



Jane Custance
Director of Planning and Development
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1st Floor, West Wing
Dockside Road
London, E16 2QU

Mr Stephen Allen
City Aviation House Hartmann Road
Silvertown
Newham
London
E16 2PX

Date: 26 October 2023

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England)
Order 2015 (as amended)

Dear Sir/Madam,

Application No: 23/01195/AOD

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

Proposal: Approval of details pursuant to Condition 56 (Sustainability and Biodiversity Strategy) of appeal ref: 15/00093/REF dated 26th July 2016 attached to Planning Consent 13/01228/FUL dated 12th May 2015.

The London Borough of Newham hereby gives notice with respect to your submission of details pursuant to planning permission 13/01228/FUL validated on 31.05.2023.

Condition 56 is **APPROVED** subject to the details submitted and approved, and subject to the conditions and reasons stated within the accompanying report.

Signed:

A handwritten signature in black ink, appearing to read "Jane Custance", written over a light blue horizontal line.

Jane Custance,
Director of Planning and Development
London Borough of Newham

TOWN AND COUNTRY PLANNING ACT 1990

Applicant's Rights following the Grant or Refusal of permission

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- **Six months:** Full (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time, and prior approval applications.
- **12 weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- **8 weeks:** Advertisement consent applications.
- **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are exceptional/special circumstances.

The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

2. Subsequent Application Fees

No planning fee would be payable should a revised planning application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- the applicant is the same as the applicant of the original application
- site boundary is the same as the site boundary of the original application
- the nature of development remains the same.

3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council.

This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

4. Compensation

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Delegated Report



Application for approval of details reserved by condition.

Case Officer:	Liam McFadden	Valid Date:	31.05.2023
Application Number:	23/01195/AOD	8-Week Date:	25.07.2023
Deemed Discharge Notice:	No	PEA Date:	N/A
Address:	London City Airport Hartmann Road Silvertown London		
Proposal:	Approval of details pursuant to Condition 56 (Sustainability and Biodiversity Strategy) of appeal ref: APP/G5750/W/15/3035673 dated 26th July 2016 attached to Planning Consent 13/01228/FUL dated 12th May 2015.		

Assessment:

Condition 56	Sustainability and Biodiversity Strategy
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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.

Details Submitted:	<ul style="list-style-type: none"> • Cover Letter Dated 31 May 2023 • Sustainability and Biodiversity Strategy • EIA Statement of Conformity
Officer Assessment:	<p>The applicant has submitted a sustainability and biodiversity strategy. This has been reviewed by LUC acting as the Council's external consultants and by LBN's airport monitoring officer.</p> <p>They raise no objections to the discharge of the condition</p>
Officer Recommendation:	Approve
Conditions and Reasons:	<p>The development shall be implemented in accordance with the Details Submitted and APPROVED listed above only.</p> <p>In the interest of impacts on biodiversity and maximising the ecological potential of the site.</p>

Officer Recommendation:	To approve the details identified as Submitted and APPROVED listed above, pursuant to condition Condition 56 (Sustainability and Biodiversity Strategy) of appeal ref: APP/G5750/W/15/3035673 dated 26th July 2016 attached to Planning Consent 13/01228/FUL dated 12th May 2015.
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Authorising officer Signature:	
Authorising officer	James Bolt, Senior Development Manager
Date:	26 October 2023

Appendix 1:

<p>The Council's decision in this instance arose following careful consideration of the relevant provisions of the Council's adopted development plan and of all other relevant material considerations, including the approved Environmental Statement.</p> <p>Of particular relevance to this decision were the following Framework and Development Plan policies and ES documents:</p>	
<i>National Planning Policy Framework (MHCLG, July 2021)</i>	
<i>The London Plan (GLA, March 2021)</i>	G6 Biodiversity and access to nature
<i>Joint Waste Development Plan for the East London Waste Authority Boroughs (adopted February 2012)</i>	
<i>Newham Local Plan (December 2018)</i>	SC1 Environmental Resilience SC4 Biodiversity
<i>EIA Approved ES</i>	Insert Relevant Documents
<p><u><i>Draft Newham Local Plan (Regulation 18) for Consultation December 2022</i></u></p> <p>The Draft Newham Local Plan (Regulation 18) was approved at Cabinet on 6 December 2022 for consultation. Statutory public consultation under regulation 18 commenced on 9 January 2023. The weight which should be accorded to draft policies is guided by paragraph 48 of the National Planning Policy Framework (NPPF) 2021 and paragraph 049 of the Planning Practice Guidance (Local Plans). These state that a new Local Plan may be given weight according to the stage of preparation of the emerging local plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency between the relevant policies in the draft plan and the policies in the NPPF. As the draft Local Plan is at an early stage of development and has not yet been through statutory consultation, very limited weight can be placed on the policies in the Draft Local Plan, and the adopted Newham Local Plan 2018 and London Plan 2021 remain the key Development Plan documents used to determine applications.</p>	

Appendix 2:

Consultations:		
<i>Consultee:</i>	<i>Date Consulted:</i>	<i>Summary of response:</i>
LBN Environmental Health - Pollution General	21st June 2023	No comments
London City Airport	21st June 2023	No objection
L City Airport Consultative Committee	21st June 2023	No comments
Greater London Authority	21st June 2023	No comments
Civil Aviation Authority	21st June 2023	No comments
Environment Agency	21st June 2023	No comments
Lead Local Flood Authority	21st June 2023	No comments
Natural England	21st June 2023	No comments
Marine Management Organisation	21st June 2023	No objection
LBN Waste Management	21st June 2023	No comments
R O D M A	21st June 2023	No comments

Informative:

1. In dealing with this application, Newham Council has implemented the requirements of the National Planning Policy Framework and of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner. As with all applicants, we have made available detailed advice in the form of our statutory policies in the relevant constituent parts of the Local Plan and London Plan, Supplementary Planning documents, and all other Council guidance, as well as offering a full pre-application advice service,

so as to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably.