

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 73
TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND)
RULES 2000**

**APPLICATION BY LONDON CITY AIRPORT LIMITED
to vary Conditions 2, 8, 12, 17, 23, 25, 26, 35, 42, 43 and 50
attached to planning permission**

13/01228/FUL allowed on appeal APP/G5750/W/15/3035673 dated 26th July 2016

**LPA REFERENCE NUMBER 23/00059/REF
PINS REFERENCE NUMBER: APP/G5750/W/23/3326646**

Summary Proof of Evidence – Planning

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1. The Basis on Which the Airport was initially permitted and has been operating

- 1.1. The airport and subsequent applications have always included a balance of economic benefits with restrictions to mitigate negative impacts such as on noise and the environment.
- 1.2. The existence of limited early morning flights and the twenty-four-hour respite period from Saturday lunchtime through until Sunday achieves that balance.

2. Nature of the airport today

- 2.1. The airport currently operated under the restrictions of the CADAP1 permission.
- 2.2. Since the granting of the airport the surrounding area has transitioned away from industrial and commercial uses to more mixed use with a large amount of residential development in the local area.

3. Assessment of scheme

- 3.1. During the course of the application, several key issues were assessed.

Principle of Development

- 3.2. The principle of development was considered to be appropriate.
- 3.3. It was acknowledged that the need case would allow for a more efficient use of existing airport infrastructure and that the proposal would act as an incentive to encourage airlines to re-fleet. However, it was considered that capacity at other airports would be sufficient to meet regional demand in a more efficient manner.

Socio-economic impacts

- 3.4. Economic benefits were secured as part of the CADAP1 permission through s106 obligations. This included advantages such as employment targets and financial contributions.

- 3.5. Whilst it was concluded that overall the socio-economic benefits of the proposal would be beneficial and long term, it should be noted that as these are linked to passenger numbers, the full benefits will occur over a longer period of time.
- 3.6. Overall, it was concluded that although the economic impacts were positive and long term, they did not outweigh the harm identified.

Noise

- 3.7. It was noted that the weekend curfew as it currently exists has been in place since 1999 and this loss would be the most significant change to operations in the airport's history.
- 3.8. The reduction of the curfew is considered to result in a materially new and harmful impact on the residential amenity of neighbouring occupiers. Significant weight was given to this respite period and the benefits residents receive from it.
- 3.9. Overall it was considered that the identified harm would not be outweighed or mitigated against by the benefits of the scheme.

Transport and Travel

- 3.10. In the assessment of the Transport and Travel impacts to the airport, the assessment was carried out in conjunction with input from Transport for London. This was considered acceptable subject to s106 obligations.

Energy Strategy, Carbon Emissions and Climate Change

- 3.11. Case law from Bristol Airport determined that carbon emission from aircraft cannot be dealt with at a local level and are a matter for government to control via other methods such as Carbon budgets etc.
- 3.12. As such, carbon emissions from aircraft are not considered a material consideration for this application and did not form a reason for refusal. However, it is acknowledged that this has been determined as a topic for discussion at the Inquiry.
- 3.13. It is considered that the demand for the London regional area can be accommodated at other airports in the area, more efficiently.

4. Overall planning balance

- 4.1. The application if approved offers a number of positive benefits. In accordance with the Aviation Policy Framework (APF), LBN has considered that these benefits are long-term and would weigh in favour of the application.
- 4.2. However, LBN considers that too much weight has been given to the reported socio-economic benefits of the proposal. As noted above, the ANPF supports aviation growth which strikes a fair balance between positive economic impacts and the negative environmental impacts such as on noise and amenity.
- 4.3. Insufficient weight has been given to the curfew and respite period experienced by residents for over 20 years and the limited number of morning flights. The loss of the curfew on a Saturday, would remove the only full afternoon in the week that residents experience a respite period.
- 4.4. The noise mitigation measures would be insufficient to fully address impacts on open spaces such as gardens, balconies or public spaces. As noted by many objections, this is also ineffective in summer months when residents need to open windows in order to receive sufficient ventilation.
- 4.5. The benefits of quieter aircraft are effectively undone by the introduction of new noise impacts during a sensitive time period where there are currently no such impacts.
- 4.6. Overall, the loss of residential amenity would amount to substantial harm when assessed in the context of Local Plan.
- 4.7. It is noted that the Inspector is minded to include carbon emissions in relation to planning policy within the list of topics to discuss during the Inquiry.
- 4.8. LBN would note that the proposal does result in additional emissions which could be more efficiently dealt with via other London airports.

5. Conclusions

- 5.1. The loss of the existing respite period, along with the additional early morning flights would be substantially harmful to residential amenity and the benefits of the proposal do not outweigh the substantial harm to residential amenity and the proposed mitigations are insufficient to fully avoid the negative impacts of the proposal.

6. Conditions and Obligations

- 6.1. Conditions and obligations are currently in the process of being finalised in conjunction with the appellant.