension Site Elevations	LCY P+W 4486 B GA1XX10 A
6.20 Proposed Phase 1 Western Terminal Extension Sections – Sheet 1	LCY P+W 4486 B GA1XX03 B
6.21 Proposed Phase 1 Western Terminal Extension Sections – Sheet 2	LCY P+W 4486 B GA1XX04 A
6.22 Proposed Western Terminal Extension & Western Energy centre Wall Details	LCY P+W 4486 B DT1XX01 B
6.25 Proposed Phase 1 Service Yard – Level 00	LCY P+W 4486 B GA10002 A
6.26 Proposed Service Yard Level 00 Levels Plan	LCY-CADP-ATK-C-0001 01
6.28 Service Yard Planting Plan	3522_005 B
7.3 Existing Forecourt Demolition Layout	LCY P+W 4486 B DE20002
7.4 Proposed Forecourt Ground Level 00	LCY P+W 4486 B FC20002 B
7.5 Proposed Forecourt Sections	LCY P+W 4486 B FC2XX01
7.6 Levels Plan	LCY-CADP-ATK-C-0004
7.8 Proposed Forecourt Details Sheet 1	LCY P+W 4486 B FC2XX02
7.9 Proposed Forecourt Details Sheet 2	LCY P+W 4486 B FC2XX03 A
7.10 Proposed Forecourt Details Sheet 3	LCY P+W 4486 B FC2XX04 B
7.11 Forecourt Planting Plan Sheet 1/2	3522_003 D
7.12 Forecourt Planting Plan Sheet 2/2	3522_004 C
8.3 Proposed Eastern Terminal Extension – Ground Level 00 Sheet 1	LCY P+W 4486 B GA20002 B
8.4 Proposed Eastern Terminal Extension – Ground Level 00 Sheet 2	LCY P+W 4486 B GA20003 A

8.5 Proposed Phase 2 Western Terminal Extension Ground Level 00	LCY P+W 4486 B GA20004 C
8.6 Proposed Eastern Terminal Extension First Level 10 Sheet 1	LCY P+W 4486 B GA21001 A
8.7 Proposed Eastern Terminal Extension First Level 10 Sheet 2	LCY P+W 4486 B GA21002 A
8.8 Proposed Phase 2 Western Terminal Extension First Level 10	LCY P+W 4486 B GA21003 C
8.9 Proposed Eastern Terminal Extension – Second Level 20 Sheet 1	LCY P+W 4486 B GA22001 A
8.10 Proposed Eastern Terminal Extension – Second Level 20 Sheet 2	LCY P+W 4486 B GA22002 A
8.11 Proposed Phase 2 Western Terminal Extension Second Level 20	LCY P+W 4486 B GA22003 C
8.12 Proposed Eastern Terminal Extension – Roof Plant Level 30 – Sheet 1	LCY P+W 4486 B GA23001 B
8.13 Proposed Eastern Terminal Extension – Roof Plant Level 30 – Sheet 2	LCY P+W 4486 B GA23002 A
8.14 Proposed Phase 2 Western Terminal Extension Roof Plant Level 30	LCY P+W 4486 B GA23003 C
8.15 Proposed Eastern Terminal Extension – Roof Level 40 – Sheet 1	LCY P+W 4486 B GA24001 A
8.16 Proposed Eastern Terminal Extension – Roof Level 40 – Sheet 2	LCY P+W 4486 B GA24002 A
8.17 Proposed Phase 2 Western Terminal Extension Roof Level 40	LCY P+W 4486 B GA24003 C
8.18 Demolition Elevations	LCY P+W 4486 B DE2XX01 A
8.19 Proposed Phase 2 Eastern Terminal Extension Elevations	LCY P+W 4486 B GA2XX01 B
8.20 Proposed Phase 2 Western Terminal Extension Elevations Sheet 1	LCY P+W 4486 B GA2XX02 B
8.21 Proposed Phase 2 Western Terminal Extension Elevations Sheet 2	LCY P+W 4486 B GA2XX10 B
8.22 Proposed Phase 2 Site Elevations	LCY P+W 4486 B GA2XX03 C
8.23 Proposed Eastern Terminal Extension Sections Sheet 1	LCY P+W 4486 B GA2XX04 A
8.24 Proposed Eastern Terminal Extension Sections Sheet 2	LCY P+W 4486 B GA2XX05 A
8.25 Proposed Eastern Terminal Extension Sections Sheet 3	LCY P+W 4486 B GA2XX06
8.26 Proposed Eastern Terminal Extension Sections Sheet 4	LCY P+W 4486 B GA2XX07
8.27 Proposed Eastern Terminal Extension Sections Sheet 5	LCY P+W 4486 B GA2XX08 A
8.28 Proposed Phase 2 Western Terminal Extension Sections	LCY P+W 4486 B GA2XX09 B
8.29 South Context Elevations	LCY P+W 4486 B SI20006 A
9.1 Hartmann Road & Dockside Key Plan	LCY-CADP-ATK-H-0001
9.2 Proposed Hartmann Road Works – Sheet 1 of 9	LCY-CADP-ATK-H-0002
9.3 Proposed Hartmann Road Works – Sheet 2 of 9	LCY-CADP-ATK-H-0003

9.4 Proposed Hartmann Road Works – Sheet 3 of 9	LCY-CADP-ATK-H-0004
9.5 Proposed Hartmann Road Works – Sheet 4 of 9	LCY-CADP-ATK-H-0005
9.6 Proposed Hartmann Road Works – Sheet 5 of 9	LCY-CADP-ATK-H-0006
9.7 Proposed Hartmann Road Works – Sheet 6 of 9	LCY-CADP-ATK-H-0007
9.8 Proposed Hartmann Road Works – Sheet 7 of 9	LCY-CADP-ATK-H-0008
9.9 Proposed Hartmann Road Works – Sheet 8 of 9	LCY-CADP-ATK-H-0009
9.10 Proposed Hartmann Road Works – Sheet 9 of 9	LCY-CADP-ATK-H-0010
9.11 Proposed Taxi Feeder Park	LCY-CADP-ATK-H-0011
9.12 Proposed Passenger Parking Deck Layouts, Elevations and Section	LCY-CADP-ATK-S-0001 01
9.13 Construction Noise Barrier	LCY-CADP-ATK-S-0002 01
9.14 Dockside GA – Sheet 1	LCY-CADP-ATK-L-0001 A
9.15 Dockside GA – Sheet 2	LCY-CADP-ATK-L-0002 A
9.16 Dockside GA – Sheet 3	LCY-CADP-ATK-L-0003 A
9.17 Dockside GA – Sheet 4	LCY-CADP-ATK-L-0004 A
9.18 Dockside GA – Sheet 5	LCY-CADP-ATK-L-0005 A
9.19 Dockside GA – Sheet 6	LCY-CADP-ATK-L-0006 A
9.20 Dockside GA – Sheet 7	LCY-CADP-ATK-L-0007 A
9.21 Dockside GA – Sheet 8	LCY-CADP-ATK-L-0008 B
9.22 Dockside GA – Sheet 9	LCY-CADP-ATK-L-0009 B
9.23 Dockside Soft Landscape Details	LCY-CADP-ATK-L-0010 B
9.24 Dockside Hard Landscape Details	LCY-CADP-ATK-L-0011 A
9.25 Dockside Indicative Sections	LCY-CADP-ATK-L-0012 A
9.26 Dockside Path Indicative Details	LCY-CADP-ATK-L-0013 A
9.27 Proposed Eastern Ancillary Buildings – Location Plan	LCY-CADP-ATK-A-0001 01
9.28 Proposed Eastern Ancillary Buildings – Car Rental & Taxi Feeder Building – Site Plan	LCY-CADP-ATK-A-0002 01
9.29 Proposed Eastern Ancillary Buildings – Taxi and Car Rental Facility Ground Floor GA Plan	LCY-CADP-ATK-A-0003 01
9.30 Proposed Eastern Ancillary Buildings – Taxi and Car Rental Facility Roof Plan	LCY-CADP-ATK-A-0004 01
9.31 Proposed Eastern Ancillary Buildings – Taxi and Car Rental Facility Elevations	LCY-CADP-ATK-A-0005 01
9.32 Proposed Eastern Ancillary Buildings – Taxi and Car Rental Facility Sections – A-A & B-B	LCY-CADP-ATK-A-0006 01
9.33 Proposed Eastern Ancillary Buildings – Proposed Eastern Energy Centre Site Plan	LCY-CADP-ATK-A-0007 01
9.34 Proposed Eastern Ancillary Buildings – Proposed Eastern Energy Centre Ground Floor Plan	LCY-CADP-ATK-A-0008 01
9.35 Proposed Eastern Ancillary Buildings – Energy Centre Roof Plan	LCY-CADP-ATK-A-0009 01
9.36 Proposed Eastern Ancillary Buildings – Proposed Eastern Energy Centre Elevations	LCY-CADP-ATK-A-0010 01

9.37 Proposed Eastern Ancillary Buildings – Proposed Eastern Energy Centre Section C-C & D-D	LCY-CADP-ATK-A-0011 01
10.1 Site Location Plan	859_07_100 P1
10.1a Blue Line Plan	859_07_100a P1
10.2 Existing Site Plan	859_07_101 P1
10.3 Building Plot Parameter Plan	859_07_102 P1
10.4 Proposed Maximum Heights Parameter Plan	859_07_103 P1
10.5 Proposed Minimum Heights Parameter Plan	859_07-104 P1
10.6 Proposed Access and Circulation Parameter Plan	859_07_105 P1

'Artificial Fish Refugia Details' means the details set out in paragraphs 13.231-234 and Figures 13.2-13.4 of Chapter 13 of the Updated Environmental Statement.

'Auxiliary Power Unit' means the small engine or generator used to power an aircraft's primary systems when its engines are not running.

'CADP' means the City Airport Development Programme as described under planning application ref 13/01228/FUL.

'Commencement of Development' means the date upon which a material operation as defined in Section 56 of the Town and Country Planning Act 1990 is commenced pursuant to this planning permission, but excluding site investigations, surveys, archaeological works, removal of obstructions, remediation works, site clearance, the erection of temporary hoardings and service diversion works, and 'Commence' and 'Commenced' shall be construed accordingly.

'Construction Noise and Vibration Management and Mitigation Strategy (CNVMMS)' means a strategy in accordance with the environmental standards, mitigation measures, embedded mitigation measures, requirements, recommendations and methods of implementing the Development contained in the Updated Environmental Statement and appendices to include (but not limited to) the following:

- maximising the use of daytime hours;
- mechanisms of Control;
- community Liaison and complaints handling;
- monitoring procedure;
- reporting of monitoring data;
- reporting of complaints;
- identification of any predicted Sensitive Receptors to be offered the Construction Sound Insulation Scheme in accordance with Conditions 90 and 91 and the proposed Phasing Plan for the carrying out such Construction Sound Insulation in each case;
- section 61 procedure and ownership;
- location, dimensions and materials of any construction noise barriers; and
- any other mitigation measures to be implemented at source.

'Construction Sound Insulation Scheme' means a scheme of insulation against construction noise that will provide (as a minimum) an average sound reduction of 35dB for each dwelling that is eligible by means of high performance double glazing and mechanical ventilation equipment or secondary glazing and mechanical ventilation equipment.

'Design Code' means a set of illustrated design rules and requirements which instruct and advise on the physical development of buildings and associated space at the Airport that the Airport may propose to erect under permitted development rights in accordance with the General Permitted Development Order.

'DLR' means Docklands Light Railway.

'Development' means application ref 13/01228/FUL submitted to the Secretary of State for determination at inquiry.

'Dock Edge' means the interface between the Airport land to the south of the King George V Dock and King George V Dock.

'Eastern Terminal Extension' means the extension to the existing terminal building at the Airport as shown in green on drawing no 4486 BGA 20005 (Plan P1).

'Flood Risk Assessment' means the Flood Risk Assessment prepared by RPS dated July 2013 in Appendix 12.1 of the Updated Environmental Statement together with the Atkins Surface Water Drainage Strategy dated July 2013 in Appendix 12.2 of the Updated Environmental Statement.

'Fixed Electrical Ground Power' (FEGP) means a supply of suitable electrical power using a permanent installation at a stand being occupied by stationary aircraft.

'Ground Running' means the operation of aircraft engines on the ground to test and maintain engines or aircraft systems.

'Ground Running Noise Limit' means the noise level arising from Ground Running which shall not exceed the equivalent of a free-field noise level of 60dB LAeq,T (where T shall be any period of 12 hours) at any Sensitive Receptor.

'Site Plan' means drawing no LCY P+W 4486 B SI0001.

'LAeq,T' means the average of the total sound energy (Leq) measured over a specified period of time (T), weighted to take into account human hearing.

'Landscape Drawings' means the following drawings:

7.1 Existing Forecourt Ground Level 00 1:500	LCY P+W 4486 B EX00002
7.2 Forecourt Keyplan 1:500	LCY P+W 4486 B FC20001 A
7.3 Existing Forecourt Demolition Layout 1:500	LCY P+W 4486 B DE20002
7.4 Proposed Forecourt Ground Level 00 1:500	LCY P+W 4486 B FC20002 B
7.5 Proposed Forecourt Sections 1:250	LCY P+W 4486 B FC2XX01
7.6 Levels Plan 1:500	LCY-CADP-ATK-C-0004
7.8 Proposed Forecourt Details – Sheet 1 1:20	LCY P+W 4486 B FC2XX02
7.9 Proposed Forecourt Details – Sheet 2 Various	LCY P+W 4486 B FC2XX03 A
7.10 Proposed Forecourt Details – Sheet 3 1:250	LCY P+W 4486 B FC2XX04 B
7.11 Forecourt Planting Plan – Sheet 1/2 1:200	3522_003 D
7.12 Forecourt Planting Plan – Sheet 2/2 1:200	3522_004 C
9.23 Dockside Soft Landscape Details 1:20	LCY-CADP-ATK-L-0010 B
9.24 Dockside Hard Landscape Details 1:10	LCY-CADP-ATK-L-0011 A

'LCY' means the Airport known as London City Airport at the time of this planning permission, or any other subsequent title of the Airport.

'Mobile Ground Power Units' means specialised ground support equipment providing electricity to allow the aircraft to function whilst on the ground.

'Noise Barrier' means a structure, either temporary or permanently installed within the Airport to protect local residents and other local sensitive receptors from noise pollution.

'Noise Contours' means a number of lines superimposed on a map of the Airport and its surroundings. These lines represent various air noise exposure levels created by Airport operations.

'Noise Factored Scheme' means:

1. Save in an emergency, no type of aircraft shall use the Airport unless the noise level of that aircraft complies with a category established in accordance with paragraphs 2 to 7 inclusive below.
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 (NMT1, NMT2, NMT3 and NMT4) on Plan P1 that accompanies this permission, expressed in PNdB as established as set out below.

3. Before any aircraft shall use the Airport a provisional noise categorisation for that aircraft type shall be approved by the local planning authority and shall be based on the results of the monitored flight trials of the particular aircraft from the Airport carried out in accordance with the written proposals (including details as to how the trial flights are to be organised before any such trial flights take place) to be submitted and approved in writing by the local planning authority.
4. Annually on 31 December 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 October and 31 December of the year in question then the provisional categorisation of that aircraft type shall be reviewed on 31 December in the following year) having regard to the departure noise levels recorded in accordance with paragraph 2 above, and on 1 June (or the first working day thereafter) or the first working day thereafter, in the following year details shall be submitted 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 with the local planning authority having regard to the monitored values.
5. Any such amendment may, with the agreement of the local planning authority, include the introduction to 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 locations (NMT1, NMT2, NMT3 and NMT 4) shown on Plan P6 that accompanies this permission. The details of the system are to be approved by the local planning authority and the results of the monitoring made available to the local planning authority.
7. Annually on 1 June, or the first working day thereafter, 57dB LAeq 16hr 66dB LAeq 16hr and 69dB LAeq 16hr contours (average mode summer day) shall be produced in accordance with the Federal Aviation Authority's Integrated Noise

Model Version 7 or later version or other model, any of which complies with the methodology described in ECAC CEAC Doc 29 or Department for Transport equivalent method, and submitted to the local planning authority every year whilst the Airport is in operational use as an airport.

'Noise Factoring Calculation' means the calculation that shall be used to establish the total number of Noise Factored Movements namely, multiplying the number of take-offs and landings by each aircraft by the relevant noise factor for an aircraft of its type and adding together the totals for each aircraft using the Airport.

'Noise Factored Movement' means an Actual Aircraft Movement whose contribution to the annual noise factored movement limit is based on the noise levels recorded at the Airport's noise monitoring terminals during its arrival or departure and the resulting noise factor attributed to that type of aircraft. The assessment of a Noise Factored Movement is in accordance with Condition 20.

'Noise Levels Assessed in the Updated Environmental Statement' means the details that are set out in Chapter 8 of the Updated Environmental Statement.

'Noise Management and Mitigation Strategy' (NOMMS) means the strategy that monitors and manages the noise impact of LCY operations, to be approved under Condition 31 and to replace the Noise Management Scheme dated December 2009 currently in place at the Airport.

'Non-Airside' means all parts of the Airport not defined by Airside.

'Plan P1' means drawing no LCY P+W 4486 B GA20005

'Plan P2' means drawing no LCY P+W 4486 B GA20011

'Plan P3' means drawing no LCY P+W 4486 B GA20028

'Plan P4' means drawing no LCY P+W 4486 B S12009

'Plan P5' means drawing no LCY P+W 4486 B S120012

'Plan P6' means drawing no A9575-NMT-03

'Plan P7' means drawing no LCY P+W 4486 B GA20010

'Plan P8' means Markup of drawing no CAOL-900 RevE

'Obstacle Limitation Surfaces' means a series of surfaces that define the limits to which objects may project into airspace consisting of:

- (a) transitional surface;
- (b) approach surface/ take-off climb surface;
- (c) inner horizontal surface;
- (d) conical surface;
- (e) outer horizontal surface;
- (f) inner horizontal surface;
- (g) inner transitional surface; and
- (h) balked landing surface.

'Passenger Terminal Buildings' means the buildings shown in red on drawing no LCY P+W 4486 B S120011 (Plan P2).

'Phase' means a phase of the Development identified in the Construction Phasing Plan approved pursuant to Condition 4.

'Quarter' for the purposes of Condition 43, means consecutive three month periods in a calendar year, namely; Quarter 1 (January to March), Quarter 2 (April to June), Quarter 3 (July to September) and Quarter 4 (October to December).

'Quota Count' means the system to be used to limit the amount of noise generated by Aircraft Movements based on aircraft noise certification data.

'Sensitive Receptors' means areas where occupants are more susceptible to the adverse effects of noise pollution. These include, but are not limited to, residential dwellings, hospitals, schools, day care facilities and care homes.

'Sound Insulation Scheme' means the scheme of sound insulation to be offered to eligible owners/occupiers and where requested, the installation of the relevant sound insulation into eligible properties. This scheme covers eligibility only under operational air noise.

'Temporary Facilities Drawings' means the following drawings:

5.25 Facilitating Works Ground Level 00	LCY P+W 4486 B GA10004 A
5.27 Facilitating Works First Level 10	LCY P+W 4486 B GA11002 B
5.29 Facilitating Works Roof Level 20	LCY P+W 4486 B GA12002 B
5.33 Facilitating Works Coaching Facility & OBB Extension Elevations – Sheet 1	LCY P+W 4486 B GA1XX05 A
5.34 Facilitating Works Coaching Facility & OBB Extension Elevations – Sheet 2	LCY P+W 4486 B GA1XX06 A
5.35 Facilitating Works Site Elevations	LCY P+W 4486 B GA1XX07 A
5.36 Facilitating Works Coaching Facility & OBB Extension Sections	LCY P+W 4486 B GA1XX08 A

'Temporary Noise Monitoring Strategy 2009' means the document, ref A1125/PH/TNMS/01, dated 15th September 2009, prepared by Bickerdike Allen Partners, to be operated in accordance with Condition 28.

'Western Terminal Extension' means the extension to the existing terminal building at the Airport as shown in red on drawing no 4486 BGA 10008 (Plan P3).

Conditions

1 Time Limit

The Development shall begin not later than three years from the date of this decision.

Reason: *To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.*

2 Approved Drawings and Documents

The Development shall be carried out in accordance with the Approved Plans and the following documents:

- Design and Access Statement (July 2013)
- Design and Access Statement Addendum (March 2014)
- Update to Design and Access Statement (September 2015)
- Energy and Low Carbon Strategy (July 2013)
- Update to Energy and Low Carbon Strategy (August 2015)
- Sustainability Statement (July 2013)

Update to Sustainability Statement (September 2015)

Updated Transport Assessment (September 2015)

Reason: *To ensure that the development is undertaken in accordance with the approved drawings and documents on which this decision is based.*

3 Environmental Statement

The Development shall be carried out in accordance with the environmental standards, mitigation measures, requirements, recommendations and methods of implementing the Development contained in the Updated Environmental Statement (UES) and revisions, February 2016.

Reason: *To ensure that the Development is carried out in accordance with the UES, dated September 2015, and the mitigation measures proposed therein.*

4. Construction Phasing Plan

No Development shall be Commenced unless and until a Construction Phasing Plan providing details of the phases and the order in which the Development shall be Commenced has been submitted to and approved in writing by the local planning authority. Thereafter the Development shall only be carried out in accordance with the approved Construction Phasing Plan.

Reason: *To ensure that the development is constructed in accordance with the UES.*

5 Quantum of Development

In the event of there being any discrepancy between the figures as shown on the approved drawings and as set out in the approved documents listed in Condition 2, the figures specified in this condition shall prevail:

- a) the total quantum of Development within the Western Terminal Extension shall not exceed 24,612 m² (including the Western Energy Centre, Western Terminal Extension, Terminal Building, Total Non-Airside Retail, Total Airside Retail, Terminal Non-Airside Offices and Service Yard);
- b) the total quantum of the Facilitating Works (comprising the Coaching Building,) shall not exceed 1,053 m²;
- c) the total quantum of Development within the Eastern Terminal Extension shall not exceed 51,497 m² (including the Eastern Terminal Development, Total Non-Airside Retail, Total Airside Retail and Terminal Non-Airside Offices);
- d) the Eastern Energy Centre shall not exceed 527 m²;
- e) the Airfield Extension shall not exceed 7.54 hectares; and
- f) the Terminal Forecourt shall not exceed 17,890 m² (excluding Hartmann Road).

Reason: *To ensure that the quantum of floorspace remains within the areas assessed pursuant to the UES for the development.*

6 Noise Barrier Phasing

No new or modified aircraft stands shall be brought into operation until a written scheme has been submitted to and approved in writing by the local planning authority indicating which one of the following mitigation options has been adopted:

- the external building envelope of the East Pier north elevation is substantially complete; or
- the Eastern Noise Barrier is substantially complete; or
- such other temporary noise barrier that has been approved in writing by the local planning authority is in place.

The applied temporary mitigation shall be installed prior to the operation of the new or modified stands as shown on Plan P1 and retained until replaced by the permanent noise mitigation measure which shall be retained thereafter.

Reason: *In line with the mitigation measures set out within the UES to protect the amenity of current and future occupants and neighbours with regard to saved policies EQ45, EQ47 and EQ48 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policies 7.15 and 7.26 of the London Plan (consolidated with alterations since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

7 Restrictions on Use

Save to the extent mentioned below, the Airport shall only be used as an airport and for the provision of air services ancillary thereto and for no other purpose.

For the avoidance of doubt the Airport shall only be used for training or test flying where it is necessary for the safe and efficient operation of the Airport, the safety of aircraft using the Airport, or to ensure compliance with the conditions attached to this planning permission or other regulatory controls over the use of the Airport.

This condition shall not prevent:

- a) the take-off and landing of an aircraft where such training or test flying is carried out elsewhere; or
- b) monitored trial flights taking place for the purpose of Aircraft Categorisation or for the purpose of any ACR; or
- c) pending completion of the Development the lawful use of a part of the Airport for purposes unrelated to the provision of air services.

Reason: *To safeguard residential amenity from non-essential use of the Airport.*

8 Aircraft Maintenance and Repair

Except in exceptional circumstances, no maintenance or repair work of aircraft and/or aircraft related machinery which causes noise that is audible at the Airport Boundary and/or at any Sensitive Receptor shall take place at the Airport other than between the hours of:

- 0630 and 2200 Monday to Friday inclusive;
- 0630 and 1230 on Saturday;
- 1230 and 2200 on Sunday; and
- 0900 and 2200 on Bank Holidays and Public Holidays.

All such activity outside the specified hours set out above causing noise that is audible at the Airport Boundary shall be reported to the local planning authority within 24 hours of occurrence.

Reason: *To safeguard residential amenity from non-essential maintenance works and use of the Airport and to ensure that the Airport does not cause unacceptable harm to the amenity of surrounding land and buildings, particularly given the Airport's proximity to Sensitive Receptor.*

9 Restrictions on Development (Design Code)

Prior to the Commencement of Development a Design Code shall be submitted to and approved in writing by the local planning authority. Any new building, extension or alteration to existing buildings proposed at the Airport to be erected by virtue of Class F of Part 8 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent variations) shall demonstrate how the proposal accords with the Design Code.

Reason: *To ensure that the appearance of the development and the amenities of the area are not adversely affected.*

10 Restrictions on Development (Hard Surfaces)

No additional hard surface to that shown on Plan P4 shall be constructed unless a noise report is submitted to the local planning authority confirming that the noise impacts arising from the proposed development will be no worse than those assessed in the UES at any of the nearest Sensitive Receptors outside the Airport Boundary.

Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents and to ensure that the Airport does not cause unacceptable harm to the amenity of surrounding land and buildings.

11 Restrictions on Development (Buildings)

Within the areas shown on Plan P5 prior to the erection, extension, alteration or change of use of a building, a noise report shall be submitted to the local planning authority confirming that the noise impacts arising from the proposed development will be no worse than those assessed in the UES at any of the nearest Sensitive Receptors outside the Airport Boundary.

Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents and to ensure that the Airport does not cause unacceptable harm to the amenity of surrounding land and buildings.

12 Number of Aircraft Stands and Position

The number of aircraft stands for scheduled Aircraft Movements shall not exceed 25 at any time and shall be located within the area shaded on Plan P4.

Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents and the UES; and to protect local amenity.

13 Runway Length

The length of the declared runway shall not exceed 1199 metres.

Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents and the UES; and to protect local amenity.

14 Aircraft

Except in cases of immediate emergency to an aircraft and/or the persons on board, 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, tilt-rotor or gyrocopters), shall be permitted to use the Airport.

Reason: To control the development and ensure that it is undertaken in accordance with the approved drawings and documents and the UES; and to protect local amenity.

15 AVRO RJ100

From 31 March 2017, no AVRO RJ100 type aircraft (or any variant thereof) shall operate from the Airport at any time unless it has been demonstrated to and approved in writing by the local planning authority that noise from such Aircraft does not exceed the maximum noise levels specified in any approved scheme under Condition 18.

Reason: To protect the amenity of current and future occupants and neighbours with regard to saved policies EQ45, EQ47 and EQ48 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policies 7.15 and 7.26 of the London Plan (consolidated with alterations Since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).

16 Prohibition on Recreational Flying

Except in cases of immediate emergency to an aircraft and/or the persons on board, the Airport shall not be used for any form of club or recreational flying.

Reason: *To protect the amenity of current and future occupants and neighbours with regard to saved policies EQ45, EQ47 and EQ48 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policies 7.15 and 7.26 of the London Plan (consolidated with alterations Since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

17 Aircraft Take-Off and Land Times

Except in cases of immediate emergency to an aircraft and/or the persons on board, the Airport shall not be used for the taking off or landing of aircraft at any time other than between the hours of:

0630 and 2200 on Monday to Friday inclusive;

0900 and 2200 on Bank Holidays and Public Holidays (with the exception of Christmas Day in condition 27);

0630 and 1230 on Saturdays; and

1230 and 2200 on Sundays;

provided that these restrictions shall not prevent an aircraft which was scheduled to take-off from or land at the Airport but which has suffered unavoidable operational delays, from taking off or landing at the Airport between 2200 hours and 2230 hours Sunday to Friday and 1230 hours to 1300 hours on Saturday and where that taking off or landing would not result in there being more than 400 Aircraft Movements at the Airport per calendar year outside the above permitted hours of operation comprising no more than 150 such movements in any consecutive three months.

Reason: *In the interests of limiting the number of aircraft movements in order to protect the amenity of current and future occupants and neighbours and with regard to saved policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policy 7.15 of the London Plan (consolidated with alterations since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

18 Aircraft Noise Categorisation Scheme

- a) Prior to the first beneficial use of the Development an Aircraft Noise Categorisation Scheme shall be submitted to and approved in writing by the local planning authority;
- b) such an Aircraft Noise Categorisation Scheme shall be implemented as approved and thereafter the Airport shall be operated in accordance with the approved Aircraft Noise Categorisation Scheme or any review thereof that has been approved in writing by the local planning authority;
- c) subsequent to implementation of the approved Aircraft Noise Categorisation Scheme (except in the case of immediate emergency to aircraft and/or persons on board), no aircraft shall land at or take-off from the Airport unless the type of aircraft has first been categorised in accordance with the approved Aircraft Noise Categorisation Scheme;
- d) the Aircraft Noise Categorisation Scheme shall be based on and include (but not be limited to):

- i. a Quota Count System in use for night noise at other UK designated airports;
- ii. the use of the Integrated Federal Aviation Authority Integrated Noise Model Version 7 or later version adjusted for the specific characteristics of London City Airport;
- iii. a Quota Count classification in 1dB steps;
- iv. a programme of parallel operation with the Noise Factored Scheme;
- v. an overall Quota Count budget for each calendar year;
- vi. a maximum permitted noise level or Quota Count classification; and
- vii. the noise exposure permissible as a result of Quota Count Budget for annual Aircraft Movements, which shall be:
 - equivalent to 120,000 Noise Factored Movements per calendar year (as determined in accordance with the Noise Factored Scheme);
 - no worse than the airborne aircraft noise effects assessed in the UES; and
 - in accordance with Condition 33 (noise contour area); and
- e) the approved Aircraft Noise Categorisation Scheme shall supersede the Noise Factored Movement Scheme immediately upon the written approval by the local planning authority of the review of the Aircraft Noise Categorisation Scheme after 12 months of its introduction in accordance with Condition 19, and subsequently the total realised Quota Count at the Airport shall not exceed the approved Quota Count Budget in any calendar year.

Reason: *In the interests of limiting the number of aircraft movements in order to protect the amenity of current and future occupants and neighbours and with regard to saved policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policy 7.15 of the London Plan (consolidated with alterations since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

19 Review and Reporting on the Approved Aircraft Noise Categorisation Scheme

Following implementation of the Aircraft Noise Categorisation Scheme approved pursuant to Condition 18:

- a) a report shall be submitted to the local planning authority annually on 1 June or the first working day thereafter as part of the Annual Performance Report on the performance and/or compliance with the approved Aircraft Noise Categorisation Scheme during the previous calendar year; and
- b) the approved Aircraft Noise Categorisation Scheme shall be reviewed not later than the 1st and 4th year after its introduction and every 5th year thereafter. The reviews shall be submitted to the local planning authority within 3 months of such review dates for written approval and implemented in accordance with an approved timeframe and maintained thereafter.

Reason: *In the interests of limiting the number of aircraft movements in order to protect the amenity of current and future occupants and neighbours, and with regard to saved policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policy 7.15 of the London Plan (consolidated with alterations since 2011 and*

published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).

20 Noise Factored Scheme

Until such time as the Aircraft Noise Categorisation Scheme has been approved and implemented in accordance with Condition 18, and the review of the Aircraft Noise Categorisation Scheme after its first year of operation has been submitted to and approved in writing pursuant to Condition 19, no aircraft shall use the Airport except in accordance with the Noise Factored Scheme.

Reason: *In the interests of limiting the number of aircraft movements in order to protect the amenity of current and future occupants and neighbours and with regard to saved policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policy 7.15 of the London Plan (consolidated with alterations since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

21 Maximum Permitted Noise Factored Aircraft Movements

Until such time as the Aircraft Noise Categorisation Scheme has been approved and implemented in accordance with Condition 18 and the review of the Aircraft Noise Categorisation Scheme after its first year of operations has been submitted to and approved in writing pursuant to Condition 19, the number of Noise Factored Movements shall not exceed:

- in any one week the number of permitted Aircraft Movements for that week by more than 25%; and
- 120,000 Noise Factored Movements per calendar year.

Reason: *In the interests of limiting the number of aircraft movements in order to protect the amenity of current and future occupants and neighbours and with regard to saved policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policy 7.15 of the London Plan (consolidated with alterations since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

22 Maximum Permitted Actual Aircraft Movements per hour as Timetabled

The scheduled number of Actual Aircraft Movements including business, commercial, charter and private Aircraft Movements shall not exceed 45 in total in any given hour.

Reason: *In the interests of limiting the number of aircraft movements in the peak periods in order to protect the amenity of current and future occupants and neighbours and with regard to saved policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policy 7.15 of the London Plan (consolidated with alterations since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

23 Maximum Permitted Actual Aircraft Movements (days/year)

The number of Actual Aircraft Movements at the Airport shall not exceed:

- a) 100 per day on Saturdays;

- b) 200 per day on Sundays but not exceeding 280 on any consecutive Saturday and Sunday;
- c) subject to (d) to (j) below 592 per day on weekdays; and
- d) 132 on 1 January;
- e) 164 on Good Friday;
- f) 198 on Easter Monday;
- g) 248 on the May Day Holiday;
- h) 230 on the late May Bank Holiday;
- i) 230 on the late August Bank Holiday;
- j) 100 on 26 December; and
- k) 111,000 per calendar year.

Reason: *In the interests of limiting the number of aircraft movements in order to protect the amenity of current and future occupants and neighbours and with regard to saved policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policy 7.15 of the London Plan (consolidated with alterations since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

24 Maximum Permitted Actual Aircraft Movement on Other Bank Holidays

In the event of there being a Bank Holiday or Public Holiday in England which falls upon or is proclaimed or declared upon a date not referred to in sub-paragraph (d) to (j) inclusive of Condition 23, the number of Aircraft Movements on that date shall not exceed 330 unless otherwise agreed in writing by the local planning authority but in any event shall not exceed 396.

Reason: *In the interests of limiting the number of aircraft movements in order to safeguard the quality of life in the local area.*

25 Maximum Permitted Actual Aircraft Movement limit between 0630 hours and 0659 hours on Mondays to Saturdays

The maximum number of Actual Aircraft Movements between 0630 and 0659 hours on Mondays to Saturdays (excluding Bank Holidays and Public Holidays when the Airport shall be closed for the use or operation of aircraft between these times) shall not exceed 6 on any day.

Reason: *In the interests of limiting the number of aircraft movements to protect the amenity of current and future occupants and neighbours and with regard to saved policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policy 7.15 of the London Plan (consolidated with alterations since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

26 Maximum Permitted Actual Aircraft Movement limit between 0630 hours and 0645 hours on Mondays to Saturdays

Notwithstanding the restriction on Actual Aircraft Movements between 0630 hours and 0659 hours, as set out by Condition 25, the total number of Actual Aircraft Movements in the period between 0630 hours and 0645 hours on Mondays to Saturdays (excluding Bank Holidays and Public Holidays when the Airport shall be closed for the use or operation of aircraft between these times), shall not exceed 2 on any day.

Reason: *In the interests of limiting the number of aircraft movements and to protect the amenity of current and future occupants and neighbours and with regard to saved policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policy 7.15 of the London Plan (consolidated with alterations since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

27 Christmas Day Closure

The Airport shall be closed on Christmas Day each year for the use or operation or maintenance of aircraft or for passengers, with no Aircraft Movements and no Ground Running by aircraft engines.

Reason: *In the interests of limiting the number of aircraft movements to protect the amenity of current and future occupants and neighbours and with regard to saved policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policy 7.15 of the London Plan (consolidated with alterations since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

28 Temporary Noise Monitoring Strategy

The Airport shall only operate in accordance with the Temporary Noise Monitoring Strategy 2009 until such time as the NOMMS is approved and operational pursuant to Condition 31.

Reason: *To safeguard residential amenity and in accordance with the UES.*

29 Noise Management Scheme

The Airport shall only operate in accordance with the existing Noise Management Scheme dated December 2009 until such time as the NOMMS is approved by the local planning authority and operational pursuant to Condition 31.

Reason: *To safeguard residential amenity and in accordance with the UES.*

30 Noise Monitoring System

The Airport shall operate the Noise Monitoring System referred to in the Noise Management Scheme dated December 2009 for the purpose of:

- the Aircraft Categorisation Review;
- producing the noise contours for the Sound Insulation Scheme in accordance with the Federal Aviation Authority Integrated Noise Model Version 7 or later version and as part of the Annual Performance Report; and
- continuing to provide the noise monitors in the four locations (NMT1, NMT2, NMT3 and NMT4) shown on Plan P6, or such alternative equipment and/or locations as shall be approved in writing by the local planning authority are in place and operational provided that such equipment and locations shall be at least as effective for the purposes of monitoring aircraft noise.

The Noise Management Scheme shall remain in place until such time as the NOMMS is approved and operational pursuant to Condition 31.

Reason: *To safeguard residential amenity and in accordance with the UES.*

31 Noise Management and Mitigation Strategy

Prior to the Commencement of Development a Noise Management and Mitigation Strategy (NOMMS) shall be submitted to the local planning authority for approval in writing.

The NOMMS shall be implemented as approved and thereafter the Airport shall only operate in accordance with the approved NOMMS.

Following implementation of the approved NOMMS, a report shall be submitted to the local planning authority annually on 1 June (or the first working day thereafter) as part of the Annual Performance Report on the performance and compliance with the approved NOMMS during the previous 12 month period.

The approved NOMMS shall be reviewed not later than the 5th year after approval and every 5th year thereafter. The reviews shall be submitted to the local planning authority within 3 months of such review dates for approval in writing, and implemented as so approved.

The NOMMS shall include, but not be limited to:

- Combined Noise and Track Monitoring System;
- Quiet Operating Procedures;
- Penalties and Incentives;
- Control of Ground Noise;
- Airport Consultative Committee;
- Annual Noise Contours;
- Integrity of NOMMS;
- Auxiliary Power Units;
- Reverse Thrust; and
- Sound Insulation Scheme.

Reason: *In the interests of limiting noise and to protect the amenity of current and future occupants and neighbours with regard to saved policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policy 7.15 of the London Plan (consolidated with alterations since 2011 and published March 2015), and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

32 Additional Noise Monitoring Terminals

No part of the Development shall be brought into beneficial use unless and until the Noise Monitoring Terminals (NMT) 1 to 6 inclusive as shown on Plan P6 are in place and operational or such alternative equipment and/or locations as shall be approved in writing by the local planning authority are in place and operational.

Thereafter such NMTs shall be retained and operated in accordance with details first to be submitted to the local planning authority for approval in writing.

Reason: *To ensure that adequate terminals are in place to monitor noise in the interests of residential amenity.*

33 Fixing the Size of the Noise Contour

The area enclosed by the 57dB LAeq 16hr Contour shall not exceed 9.1 km² when calculated by the Federal Aviation Authority Integrated Noise Model Version 7 or later version.

Within five years of the Commencement of Development a Noise Contour strategy shall be submitted to the local planning authority for approval in writing which defines the methods to be used by the Airport operator to reduce the area of the Noise Contour by 2030.

Thereafter the Airport shall be operated in accordance with the approved Noise Contour strategy. The approved Noise Contour strategy shall be reviewed not later than the 5th year after approval and every 5th year thereafter in order to seek further reductions in the size of the Noise Contour by 2030 and beyond. The reviews shall be submitted to the local planning authority for approval in writing within 3 months of such review dates and implemented as approved.

Reason: *To safeguard residential amenity and in accordance with the UES*

34 Design

No building within the Development hereby approved shall be constructed until details and samples of the materials to be used in the external elevations, fenestrations and roofs of the building(s) and Noise Barriers have been submitted to and approved in writing by the local planning authority.

The Development shall be carried out in accordance with the approved details. The details submitted shall be to a scale agreed with the local planning authority in writing prior to submission.

Reason: *To ensure a satisfactory standard of external appearance, protect local amenity and with regard to the assessment contained in the UES, policies 7.3, 7.4, 7.5 and 7.6 of the London Plan (consolidated with alterations Since 2011 and published March 2015) and policies SP2, SP3, SP4 and SP5 of the Newham Core Strategy (adopted 26 January 2012).*

35 The Temporary Facilities

The temporary coaching facility and the temporary outbound baggage extension as shown on the Temporary Facilities Drawings shall cease to operate and shall be removed no later than 5 years from the date of Commencement of Development.

Reason: *To safeguard amenity and visual appearance, as the temporary structures are not of sufficient design quality to be retained on a permanent basis.*

36 Landscape

Prior to the relevant Phase of Development Commencing full details of a landscape scheme to include all hard surfaces, grassed areas, tree and shrub planting and the proposed times of planting, relating to that approved Phase, shall be submitted to the local planning authority for approval in writing.

Each submitted landscape scheme shall be in accordance with the Landscape Drawings.

All landscaping schemes and all planting shall make such planting unattractive to birds so as not to have an adverse effect on the safety of operations at London City Airport by encouraging bird roosting and creating sources of food for birds, and thereby preventing a bird strike threat to aircraft operating at the Airport.

Within one month of the completion of the landscaping scheme for a relevant Phase written confirmation of the completion date shall be submitted to the local planning authority.

The scheme as approved shall be implemented in full within the first planting season following completion of each of the agreed Phases within the Construction Programme.

If any tree or shrub is removed, uprooted or destroyed or dies, or becomes in the opinion of the local planning authority, damaged, diseased or defective, another tree or shrub of the same species and size as that originally planted shall be replanted in the same location or as otherwise detailed in the scheme.

Reason: *To ensure a satisfactory standard of external appearance of the development and in the interest of the safe operation of London City Airport; with regard to policy OS8 of the London Borough of Newham Unitary Development Plan*

(adopted June 2001, saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policies 3.5, 7.1, 7.2, 7.3, 7.5, 7.6, 7.8 and 7.21 of the London Plan (consolidated with alterations Since 2011 and published March 2015), and policies SP2, SP3, SP5 and INF1 of the Newham Core Strategy (adopted 26 January 2012).

37 Dockside Access

The Taxi Feeder Park and Car Parks hereby approved shall not be brought into use unless and until measures to create and retain the pedestrian access along the Dock Edge (south of King George V Dock) and a programme for the implementation of these measures have first been submitted to the local planning authority for approval in writing. The measures shall be completed in accordance with the approved details and programme. The pedestrian access shall be retained thereafter.

Reason: *For the purposes of good design and to improve connectivity and access around the Royal Docks.*

38 Details of Screening of Plant

Prior to the relevant Phase Commencing a plant screening strategy shall be submitted to and approved in writing by the local planning authority. No part of a relevant Phase shall be brought into use until the plant screening strategy for that Phase as approved has been implemented. The approved plant screening strategy for that Phase shall be retained thereafter.

Reason: *To ensure a satisfactory form of external appearance and in the interest of the amenity of neighbouring properties and the area*

39 Contamination

- a) Prior to the Commencement of the relevant Phase, an investigation into ground conditions of that Phase shall be undertaken in accordance with the Model Procedures for the Management of Land Contamination, Environment Agency, Contaminated Land Report 11.
- b) The report of the investigation together with a detailed remediation strategy for dealing with any identified contamination in respect of that Phase shall be submitted to the local planning authority for approval in writing.
- c) Upon Commencement of the Phase the approved remediation strategy for that Phase shall be implemented.
- d) If, during the Development of a Phase, contamination not previously identified is found to be present within that Phase then no further Development in the areas where contamination is identified shall be carried out until a further remediation strategy has been submitted to the local planning authority for approval in writing, detailing how this unsuspected contamination shall be dealt with.
- e) The further remediation strategy shall be implemented as approved.
- f) As soon as reasonably practicable, and before the occupation of any remediated area forming part of a Phase, a validation report shall be submitted to the local planning authority for approval in writing, stating what works were undertaken and that the remedial scheme was completed in accordance with the approved remediation strategy for that Phase.

Reasons: *To safeguard the public, the environment and surface and ground water, as this site may have or is known to have been used in the past for activities that are likely to have resulted in it being contaminated with material that is potentially harmful to humans or the environment.*

40 Crime Prevention Strategy

No relevant Phase of the Development shall Commence until a certificate demonstrating compliance of that relevant Phase with the Secured by Design award scheme, indicating how the principles and practices of that scheme are to be incorporated in the relevant Phase of the Development, has been submitted to and approved in writing by the local planning authority.

Each relevant Phase shall be constructed and retained in accordance with its relevant approved scheme.

Such a scheme shall be implemented as approved and thereafter the Airport shall be operated in accordance with the approved scheme.

Reason: *In the interest of amenity and creating safer, sustainable communities and with regard to policy 7.13 of the London Plan (consolidated with alterations Since 2011 and published March 2015), and policy SP3 of the Newham Core Strategy (adopted 26 January 2012).*

41 External Lighting

No Phase of the Development shall Commence until full details of any proposed external lighting (the external lighting scheme) for the relevant Phase have been submitted to and approved in writing by the local planning authority.

Each external lighting scheme shall in respect of the relevant Phase:

- state the minimum luminance reasonably required to perform the relevant lighting task;
- minimise glare, light spillage and pollution;
- include landscaping/screening measures to screen illuminated areas in environmentally sensitive areas;
- avoid dazzle or distraction to drivers on nearby highways;
- include the location, type, number, mounting height and alignment of the luminaires;
- include the beam angles and upward waste light ratio for each light;
- include details of screening and other mitigation;
- include an isolux diagram showing the predicted illuminance levels at critical locations on the Airport Boundary of the Phase and where the Phase abuts residential properties or the public highway; and
- set out where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The approved lighting scheme(s) shall be implemented prior to occupation of the relevant Phase of the Development and shall be permanently retained thereafter.

Reasons: *To ensure that safety is not compromised with regard to the principles/practices of Secured by Design; to minimise adverse impacts of light pollution on the highway network; to minimise adverse impacts on the safeguarded area around London City Airport; to ensure that it does not cause a hazard to navigation of the Royal Albert Dock, and with regard to saved policy EQ45 of the London Borough of Newham adopted Unitary Development Plan (adopted June 2001 and saved from 27 September 2007 by direction from the Secretary of State and not deleted on adoption of the Core Strategy on 26 January 2012), policies 7.3, 7.5, 7.6 of the London Plan (consolidated with alterations Since 2011 and published March 2015), and policies SP3 and SP4 of the Newham Core Strategy (adopted 26 January 2012).*

42 Passenger Terminal Opening Times

No Passenger Terminal Buildings within the Airport shall be open for use operation or trading except between the hours of:

- 0430 and 2230 Monday to Friday;
- 0430 and 1300 on Saturdays;
- 1030 and 2230 on Sundays;
- 0700 and 2230 hours on Public and Bank Holidays; and
- not at all on Christmas Day

In the event that an unavoidable operational delay occurs to an inbound or an outbound aircraft, no Passenger Terminal Building shall be open for use, operation or trading more than 30 minutes after such aircraft has landed or departed from the Airport.

Reason: *To safeguard local residential amenity.*

43 Passenger Numbers

At no time shall the passenger throughput of the Airport exceed 6.5 million passengers in any twelve month period.

A Quarterly Report of the moving annual total number of passengers through the Airport (arrivals plus departures) shall be submitted to the local planning authority no later than 28 days after the end of each Quarter to which the data relates.

Reason: *To enable the local planning authority to exercise proper control over the development, in the interests of securing a satisfactory operation of the development and to safeguard the amenities of the surrounding area.*

44 Fixed Electrical Ground Power (FEGP)

No Phase of the Development shall Commence until a strategy setting out how existing and proposed aircraft stands will be upgraded to include FEGP has been submitted to and approved in writing by the local planning authority.

Such approved strategy shall be implemented as approved and retained thereafter.

No new or reconfigured Aircraft Stand shall be operational until the FEGP for that stand has been brought into operation.

Reason: *In order to minimise noise and disturbance, in the interest of residential amenity, in the interest of protecting environmental amenity, and with regard to saved policies EQ45 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27 of September 2007 in accordance with the direction from the Secretary of State) and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

45 Use of Fixed Electrical Ground Power

Except in a case of emergency or if faults occur with the FEGP, no aircraft on an operational aircraft stand with Fixed Electrical Ground Power shall use a Mobile Ground Power Unit for conditioning an aircraft prior to engine start-up or for the starting of an aircraft engine.

Reason: *In order to minimise noise and disturbance, in the interest of residential amenity, in the interest of protecting environmental amenity, and with regard to saved policies EQ45 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27 of September 2007 in accordance with the direction from the Secretary of State) and policies SP2 and SP3 of the Newham Core Strategy (adopted 26 January 2012).*

46 Mobile Ground Power Units

Except in emergency or if faults occur with the Fixed Electrical Ground Power Units, no Mobile Ground Power Unit shall be used anywhere within the Airport after 31 December 2020. Up to and including 31 December 2020 Mobile Ground Power Units shall only be used during, and in the period 30 minutes before and the period 30 minutes after the permitted take-off and landing times set out in Condition 17.

Reason: *In the interests of protecting environmental amenity from noise impacts and to ensure that Fixed Electrical Ground Power is installed at the Airport.*

47 Auxiliary Power Units

The use of any Phase shall not begin until an Auxiliary Power Unit Strategy for that Phase has been submitted to and approved in writing by the local planning authority and implemented as approved.

The submitted strategy shall include but not be limited to provide details of the position, orientation and use of aircraft before and after landing and taking off including conditioning of the cabin and equipment.

Except in cases of immediate emergency to persons on board an aircraft, or where fault occurs, no Auxiliary Power Unit shall be used other than for essential conditioning of aircraft cabins and equipment prior to departure limited to a maximum of 10 minutes before an aircraft's departure from the stand or 10 minutes after an aircraft's arrival on the stand.

Annually on 1 June (or the first working day thereafter) in each year after the Commencement of Development and as a part of the Annual Performance Report, LCY shall provide a report containing details of the use of Auxiliary Power Units at the Airport in the previous calendar year.

Reason: *In the interest of protecting environmental amenity from noise and pollution impacts.*

48 Ground Engine Running Strategy

No Development shall Commence until a Ground Engine Running Strategy has been submitted to and approved in writing by the local planning authority.

The Ground Engine Running Strategy as approved shall be implemented upon Commencement of Development. The local planning authority shall be notified in writing within 14 days of implementation of the Ground Engine Running Strategy.

A report shall be submitted to the local planning authority annually on 1 June (or the first working day thereafter) as part of the Annual Performance Report on the performance and or compliance during the previous calendar year with the approved targets in the Ground Engine Running Strategy.

Every 3 years after first implementation the Ground Engine Running Strategy shall be reviewed and the review shall be submitted to the local planning authority for approval in writing on 1 June (or the first working day thereafter) and implemented as approved.

The strategy shall identify measures to:

- minimise engine usage while aircraft occupy stands;
- minimise the duration of engine usage whilst taxiing; and
- ensure the operators of aircraft at the Airport comply with the approved strategy in order to mitigate as far as practicable the emissions from aircraft engines.

Reason: *In the interests of protecting environmental amenity from noise impacts.*

49 Ground Running, Testing and Maintenance Strategy

No Development shall Commence until a Ground Running, Testing and Maintenance Strategy (GRTMS) has been submitted to and approved in writing by the local planning authority. The approved GRTMS shall be implemented on Commencement of the Development.

A Report to the local planning authority shall be submitted annually on 1 June (or the first working day thereafter) as part of the Annual Performance Report on the performance and compliance during the previous calendar year with the targets in the GRTMS. Every 3 years after first implementation the GRTMS shall be reviewed

and the review shall be submitted to the local planning authority for approval in writing on 1 June (or the first working day thereafter) and implemented as approved. Within 14 days of its implementation, the local planning authority shall be notified of the implementation of the GRTMS.

The strategy shall identify:

- the long-term area for testing; and
- areas for testing during periods of construction affecting the long term agreed location.

Reason: *In the interests of protecting environmental amenity from noise impacts.*

50 Ground Running, Testing and Maintenance

Unless in exceptional circumstances, the Ground Running of aeroplane engines for testing or maintenance purposes shall only take place between the following hours:

- i. 0630 and 2200 Monday to Friday;
- ii. 0630 and 1230 on Saturdays;
- iii. 1230 and 2200 on Sundays;
- iv. 0900 and 2200 on Bank Holidays and Public Holidays (but not at all on Christmas Day); and
- v. in such locations and with such orientation of the aircraft as set out in the approved GRTMS and employing such noise protection measures as set out in the approved GRTMS;

provided that the restrictions above shall not prevent aircraft maintenance work taking place outside of these hours where that work will not be audible at the Airport Boundary or at any Sensitive Receptor and provided this restriction shall not prevent Auxiliary Power Unit usage for essential conditioning of aircraft cabins and equipment prior to departure limited to a maximum of 10 minutes before an aircraft's departure from the stand or 10 minutes after arrival on the stand.

Reason: *In the interests of protecting environmental amenity from noise impacts at sensitive parts of the day.*

51 Ground Running Noise Limit

The noise level arising from Ground Running shall not exceed the Ground Running Noise Limit.

Prior to the Commencement of the Development hereby approved a strategy demonstrating how any breach(es) of the Ground Running Noise Limit through Ground Running are to be prevented shall be submitted to and approved in writing by the local planning authority.

The Strategy as approved shall be implemented upon commencement of use of the Development.

Reason: *In the interests of protecting environmental amenity from noise impacts.*

52 Ground Running Annual Performance Report

The local planning authority shall be provided with the following annually on 1 June (or the first working day thereafter) as part of the Annual Performance Report:

- a) written details of Ground Running that has taken place during the preceding calendar year including details of the number, duration and power setting of ground runs and the types of aircraft involved; and
- b) written measurements and calculations to show whether the Ground Running Noise Limit has been exceeded as a result of Ground Running during the preceding calendar year.

Reason: *In the interests of protecting environmental amenity from noise impacts.*

53 Permanent Eastern Apron Extension Noise Barrier

The Development shall not Commence until a scheme showing the location, dimensions and materials of the permanent noise barrier on the eastern apron extension has been submitted to and approved in writing by the local planning authority.

The permanent noise barrier shall be installed prior to the first operation of the stands shown in red on Plan P1 and retained thereafter.

Reason: *In the interests of protecting environmental amenity from noise impacts.*

54 Retention of all existing Noise Barriers

No part of the Airport shall be used unless all existing noise barriers shown on Plan P7 are in place or alternatives that have been approved pursuant to Condition 6 or Condition 53 are in place. Such noise barriers shall be retained thereafter (provided always that any temporary noise barrier approved pursuant to Condition 6 and/or Condition 94 can be removed subject to the prior approval in writing of the local planning authority).

Reason: *In the interests of protecting environmental amenity from noise impacts.*

55 Ground Noise Study

No Phase of the Development shall Commence until a Ground Noise Study has been submitted to and approved in writing by the local planning authority in respect of that Phase.

Noise mitigation measures identified as being necessary in each Ground Noise Study as approved by the local planning authority shall be provided within six months of obtaining any necessary consents for these identified mitigation measures.

Thereafter ground noise studies shall be undertaken at intervals of not less than three years from the date of approval of the first Ground Noise Study. Such additional ground noise studies shall be submitted to the local planning authority within 30 days of their completion. Any necessary mitigation measures identified within those studies shall be implemented as approved.

Reason: *In the interests of protecting environmental amenity from noise impacts.*

56 Sustainability and Biodiversity Strategy

No Phase of the Development shall Commence until a Sustainability and Biodiversity Strategy has been submitted to and approved in writing by the local planning authority in respect of that Phase.

The relevant approved Sustainability and Biodiversity Strategy shall be implemented on Commencement of the Development of each Phase.

A report shall be submitted to the local planning authority annually on 1 June (or the first working day thereafter) as part of the Annual Performance Report on the performance and compliance during the previous calendar year with the targets in the approved Sustainability and Biodiversity Strategy/Strategies.

Every 3 years the Sustainability and Biodiversity Strategy shall be reviewed and the reviews shall be submitted to the local planning authority for approval in writing on 1 June (or the first working day thereafter) and implemented as approved.

Reason: *In the interest of impacts on biodiversity and maximising the ecological potential of the site and in accordance with policy SC4 of the London Borough of Newham Core Strategy (Adopted January 2012), policies 5.11, 7.19 and 7.21 of the London Plan (consolidated with alterations Since 2011 and published March 2015), and Paragraph 109 of the NPPF.*

57 Air Quality Monitoring

The Development shall not Commence until an Air Quality Monitoring Strategy has been submitted to and approved in writing by the local planning authority. The Air Quality Monitoring Strategy shall be implemented on the Commencement of the Development.

The Air Quality Monitoring Strategy shall include but not be limited to the following details:

- continuous monitoring of nitrogen dioxide at two locations;
- continuous monitoring of Fine Particulates (PM₁₀) at one location;
- the monitoring of nitrogen dioxide by diffusion tube at not less than 16 locations at and around the perimeter of the Airport;
- publishing the results of the continuous monitoring at all times through a web-based system; and
- reporting to the local planning authority annually on 1 June (or the first working day thereafter) as part of the Annual Performance Report and each meeting of the Airport Consultative Committee.

Every 3 years from approval of the first Air Quality Monitoring Strategy the Strategies shall be reviewed and the reviews shall be submitted to the local planning authority for approval in writing on 1 June (or the first working day thereafter) and implemented as approved.

Reason: *In the interests of reducing air quality impacts in accordance with the UES.*

58 Air Quality Management Strategy

The Development shall not Commence until an Air Quality Management Strategy has been submitted to and approved in writing by the local planning authority.

The Air Quality Management Strategy shall be implemented on the Commencement of the Development.

The Strategy shall include but not be limited to the following details:

- measures to manage and mitigate adverse air quality impacts (including black smut and oily deposits) due to the operation of the Airport;
- measures to minimise idle and taxi times for aircraft prior to take-off;
- measures introducing and enforcing regulations to prevent airside vehicles being left unattended with engines running;
- periodic emissions-checking of airside vehicles;
- a system to check that regular maintenance of airside vehicles is being undertaken;
- measures to encourage the use by staff of the most sustainable options for travel to and from the Airport; and
- a linkage between air quality and the Staff Travel Plan and the Passenger Travel Plan.

Every 3 years from approval of the first Air Quality Management Strategy the Strategies shall be reviewed and the reviews shall be submitted to the local planning authority for approval in writing on 1 June (or the first working day thereafter) and implemented as approved.

Reason: *In the interests of reducing air quality impacts in accordance with the UES.*

59 Complaints about Environmental Impact

- 1) A summary record shall be maintained of all complaints about the environmental impact of the operation of the Airport and any action taken to deal with or remedy such complaints.
- 2) A detailed report shall be submitted of all complaints and any action taken:

- to the local planning authority within 15 days of that complaint being made or that action being undertaken;
 - to the Airport Consultative Committee at the meeting of that Committee next following that complaint or that action; and
 - as part of the Annual Performance Report in relation to such complaints and actions in the preceding calendar year.
- 3) Complaint records shall be made available for inspection at all reasonable hours by the local planning authority pursuant to Part 1 of this condition.

Reason: *In the interests of monitoring and minimising the environmental impacts of the Airport.*

60 Use of the River Thames for Construction

Development shall not commence until there has been submitted to the local planning authority for approval in writing a strategy that seeks to maximise the use of the River Thames and other waterways for the transport of construction and waste materials to and/or from the Airport.

The approved strategy shall be implemented on Commencement of the Development.

Reason: *To ensure that the Development accords with the aims and objectives of promoting the use of sustainable use of transport.*

61 Energy Assessment and Reduction in Carbon Dioxide Emissions

- 1) No relevant Phase of the Development shall Commence until an Energy Assessment for that Phase has been submitted to and approved in writing by the local planning authority.
- 2) Each relevant Energy Assessment shall demonstrate how a minimum reduction in carbon dioxide emission of 25% over the Target Emission Rate outlined in the national Building Regulations.
- 3) The relevant Energy Assessment as approved pursuant to Part 1 of this condition shall be implemented prior to the relevant Phase of the Development being brought into use or operation and the recommendations of the approved assessment retained for the duration of the Phase.

Reason: *To ensure the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with the Mayor of London's energy hierarchy.*

62 Archaeology Scheme of Investigation and List of Historic Buildings

No Phase of the Development shall Commence other than demolition to existing ground level unless and until there has been secured the implementation of a programme of archaeological evaluation in relation to that Phase in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the local planning authority.

Such a submitted Scheme shall include details of a programme for investigating and recording archaeological assets, works and historic structures that might be found during Development of that Phase; and lists all historic buildings at the Airport.

The Phase shall be implemented in accordance with the relevant approved Scheme.

Reason: *To secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given by the local planning authority, English Heritage and in the NPPF, as the site has archaeological potential in terms of heritage assets of archaeological interest.*

63 BREEAM

No Phase of the Development shall take place until evidence that the relevant Phase of the Development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has

been submitted to the local planning authority indicating that the relevant Phase of the Development can achieve the stipulated final BREEAM level. Prior to occupation of the relevant Phase of the Development a Building Research Establishment certificate confirming that the development design for the relevant part of that building/buildings in that Phase achieves a minimum BREEAM rating of Very Good shall be submitted to the local planning authority for approval in writing.

Reason: *In the interest of energy efficiency and sustainability and with regard to policies 5.1, 5.2 and 5.3 of the London Plan (consolidated with alterations Since 2011 and published March 2015), and policy SC1 of the Newham Core Strategy (adopted 26 January 2012).*

64 Photovoltaic Panels

Prior to the Commencement of any Development on the terminal buildings details of any photovoltaic panels to be used shall be submitted to the local planning authority for approval in writing.

The photovoltaic panels shall be installed and retained in accordance with the approved details.

Reason: *To encourage and establish sustainable energy use.*

65 Crossrail Method Statement

No Phase of the Development shall take place until a method statement to demonstrate and ensure that Crossrail structures and tunnels are not impeded by the relevant Phase of Development has been submitted to and approved in writing by the local planning authority.

The approved method statement shall be implemented on Commencement of Development of the relevant Phase.

Reason: *To ensure there is no conflict in terms of safeguarding or safety with Crossrail.*

66 Non Return Water Valve and Sustainable Urban Drainage

No Phase of the Development shall be Commenced until details of the following have been submitted to the local planning authority for approval in writing:

- how a non-return water valve or other sustainable device will be incorporated into the waste water system within the Phase of the Development; and
- how storm flows will be attenuated or regulated into the receiving public network through on or off-site storage.

Each Phase of the Development shall be implemented in accordance with the approved details and the above waste and storm water measures shall be retained thereafter.

Reason: *To sustainably safeguard the waste and storm water system.*

67 Petrol/Oil Interceptors

Prior to operation of the relevant Phase of the Development, all new parking areas provided as part of that Phase shall be drained through a petrol/oil interceptor system. This system shall comply with the requirements of Thames Water Utilities and the Environment Agency (Water Acts). Thereafter, the system shall be cleansed and retained in accordance with manufacturer's instructions.

Reasons: *To prevent large quantities of oil, petrol and road dirt entering the existing sewerage system.*

68 Artificial Fish Refugia (Habitat)

The relevant Phase of the Development shall not be Commenced until a form of wire mesh sheeting (artificial fish refugia habitat) has been installed in King George V

Dock in accordance with the Artificial Fish Refugia Details. The Artificial Fish Refugia shall thereafter be retained.

Reason: *To improve aquatic ecology in King George V Dock and compensate for the loss of dock wall habitat arising from the development.*

69 Sustainable Drainage Systems

- 1) No Phase of the Development shall be Commenced until a Surface Water Drainage Scheme for that Phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the Development, has been submitted to and approved in writing by the local planning authority.
- 2) Each scheme as approved by Part 1 of this Condition shall be consistent with the approved Flood Risk Assessment and shall include details of run-off and surface water storage in the Phase as outlined in the Flood Risk Assessment.
- 3) Each scheme as approved by Part 1 of this Condition shall be implemented before the relevant Phase is used or occupied.

Reason: *To prevent the increased risk of flooding to third parties and to the site itself; to improve water quality; to enhance biodiversity; and to ensure future maintenance of the surface water drainage system.*

70 Waste Management Strategy

No Phase of the Development shall Commence until a Waste Management Strategy for that Phase has been submitted to and approved in writing by the local planning authority. Each Waste Management Strategy shall seek to maximise the use of the River Thames and other waterways for the transport of waste materials from the Airport and shall be implemented on Commencement of the Development of the relevant Phase.

Reason: *To ensure that the development accords with the aims and objectives of promoting the use of sustainable transport.*

70 Travel Plan

Prior to first occupation of the Development a Staff Travel Plan and a Passenger Travel Plan shall be submitted to and approved in writing by the local planning authority.

Such Staff and Passenger Travel plans shall include targets for managing any impacts of the Airport's staff and passengers on the local road network; and monitoring procedures for sustainable travel initiatives such as encouraging greater use of the waterways such as the River Thames.

The Development shall be operated in accordance with both the approved Staff Travel Plan and Passenger Travel Plans thereafter.

Reason: *To ensure that the development accords with the aims and objectives of policy 6.3 of The London Plan (consolidated with alterations Since 2011 and published March 2015), and policy INF2 of the Newham Core Strategy (adopted 26 January 2012).*

72 Parking for Disabled People

The car parking accommodation of the approved Development shall include at least 3% of passenger and 5% of staff spaces suitable for use by a disabled person (in accordance with the specifications within BS8300: Design of buildings and their approaches to meet the needs of disabled people: Code of Practice)

Reason: *To ensure access for people with disabilities.*

73 Access Roads and Parking Areas

No part of the Eastern Terminal Extension hereby approved shall be occupied until the Access Roads and Parking Areas have been constructed in accordance with details that shall be submitted to and approved in writing by the local planning authority and the Access Roads and Parking Areas shall be retained thereafter.

Reason: *To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with the approved use.*

74 Use of Parking Spaces

The car parking hereby approved shall be used by the staff and visitors associated with the Airport and for no other users.

Reason: *In order to provide a satisfactory level of on-site parking.*

75 Cycle Parking

No part of the Eastern Terminal Extension shall be occupied until details of the type and location of a minimum of 70 secure and covered cycle parking facilities have been submitted to and approved in writing by the local planning authority.

The secure and covered cycle parking facilities shall be installed and available for use prior to the first occupation of the Development.

Such cycle parking facilities shall be retained thereafter.

Reason: *To ensure the provision of adequate cycle facilities to the standards adopted by policies 6.9 and 6.13 of the London Plan (consolidated with alterations Since 2011 and published March 2015), and policies SP2, SP3 and INF2 of the Newham Core Strategy (adopted 26 January 2012); and ensure that any alteration to the use of the proposed cycle spaces does not have an impact which has not been assessed by the Environmental Impact Assessment.*

76 Delivery and Service Plan

No part of the Development shall be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.

The submitted Delivery and Servicing Plan shall:

- show clear vehicle sweep paths and be based on up-to-date information in relation to overall vehicle movements associated with all sites, and include servicing from new roads and service areas;
- show service vehicle movements as indicated within the Transport Assessment, which shall be the optimum numbers, and any additional movements shall only be permitted with the approval in writing by the local planning authority; and
- be prepared in accordance with Transport for London guidance, which encourages operators to be members of the Freight Operators Recognition Scheme or similar.

The Development shall only be implemented in accordance with the approved Delivery and Servicing Plan, which shall be retained thereafter.

Reason: *To ensure that vehicle movements associated with the use hereby permitted remain consistent and that the use does not represent any unacceptable level of vehicle movements such that the safety of pedestrians and cyclists shall be unduly prejudiced.*

77 Traffic Management Plan

No relevant Phase of the Development shall be Commenced until a Traffic Management Plan has been submitted to and approved in writing by the local planning authority in respect of the relevant Phase. Each submitted Traffic Management Plan shall:

- set out the proposed management arrangements for vehicle movement within the Phase, including the internal shared access;
- include details of appropriate road markings and signage internal to the site to regulate the movement of traffic, cyclists and pedestrians; and
- ensure that the internal road network is designed, operated and retained in line with current practice on highway design for all road users, including buses, cyclists, and pedestrians.

The relevant Phases shall be operated in accordance with the approved Traffic Management Plans for those Phases thereafter.

Reason: *To prevent obstruction of the public highway surrounding the site and internal roads used by buses, taxis, delivery vehicles, cyclists and pedestrians and avoid accidents.*

78 Taxi Management Plan

No relevant Phase of the Development shall be Commenced until a detailed Taxi Management Plan has been submitted to and approved in writing by the local planning authority in respect of that Phase. The Taxi Management Plan shall be implemented as approved and retained thereafter.

Reason: *To ensure that taxi facilities are operated safely and efficiently.*

79 Transport Management Strategy

Prior to use of the Eastern Terminal Extension, a Transport Management Strategy shall be submitted to the local planning authority for approval in writing. The Transport Management Strategy shall include details regarding:

- stewardship arrangements;
- signage;
- measures to promote and provide for sustainable transport;
- times/locations notification arrangements; and
- how to encourage increased dwell time for vehicles, including hire vehicles, arriving to collect passengers.

The Airport shall only be used in accordance with the approved Transport Management Strategy thereafter.

Reason: *In the interest of residential amenity, parking congestion and highway, pedestrian and visitor safety.*

80 Bus Facilities

No works to existing bus stops, stands, infrastructure or shelters or any works that affect bus operations shall be carried out until a Bus Facilities Works Programme has been submitted to and approved in writing by the local planning authority. The Works Programme shall include infrastructure specification, maintenance and transitional arrangements. The approved facilities shall thereafter be implemented in accordance with the approved arrangements.

Reason: *To ensure that bus services can safely serve the site as if they were on the public highway including regular maintenance and appropriate management, as the forecourt design includes changes to bus facilities that are not part of the public highway and need to be accessed via private land.*

81 Unexploded Ordnance

The Development shall not Commence until an Unexploded Ordnance (UXO) site safety and emergency procedures plan has been submitted to and approved in writing by the local planning authority.

The Development shall only be carried out in accordance with the approved UXO site safety and emergency procedures plan.

Reason: *To reduce risk from Unexploded Ordnance to an acceptable level, as the site lies within an area of the London Borough of Newham that has been identified as being at potential risk from buried explosive ordnance due to wartime bombing..*

82 Piling 1

No construction of the piles shown in the 'Yellow Area' on Plan P8, shall be carried out:

- a) for more than 32 separate weeks during the entire construction works; and
- b) within each separate week between 1300 hours Sunday and 0700 hours Monday.

Reason: *To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*

83 Piling 2

No construction of the piles shown in the 'Orange Area' on Plan P8 shall be undertaken outside 0700 hours to 2100 hours on Mondays to Fridays and 0800 hours to 2100 hours on Saturdays.

Reason: *To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*

84 Piling 3

No impact piling shall take place until there has been submitted to and approved in writing by the local planning authority a piling method statement, detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and/or minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works. Any piling shall be undertaken in accordance with the terms of the approved piling method statement.

Reason: *To ensure that the piling will not impact on local underground sewerage utility infrastructure, as it will be close to underground sewerage utility infrastructure.*

85 Construction 1

No construction works shall be carried out until:

- a) the Airport has secured consent under Section 61 Control of Pollution Act 1974 which restricts the development to the Noise Levels Assessed in the UES (September 2015); and
- b) written evidence has been submitted to and approved in writing by the local planning authority demonstrating the operation of the Construction Sound Insulation Scheme approved under Condition 89 in accordance with Conditions 90 and 91 and the Phasing Plan contained in the Construction Environmental Management Plan (CEMP) approved under Condition 88.

Reason: *To ensure a satisfactory standard of development and to safeguard amenities of the surrounding area.*

86 Construction 2

No construction works shall take place between 2000 hours on Sundays to 0700 hours on Mondays; and no construction works shall be carried out on Bank and Public Holidays.

Reason: *To ensure respite for nearby Sensitive Receptors and ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*

87 Construction Design and Method Strategy

Development of the relevant Phase of Development shall not Commence until there has been submitted to the local planning authority for approval in writing a detailed Construction, Design and Method Strategy for all of the foundations, basement and ground floor structures, and any structures below ground level including piling (temporary and permanent) for that Phase.

Such a Strategy shall include (but not be limited to) details of the following in respect of each Phase:

- specification and erection methodology for all façade treatments, roof sections and windows;
- specification, construction methodology, calculations and lifting plan for any cranes proposed to be used;
- the location of existing DLR structures and how the Phase of Development will accommodate these to demonstrate that there will be no potential security risk to DLR railway, property and structures; and
- mitigation of the effects of noise and vibration arising from the adjoining operations within the structures.

Each relevant Phase shall thereafter be carried out in accordance with the relevant approved Construction Design and Method Strategy.

Reason: *To ensure a satisfactory standard of development and to safeguard amenities of the surrounding area.*

88 Construction Environmental Management Plan (CEMP)

Prior to Commencement of Development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority.

The CEMP shall be implemented as approved.

The CEMP shall include (but not be limited to):

- a) a Construction Noise and Vibration Management and Mitigation Strategy (CNVMMS);
- b) an Air Quality Construction Management and Mitigation Strategy (AOCMMS); and
- c) details of wheel washing equipment.

The CEMP shall be in accordance with the environmental standards, mitigation measures, embedded mitigation measures, requirements, recommendations and methods of implementing the Development contained in the UES, appendices and addenda therein relevant to the Development.

Reason: *To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*

89 Construction Sound Insulation for Sensitive Receptors

No Development shall be Commenced until a Construction Sound Insulation Scheme for the purposes of Conditions 90 and 91 has been submitted to and approved in writing by the local planning authority. The Construction Sound Insulation Scheme shall provide a sound reduction of not less than 35dB averaged over 100 Hz to 3150 Hz in accordance with the procedure of British Standard Publication BS EN ISO 140: Part 5 for each Sensitive Receptor.

Reason: *To ensure that affected Sensitive Receptors are suitably mitigated against intrusive construction noise impacts.*

90 Night time Construction Sound Insulation

Prior to Commencement of Development of the relevant Phase approved under Condition 4, any works required in accordance with the Construction Sound Insulation Scheme approved under Condition 89 shall be offered to Sensitive Receptors, predicted or measured to be exposed to construction noise levels between 2300 hours and 0700 hours the following day above 50dB LAeq 15min at 1 metre from the façade as a result of the Construction of the Development:

- for at least 10 days in any 15 consecutive working days; or
- for at least 20 days in any consecutive 6 months;

unless sound insulation of equivalent acoustic performance to that set out in the Construction Sound Insulation Scheme has already been installed under the Airport's existing sound insulation schemes.

Where such an offer is accepted and access provided to the relevant dwelling the Airport shall implement the insulation works required under the approved Construction Sound Insulation Scheme in accordance with the Phasing Plan forming part of the CEMP approved under Condition 88.

Reason: *To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*

91 Day time Construction Noise Mitigation

Prior to the Commencement of Development of the relevant Phase approved under Condition 4, any works required in accordance with the Construction Sound Insulation Scheme approved under Condition 89 shall be offered to Sensitive Receptors predicted or measured to be exposed to construction noise levels as a result of the Construction of the Development at 1 metre from the façade in excess of those set out in the table below either:

- for at least 10 days in any 15 consecutive working days; or
- for at least 20 days in any consecutive 6 months;

unless sound insulation of equivalent acoustic performance to that set out in the Construction Sound Insulation Scheme has already been installed under the Airport's existing sound insulation schemes.

Day	Time (hours)	Averaging period, T (hours)	Noise insulation trigger level LAeq,T (façade)
Monday to Friday	0800 to 1800	10	75
	0700 to 0800 and 1800 to 2300	1	65
Saturday	0800 to 1300	5	75
Saturday	0700 to 0800 and 1300 to 2300	1	65
Sunday	0800 to 2300	1	55

Where such offer is accepted and access provided to the relevant dwelling the Airport shall implement the insulation works required under the approved Construction Sound Insulation Scheme in accordance with the Phasing Plan forming part of the CEMP approved under Condition 88.

Reason: *To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*

92 Construction Lighting

Before the Commencement of the relevant Phase of Development a Construction Lighting Scheme for that Phase shall be submitted to and approved in writing by the local planning authority.

Details shall include appearance, siting, orientation and screening of the lights to be used during construction and the means of construction and laying out of cabling for such lights.

The approved Construction Lighting Scheme shall be constructed/installed prior to Commencement of the relevant Phase and shall be removed following completion of the Phase of Development.

Reasons: *To ensure that construction and community safety is not compromised.*

93 Monitoring and Reporting (Construction)

- 1) Noise and vibration monitoring shall be undertaken by LCY continuously throughout the construction of the Development at no fewer than 2 locations to ensure that demolition and construction works and associated activities are being undertaken in a manner that ensures compliance with the specified noise level limits and triggers.
- 2) Manual short-term noise measurements shall be undertaken as regularly as necessary to verify that the continuous noise monitoring is adequately reflecting the impact of noise on the surrounding buildings.
- 3) Noise monitoring shall be undertaken at one or more locations continuously around the site throughout the duration of the works by LCY to verify that the continuous noise monitoring is adequately reflecting the impact of noise on the surrounding buildings and that the construction noise levels are in compliance with planning or other legal requirements.
- 4) Suitable vibration monitoring equipment shall be made available on site to demonstrate compliance with the specified vibration level limits. The equipment shall be capable of monitoring peak particle velocity in three mutually perpendicular axes and shall be capable of measuring down to 0.1 mm/s.
- 5) An alert or traffic light type system shall be operated to warn operatives and the construction manager when the site boundary noise limit is being approached and when it is being exceeded. This will provide the facility to monitor whether limits are being approached.
- 6) The noise data from the continuous noise monitoring system shall be made accessible in real time (as far as practically possible) via a web-based system that is available to all relevant parties for viewing.

Reason: *To ensure a satisfactory standard of development and to safeguard amenities of the surrounding area.*

94 Temporary Construction Noise Barrier

Before the Commencement of the relevant Phase of Development a temporary noise barrier along the southern boundary of the Airport (between City Aviation House and the proposed construction compound at the western end of Hartmann Road) shall be erected and retained in accordance with details that shall have been submitted to and approved in writing by the local planning authority. The barrier shall meet the following minimum specification:

- 3m in height above local ground level;
- imperforate (no gaps at joints or the base); and
- minimum superficial surface mass shall be at least 7 kg/m².

The temporary construction noise barrier shall be retained for the duration of the construction works.

Upon completion of the Development the temporary noise barrier shall be dismantled and removed from the Airport in its entirety.

Reason: *To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*

95 Construction Complaints Handling

A person shall be made responsible for liaison with the local community in order to keep them informed of progress and for providing a means of treating complaints fairly and expeditiously. The details of their role and responsibilities shall be specified in the CNVMMS. A comprehensive complaints management scheme, by which complaints are received, recorded, monitored, actioned and reported, shall be put in place and implemented in accordance with the approved specification in the CNVMMS. A dedicated channel (telephone line) shall be provided to facilitate and receive complaints, staffed for 24 hours a day.

Reason: *To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*

96 Construction Compound Operations and Hoarding

Before the Commencement of Development details of the Construction compounds and any associated hoarding shall be submitted for approval in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: *To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*

97 Vibration Limits

Vibration from construction shall not exceed a Peak Particle Velocity of 1mm/s in any axis, measured adjacent to the foundations of any Sensitive Receptor and 3mm/s at commercial receptors.

Where vibration levels exceed the above limits, steps shall be taken to reduce levels to within the above limits in accordance with details to be submitted to and approved in writing by the local planning authority. Where vibration levels exceed 3mm/s works shall cease and measures shall be taken to reduce vibration levels to below 1mm/s.

Reason: *To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*



RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.