

CITY AIRPORT DEVELOPMENT PROGRAMME  
(CADP1) S73 APPLICATION

# ENVIRONMENTAL STATEMENT

VOLUME 1: MAIN ES

DECEMBER 2022



# P e l l F r i s c h m a n n

City Airport Development  
Programme (CADP1) S73  
Application

Volume 1: Environmental Statement  
Chapter 5: Planning Context

December 2022



## 5 Planning Context and Existing Controls

### 5.1 Introduction

- 5.1.1 This chapter of the ES provides an overview of the environmental and aviation planning policy that is of direct relevance to LCY, the extant CADP1 planning permission, and the current S73 application. It also summarises the recent planning history of the airport and the resulting controls and obligations which exist and will continue to govern the operation of the airport.
- 5.1.2 An appraisal of the proposed development against relevant national, regional and local planning policy is provided in full within the Planning Statement that accompanies the S73 application. Accordingly, these policies are not covered to the same level of detail here. Specific planning policies that are relevant to the individual technical assessments in this ES are dealt with in the corresponding chapters.

### Aviation Policy Framework

- 5.1.3 National Aviation Policy is set out in a number of documents, the earliest being the Aviation Policy Framework (2013). It has recently been updated with 'Flightpath to the Future' (FttF), published in May 2022, and 'Jet Zero Strategy: Delivering Net Zero Aviation by 2050', published in July 2022.

### Aviation Policy Framework (March 2013)

- 5.1.4 The Aviation Policy Framework<sup>1</sup> (APF) sets out the Government's primary objective related to long-term economic growth, within which the aviation sector is seen as a major contributor.
- 5.1.5 The long-term objective of the APF is to ensure that the UK's air links continue to make it one of the best-connected countries in the world by increasing links to emerging markets so the UK can successfully compete for economic growth opportunities.
- 5.1.6 The APF supports growth which maintains a balance between the benefits of aviation and its costs, particularly in relation to negative effects on climate change, noise and air pollution. In doing so, it identifies an objective of ensuring that the aviation sector makes a significant and cost-effective contribution towards reducing global emissions and to limit, and where possible reduce, the number of people in the UK significantly affected by aircraft noise.
- 5.1.7 The APF recognised the capacity challenges facing major airports within the South East (including London City Airport) where demand is concentrated. Paragraph 1.109 noted that the five London airports were at 78% capacity in 2010 and were, at that time, forecast to be 91% full in 2020 and then totally full by around 2030.
- 5.1.8 The APF set a policy to seek improved international standards to reduce emissions from aircraft and vehicles. It also notes that there will be additional air quality benefits as the UK progresses to a low carbon economy.
- 5.1.9 The APF requires that applications for further airport development must be accompanied by clear surface access proposals which demonstrate how the airport will ensure easy and reliable access for passengers, increase the use of public transport by passengers, and minimise congestion and other local impacts.

### Beyond the Horizon - The Future of UK Aviation: Making best use of existing runways ('MBU') (June 2018)

- 5.1.10 Beyond the Horizon<sup>2</sup> (or 'MBU') includes a section on 'Role of local planning' and states that most concerns raised can be addressed through the Government's existing policies as set out in the 2013

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<sup>1</sup> Secretary of State for Transport. (2013) *Aviation Policy Framework*

<sup>2</sup> HM Government. (2018) *Beyond the Horizon: The Future of UK Aviation - Making best use of existing runways*

APF. It goes on to state that, for the majority of environmental concerns, the Government expects these to be taken into account as part of the existing local planning application processes and that airports will need to demonstrate how mitigation will address local environmental issues (paragraph 1.9, 1.23 & 1.26). These can then be presented to, and considered by, communities as part of the planning consultation process (paragraph 1.24).

5.1.11 Making best use of existing airport capacity, with specific reference to runways, is a key theme in this document (paragraph 1.1, 1.11 & 1.29), along with sharing economic benefits with local communities, where paragraph 1.22 states as follows:

*‘The government recognises the impact on communities living near airports and understand their concerns over local environmental issues, particularly noise, air quality and surface access. As airports look to make best use of their existing runways, it is important that communities surrounding those airports share in economic benefits of this, and that adverse impacts such as noise are mitigated where possible.*

#### **Aviation 2050: The Future of UK Aviation (December 2018)**

5.1.12 Published in December 2018 for consultation, the Aviation 2050 strategy<sup>3</sup> has not as yet been issued in its final form. Paragraph 4.1 states:

*‘Airports can directly support thousands of jobs and generate economic benefits beyond the airport fence. Core and specialist aviation services, freight companies, logistics hubs and aerospace investment are often located close to airports, creating jobs in the local area’.*

#### **Decarbonising Transport: A Better, Greener Britain (July 2021)**

5.1.13 In July 2021 Government published ‘Decarbonising Transport – A Better, Greener Britain’<sup>4</sup> which includes a series of Government commitments to decarbonise all forms of transport. With regards to aviation, it seeks to accelerate aviation decarbonisation by:

- Consulting on the Jet Zero Strategy;
- Supporting the development of new and zero carbon UK aircraft technology through the Aerospace Technology Institute (ATI);
- Funding zero emission flight infrastructure R&D at UK airports;
- Kick-start the commercialisation of UK sustainable aviation fuels (SAF);
- Support UK airspace modernisation;
- Develop the UK Emissions Trading Scheme to help accelerate aviation decarbonisation; and
- Work with the industry to accelerate the adoption of innovative zero-emission aircraft and aviation technology in General Aviation.

#### **Flightpath to the Future (May 2022)**

5.1.14 The ‘Flightpath to the Future’ (FtF)<sup>5</sup> document published on 26 May 2022 comprises Government’s overarching aviation policy statement. It includes a 10-point plan, a number of which are directly relevant to the planning system, including:

- Recovering and learning lessons from the pandemic and sustainably growing the sector - including commitments to growth and working together towards a future where the sector can recover, grow and thrive in a way that is sustainable, resilient and connected;
- Supporting growth in airport capacity, where justified, and ensuring that capacity is used in a way that delivers for the UK. Clear support for airport expansion/growth is found in various sections of the document (including page 2, 7, 18, 19, 20, 26, 42, 44 and 69). It also includes frequent reference to helping the sector to "build back better" and a desire to support growth in passenger demand;
- Putting the sector on course to achieve ‘Jet Zero’ by 2050 – with specific targets for 10% Sustainable Aviation Fuels (SAF) by 2030 and zero-emissions flights across the UK this decade;

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<sup>3</sup> HM Government (2018) *Aviation 2050: The Future of UK Aviation – A Consultation*

<sup>4</sup> Department for Transport. (2021) *Decarbonising Transport: A Better, Greener Britain*

<sup>5</sup> Department for Transport. (2022) *Flightpath to the Future*

- Strategic context to the Government's Jet Zero plans and how it will set net zero targets for 2050 (page 6 and Sections 2 / 4) - explaining that expansion of any airport must meet its climate change obligations to be able to proceed, and making reference to the proposal for airports in England to be zero-emissions by 2040; and
- Unlocking local benefits and levelling up - including through trade, air freight, aerospace, investment and tourism, as well as allowing people to benefit from improved connections across the union and regions.

5.1.15 In FttF, the Government confirms that addressing detrimental impacts on local communities associated with air quality emissions and noise from aviation are important aspects of a sustainable future (page 35) and that the CAA (which now has the functions of the Independent Commission on Civil Aviation Noise) will create a new Sustainability Panel to provide independent expert advice on a range of environmental issues including carbon, noise and air quality.

5.1.16 FttF advises that existing planning frameworks comprising MBU (as discussed above) and the Airports National Policy Statement (2018) (which largely relates to development at London Heathrow and is therefore not discussed further in this chapter) are the most up to date policy on planning for airport development and are material considerations in the determination of planning applications.

5.1.17 Page 35 of FttF states that the Government will set out a new noise policy framework, with next steps in 2022/3, to provide:

*“a clearer noise policy framework alongside measures to incentivise best operational practice to reduce noise and measure”.*

### **Jet Zero Strategy (July 2022)**

5.1.18 On 19th July 2022, the Jet Zero Strategy: Delivering Net Zero Aviation by 2050<sup>6</sup> was published. This strategy confirmed that the ANPS and MBU remain the relevant policy basis for considering applications for airport development.

5.1.19 The Jet Zero Strategy sets out clear targets for the carbon reduction to be achieved by the aviation sector based on a “High Ambition Scenario” and how it intends that these will be achieved, alongside a regular process of monitoring and review. These targets largely mirror the emissions reduction trajectory recommended by the Committee on Climate Change (CCC) in their 2022 Progress Report to Parliament (specifically Figure 9.14)<sup>7</sup> as required to secure the UK's Net Zero by 2050 commitment, with slightly slower progress envisaged by 2030, but greater decarbonisation over the longer term.

5.1.20 On this basis, the Government considered and dismissed the need for demand management in the aviation sector, making clear (at paragraph 3.56) that:

*“we recognise that airport expansion has a role to play in realising benefits for the UK through boosting our global connectivity and levelling up. The framework is clear that we continue to be supportive of airport growth where it is justified, and our existing policy frameworks for airport planning provide a robust and balanced framework for airports to grow sustainably within our strict environmental criteria.”*

5.1.21 The Government goes on to state (at paragraph 3.57):

*“we can achieve Jet Zero without the Government needing to intervene directly to limit aviation growth.”*

5.1.22 As noted in the previous section, the airport's forecasting consultant, York Aviation, has taken the passenger forecast modelling approach adopted by the Department for Transport for the Jet Zero Strategy into account in the demand forecasts prepared for the airport, including ensuring consistency of assumptions as to future carbon costs.

<sup>6</sup> Department for Transport. (2022) *Jet Zero Strategy: Delivering net zero aviation by 2050*

<sup>7</sup> Climate Change Committee. (2022) *Progress in reducing emissions: 2022 Report to Parliament*

## National Planning Policy Framework (July 2021)

5.1.23 The National Planning Policy Framework (NPPF)<sup>8</sup> sets out the Government's planning policies for England; first published on 27th March 2012 and most recently revised on 20 July 2021.

5.1.24 The policies contained within the NPPF articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The NPPF also identifies a presumption in favour of sustainable development (paragraph 11). There are three dimensions to sustainable development: an economic role, a social role and an environmental role (paragraph 8). These should not be seen in isolation as economic growth can contribute to higher environmental standards.

5.1.25 Specific reference to airports is limited in the NPPF. Paragraph 106(e) states that:

*"Policies for large scale facilities should, where necessary, be developed through collaboration between strategic policy-making authorities and other relevant bodies. Examples of such facilities include ports, airports, interchanges for rail freight, public transport projects and roadside services."*

5.1.26 Paragraph 174 relates to conserving and enhancing the natural environment from development in general and states, inter alia, the following:

*"Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- preventing new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability; Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."*

5.1.27 The NPPF should be read alongside the National Planning Practice Guidance (NPPG) online resource. NPPF policies which are specific to the individual topic areas within this ES are discussed under the relevant technical chapters.

5.1.28 Paragraph 188 states that:

*'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.'*

## The London Plan (March 2021)

5.1.29 Policy T8: Aviation of the London Plan<sup>9</sup> is supportive of the role aviation plays in the economy, with the supporting text at paragraph 10.8.3 highlighting the importance of making best use of existing airport capacity. At a strategic level, the Policy states that adequate airport capacity serving a wide range of destinations is critical to the competitive position of London in a global economy and requires the aviation industry to meet its full environmental and external cost, taking full account of environmental impacts when making decisions on patterns of aircraft operation. The second part of the Policy relating

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<sup>8</sup> Ministry of Housing, Communities & Local Government. (2021) *National Planning Policy Framework*

<sup>9</sup> Greater London Authority. (2021) *The London Plan: The Spatial Development Strategy for Greater London*

to Planning Decisions is mainly concerned with proposals that increase the number of flights, something which is not proposed by this planning application.

5.1.30 The application will need to directly address a number of aspects of Policy T8 including:

- Criteria B – which requires development proposals to “include mitigation measures that fully meet their external and environmental costs, particularly in respect of noise, air quality and climate change” and for expansion schemes to appropriately assess and if required “demonstrate that there is an overriding public interest or no suitable alternative solution with fewer environmental impacts”.
- Criteria D – which requires proposals that would impact on passenger movements through London to “demonstrate how public transport and other surface access networks would accommodate resulting increases in demand alongside forecast background growth” and that this should include “credible plans by the airport for funding and delivery of the required infrastructure”.
- Criteria E – which requires proposals changing airport operation to take “full account of their environmental impacts and the views of affected communities.”
- Criteria G – requires airports to work with TfL and others to increase the proportion of journeys by sustainable means.

5.1.31 The supporting text to Policy T8 gives further guidance on the Mayor’s approach to aviation and the following will be particularly important for the application to address as follows:

*“10.8.4. Any airport expansion proposals should only be taken forward on the basis that noise impacts are avoided, minimised and mitigated, and proposals should not seek to claim or utilise noise improvements resulting from technology improvements unrelated to expansion. Nor should expansion result in significant numbers of new people being exposed to new or additional noise harm.”*

*“10.8.5. Any airport expansion proposals should not worsen existing air quality or contribute to exceedance of air quality limits, nor should they seek to claim or utilise air quality improvements resulting from unrelated Mayoral, local or national policies and actions. Airport expansion should also incorporate air quality positive principles to minimise operational and construction impacts.”*

*“10.8.7. Any airport expansion proposals must show that surface transport networks would be able to accommodate the additional trips they would lead to. It will not be sufficient to rely on schemes designed to cater for background growth such as the Elizabeth line, Thameslink and Crossrail 2.”*

*“10.8.8. The aviation impacts on climate change must be fully recognised and emissions from aviation activities must be compatible with national and international obligations to tackle climate change. The implications for other sectors and other airports must also be fully understood when expansion proposals are brought forward, and aviation greenhouse gas emissions must be aligned with the Mayor’s carbon reduction targets.”*

5.1.32 In the context of the proposed development and potential environmental effects, paragraphs E – I of Policy T8 the London Plan states that development proposals affecting airport operations or patterns of air traffic (particularly those involving increases in the number of aircraft movements) should:

- a) give a high priority to sustainability and take full account of environmental impacts (particularly noise and air quality)
- b) promote access to airports by travellers and staff by sustainable means, particularly by public transport.
- c) development proposals for heliports should be resisted, other than for emergency services.

5.1.33 On 7 February 2022, the GLA consulted on a revised version of the Royal Docks and Beckton Riverside Opportunity Area Planning Framework<sup>10</sup>. Intended to provide more area specific policies to assist the delivery of Opportunity Areas, the draft document says little about the current or future role of the airport. LCY submitted representations on this draft OAPF on 21<sup>st</sup> March 2022, drawing attention to the Airport’s Masterplan (2020).

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<sup>10</sup> Greater London Authority. (2022) *Royal Docks and Beckton Riverside Opportunity Area Planning Framework – Consultation Draft*

## London Borough of Newham

- 5.1.34 The Newham Local Plan<sup>11</sup> was adopted on 10 December 2018. The airport is allocated as an 'Employment Hub' (Policy J1, ref. E11) for visitor economy, business and logistics. Policy J1 'Business and Jobs Growth' states that proposals will be supported if they address the spatial strategy which seeks to focus attractions and facilities at employment hubs (which includes the airport).
- 5.1.35 Supporting paragraph 1.23 to Policy S3 (Royal Docks) states that the airport is a major employer and catalyst for investment that supports London's international role.
- 5.1.36 Part G of Policy S3 'Royal Docks' states that the airport will continue to perform an important role in the area's international business and visitor connectivity and as the focus to an employment hub, with measures implemented to support the optimisation of existing capacity and further mitigation of its environmental impacts, including improvements to public transport. Policy INF1 'Strategic Transport' states proposals should address strategic principle and the spatial strategy, which for air travel includes: measures to support the optimisation of airport capacity, including access (potentially via a new Elizabeth Line station) and other freight and passenger facilities for operational safeguarding.
- 5.1.37 LBN's Local Development Scheme is currently suggesting the submission of a draft replacement Local Plan for examination in December 2023. Issues and options in respect of this replacement Local Plan were published for consultation in October 2021. Given the early stage in the preparation of this plan no weight can currently be given to it.

## 5.2 Planning History

- 5.2.1 The City Airport Development Programme (CADP1) planning application (13/01228/FUL) was granted planning permission by the Secretaries of State for Communities and Local Government and Transport in July 2016 following an appeal and public inquiry which was held in March 2016. Planning permission was granted for the following:
- a) *Demolition of existing buildings and structures;*
  - b) *Works to provide 4 no. 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 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 Building) 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 building 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;*

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<sup>11</sup> London Borough of Newham. (2018) *Newham Local Plan 2018 - A 15 year plan looking ahead to 2033*

- k) *Western Energy Centre, storage, ancillary accommodation and landscaping to the west of the existing Terminal;*
- l) *Temporary Facilitation works including erection of a noise reduction wall to the south of 3 aircraft stand, 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 King George V Dock; and*
- q) *Ancillary and related works”.*

5.2.2 At the same time that permission was secured for CADP1, outline planning permission was also granted for a 260-room hotel (CADP2, planning ref. 13/01373/OUT). However, this this permission has not been implemented to-date.

5.2.3 The design and layout of the CADP1 buildings have subsequently been varied through a series of non-material amendment (NMA) applications (all of which have been approved):

- Amendments to appearance of West Terminal Extension (16/03797/NONMAT);
- Amendments to the Service Yard; East Pier; Forecourt; and Decked Car Park (17/02865/NONMAT);
- Amendments to the design of the Western Energy Centre and Eastern Energy Centre (18/01001/NONMAT);
- Amendments to the design of the Decked Car Park (18/02109/NONMAT);
- Amendments to the terminal building elevations; East Pier and forecourt canopies (18/02611/NONMAT);
- Amendments to the RVP Pontoon design and Dockside Path (19/02621/NONMAT); and
- Amendments to allow the use of use zero emissions battery-powered Mobile Ground Power Units (MGPUs) (20/01200/NONMAT).

5.2.4 In addition, since 2016, a number of specific structures and airfield enhancements have been built out or implemented under the airport's permitted development rights, in accordance with Part 8, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). These changes include:

- The Digital Air Traffic Control Tower (DATCT) to the south of KGV Dock;
- Runway and taxiway rehabilitation works; and
- Introduction of an Engineered Material Arrestor System (EMAS) at either end of the runway (works having commenced in summer 2022).

## 5.3 Existing Controls

### CADP1 Planning Conditions

5.3.1 The CADP1 planning permission is accompanied by 97 planning conditions which control the airport's operations and ensure that there are no significant environmental effects relating to the CADP1 construction activities and operation once complete. With regard to operational controls, these include (but are not limited to) the following:

- The number of aircraft movements (and permitted movements under the noise quota count system), including during specific times of day and specific days such as public holidays;
- The size of the 57 dB(A)<sub>L<sub>Aeq</sub></sub>, 16hr noise contour;
- Aircraft take-off and landing times;
- Passenger Terminal opening times;
- The number and position of aircraft stands and runway length;

- The types of aircraft permitted; and
- Noise monitoring systems and management strategy.

5.3.2 A more detailed consideration of the planning conditions which impose various environmental controls on the airport are provided in the relevant technical chapters of the ES.

## **S106 Controls**

5.3.3 A Section 106 Agreement (“S106”) was agreed between LCY and LBN in April 2016 and sets out key planning obligations to be implemented by the airport in order to minimise and offset any adverse effects associated with CADP1. The primary S106 mitigation measures relevant to this S73 application are discussed in the subsequent sections.

### **Airport Surface Access Strategy**

5.3.4 Airport Surface Access Strategy is defined in the S106 as:

*“the surface access strategy for the Airport produced (and revised and reissued from time to time) in accordance with the Department for Transport’s Guidance on Airport Transport Forums and Airport Surface Access Strategies (26 July 1999) (or any replacement or modification of such guidance) and the current version of which is the London City Airport Surface Access Strategy 2011”.*

5.3.5 Clause 2.1 of Schedule 13 states that the ‘Airport Companies’ shall continue to work with the Council and the Transport Forum to maintain the Airport Surface Access Strategy to serve the airport.

### **CADP Noise Insulation Schemes**

5.3.6 CADP Noise Insulation Schemes is defined in the S106 as “the First Tier Scheme, the Intermediate Tier Scheme and/or the Second Tier Scheme”. These are defined as:

*“First Tier Scheme means the scheme in the form attached to this Agreement at Annexure 2 (or any amended version of that scheme which is agreed in writing by the Council and which provides at least an equivalent or better form of air noise mitigation) incorporating sound insulation measures for Eligible Properties (as that term is defined in Annexure 2) within the Actual 57dB Contour.”*

*Intermediate Tier Scheme means the noise insulation scheme in the form attached at Annexure 12 (or any amended version of that scheme which is agreed in writing by the Council and which provides at least an equivalent or better form of air noise mitigation) which incorporates sound insulation measures for Eligible Properties (as defined in Annexure 12) within the Actual 63 dB Contour.*

*Second Tier Scheme means the noise insulation scheme in the form attached at Annexure 7 (or any amended version of that scheme which is agreed in writing by the Council and which provides at least an equivalent or better form of air noise mitigation) which incorporates sound insulation measures for Eligible Properties (as defined in Annexure 7) within the Actual 66 dB Contour.”*

5.3.7 Clause 4.1 under Schedule 9 states that the availability of the First Tier, Intermediate Tier and Second Tier Schemes should be published at least twice a year in local newspapers within the area bounded by the Actual 57dB Contour.

### **Construction Sound Insulation Scheme**

5.3.8 The Construction Sound Insulation Scheme (CSIS) is defined in the S106 as:

*“scheme (or any amended version of that scheme which is agreed in writing by the Council and which provides at least an equivalent or better form of sound insulation) in the form of the draft attached to this Agreement at Annexure 10 which shall provide for sound insulation works to be undertaken at Affected Dwellings in order to mitigate the noise impacts of the construction of the Development and in any event incorporates the qualifying criteria and scope of works described in Annexure 10 for night-time and daytime construction noise”.*

5.3.9 Clauses 10.1 and 10.2 under Schedule 9 of the S06 set out the obligations relating to the CSIS. Clause 10.2 states that the Airport Companies shall operate and comply with the requirements of the CSIS

during the construction of the development and shall undertake or cause or permit construction of the development unless the CSIS is in operation.

## 5.4 Regulatory Controls

### Airport Safety & Design

- 5.4.1 The airport is required to operate in accordance with the International Civil Aviation Organisation's (ICAO) agreed criteria. The Civil Aviation Authority (CAA) is responsible for enforcing these criteria in the UK. The airport requires a licence, issued by the CAA, to operate. To obtain and retain this licence, the airport needs to satisfy and continually adhere to the CAA's rigorous safety related standards.
- 5.4.2 Safety related standards affecting the design and layout of an airport are set out in a CAA publication, CAP168<sup>12</sup>. They cover such matters as:
- Layout, separation and widths of runways and taxiways;
  - Aircraft stands and apron layout;
  - Height and design of buildings and structures; and
  - Airport fire service facilities.
- 5.4.3 The CAA undertakes an annual audit to ensure that the airport's facilities meet its requirements. Any future development of the airport will always be subject to CAA approval at the time.

### Aerodrome Safeguarding

- 5.4.4 To operate an airport safely it is necessary to 'protect' the airspace around the runway and approach and departure routes. This is done through a series of what are known as 'obstacle limitation surfaces' (OLS): effectively lines in the sky which define, relative to the runway, maximum acceptable heights for buildings and other structures.
- 5.4.5 Safeguarding of aerodromes is in accordance with the CAA's CAP738<sup>13</sup> and occurs through the planning system by a process of consultation between the airport operator, the applicant of any proposed development and the local planning authority. The process is intended, *inter alia*, to:
- Ensure that an airport's operation is not negatively affected by developments, buildings or structures which might infringe the aerodrome's obstacle limitation surfaces;
  - Protect visual flight paths, for example by ensuring that runway approach lighting is not obscured by development, and that lights elsewhere cannot cause confusion;
  - Protect the accuracy of radar and other electronic aids to air navigation; and
  - Reduce the hazard from bird strikes to aircraft, associated with land uses such as waste disposal and sewage treatment sites.
- 5.4.6 The airport has a safeguarding map, which identifies those planning applications on which there must be further consultation with the airport. As a consequence of consultation, the airport may either object to the proposal, not object, or not object subject to appropriate conditions being met.
- 5.4.7 The Aerodrome Safeguarding process is also used to protect land outside existing airports, needed for future expansion, against incompatible development in the intervening period.
- 5.4.8 The proposed development will not change the safeguarding criteria which are currently applied to developments surrounding the airport.

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<sup>12</sup> Civil Aviation Authority. (2022) CAP168 – Licensing of Aerodromes

<sup>13</sup> Civil Aviation Authority. (2020) CAP738 – Safeguarding of Aerodromes

## Public Safety Zones (PSZs)

- 5.4.9 PSZs are areas of land at either end of an airport runway defined by an objective assessment of the risk to an individual on the ground within those areas from an aircraft accident over the course of a year.
- 5.4.10 Although air travel is a low risk means of transport, the CAA identifies PSZs at each end of a runway in order to control the number of people on the ground in the vicinity of airports who could be at risk of death or injury in the event of an aircraft accident on take-off or landing. This is achieved by restricting new development within PSZs. On 8 October 2021, the DfT published the Control of development in airport public safety zones.<sup>14</sup>
- 5.4.11 This fundamentally changed the safeguarding approach to Public Safety Zones, with a standardised shape (based on aircraft accident data) replacing the previous risk-based model (influenced by fleet mix/movement numbers). As the consultation documentation accompanying the draft proposals explained:
- “This proposal will reduce the burden, both financially and resource, on aerodromes to review the zones at least every 7 years. Globally, there is an initiative to reduce the protection areas around aerodromes to take account of the flight performance of new aircraft types. This performance increases substantially with the introduction of each new aircraft type. The consequence of this is a decrease in the amount of accidents outside the aerodrome boundary. It is widely known that despite growing air traffic, the number of accidents is decreasing.”*
- 5.4.12 The new safeguarding approach defines:
- A Public Safety Risk Zone or PSRZ which prevents most development (the only allowable cited uses are long stay and employee car parking, plant and machinery which entail no people on site on a regular basis and golf courses) within an area of 500 metres from the landing threshold and 75 metres either side of the runway centreline; and
  - A Public Safety Control Zone or PSCZ which limits development to low occupancy uses such as car parking, storage and open space within an area of 1500 metres from the landing threshold and 140 metres either side of the runway centre line.
- 5.4.13 LCY has been liaising with the DfT and the CAA in respect of the airport’s updated PSZ which, when published, is expected to be modified from the standard distances to reflect the unique dock location and steep approach/other bespoke operating procedures at the airport. Once the new PSZ has been published, the DfT guidance includes transitional arrangements which safeguards existing planning permissions, therefore ensuring that it does not impact on development in the local area.
- 5.4.14 The new PSZ is not expected to be materially larger than the published existing PSZ. As the new PSZ methodology does not follow a risk-based model, the proposed amendments would not alter either the PSRZ or PSCZ once it has been published because they are not directly influenced by fleet mix/movements.
- 5.4.15 The CADP 2015 UES considered the impacts of changes to the Public PSZ on the development of sites around the airport. A similar assessment is no longer necessary following the latest Government policy on the designation of PSZs which means that the extent of public safety zones is fixed by reference to physical distances rather than the number or type of aircraft movements. This means that the extent of the PSZ is the same with or without the proposed amendments.
- 5.4.16 This fundamentally changed the safeguarding approach to Public Safety Zones, with a standardised shape (based on aircraft accident data) replacing the previous risk-based model (influenced by fleet

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<sup>14</sup> <https://www.gov.uk/government/publications/control-of-development-in-airport-public-safety-zones/control-of-development-in-airport-public-safety-zones>

mix/movement numbers). As the consultation documentation accompanying the draft proposals<sup>15</sup> explained:

*“This proposal will reduce the burden, both financially and resource, on aerodromes to review the zones at least every 7 years. Globally, there is an initiative to reduce the protection areas around aerodromes to take account of the flight performance of new aircraft types. This performance increases substantially with the introduction of each new aircraft type. The consequence of this is a decrease in the amount of accidents outside the aerodrome boundary. It is widely known that despite growing air traffic, the number of accidents is decreasing.”*

5.4.17 The new safeguarding approach defines:

- A Public Safety Risk Zone or PSRZ which prevents most development (the only allowable cited uses are long stay and employee car parking, plant and machinery which entail no people on site on a regular basis and golf courses) within an area of 500 metres from the landing threshold and 75 metres either side of the runway centreline; and
- A Public Safety Control Zone or PSCZ which limits development to low occupancy uses such as car parking, storage and open space within an area of 1500 metres from the landing threshold and 140 metres either side of the runway centre line.

5.4.18 LCY has been liaising with the DfT and Civil Aviation Authority (CAA) in respect of LCY’s updated PSZ which, when published, is expected to be modified from the standard distances to reflect the unique dock location and steep approach/other bespoke operating procedures at LCY. Once the new PSZ has been published, the DfT guidance includes transitional arrangements which safeguards existing planning permissions therefore ensuring that it does not impact on development in the local area.

5.4.19 The new PSZ is not expected to be materially larger than the published existing PSZ. Because the new PSZ methodology does not follow a risk-based model, the proposed amendments would not alter either the PSRZ or PSCZ once it has been published because they are not directly influenced by fleet mix/movements.

5.4.20 The CADP 2015 Updated Environmental Statement considered the impacts of changes to the Public PSZ on the development of sites around the airport. A similar assessment is no longer necessary following the latest Government policy on the designation of PSZs which means that the extent of public safety zones is fixed by reference to physical distances rather than the number or type of aircraft movements. This means that the extent of the PSZ is the same with or without the proposed amendments.

## Airspace

5.4.21 The CAA has overall responsibility for the control of airspace within the UK and the provision of air traffic services under the Transport Act 2000. Section 2 of the Act requires the CAA to exercise its functions, *inter alia*, “...to further the interests of...managers of aerodromes...” This is to be through the “range, availability, continuity cost and quality of air traffic services.” The safe use of airspace is regulated by the Directorate of Airspace Policy (DAP), a division of the CAA. National Air Traffic Services (NATS) are charged with designing and developing UK airspace to meet demand.

5.4.22 In 2018, the CAA published the Airspace Modernisation Strategy<sup>16</sup> (AMS), which replaced the earlier 2011 Future Airspace Strategy. The AMS sets out the initiatives required to modernise the existing airspace system, by upgrading the airspace design, technology and operations. Detailed guidance

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<sup>15</sup> <https://consultations.caa.co.uk/aerodrome-standards-department/public-safety-zones/>

<sup>16</sup> Civil Aviation Authority. (2018) *CAP1711: Airspace Modernisation Strategy*

relating to AMS is contained within CAP1616: Airspace Design<sup>17</sup>. This guidance supports the process of airspace modernisation to deliver benefits for the UK economy, passengers, communities and the environment.

- 5.4.23 In response to the AMS, the Airspace Change Organisation Group was set up who are currently developing the UK's Airspace Change Masterplan<sup>18</sup>, the second iteration of which was published in March 2022.
- 5.4.24 The London Airspace Management Programme (LAMP) was implemented in 2016 and is intended to modernise airspace structure across south-east England to ensure sufficient airspace capacity at least to meet the levels of demand set out in the DfT's forecasts at the time.
- 5.4.25 In summary, changes to flightpaths around LCY are controlled through the separate airspace change process described above, which is not related to the S73 application. This is necessarily a strategic process which requires co-ordination of airports across the South East and is subject to its own comprehensive consultation and assessment process, including an environmental assessment in accordance CAP1616. LBN, the GLA and members of the public will be able to influence this process in due course.

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<sup>17</sup> Civil Aviation Authority. (2021) *CAP1616: Airspace change: Guidance on the regulatory process for changing the notified airspace design and planned and permanent redistribution of air traffic, and on providing airspace information*

<sup>18</sup> Airspace Change Organisation Group. (2022) *UK Airspace Change: Masterplan Iteration 2*