

Mr Tim Halley
London City Airport,
Hartmann Road
Silvertown
LONDON
E16 2PX

Date: 24th March 2017

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

Dear Mr. Halley,

Application No: 17/00245/AOD

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

Proposal: Approval of details pursuant to Condition 81 (Unexploded Ordnance)
attached to Planning Permission 13/01228/FUL dated 26/07/2017

The London Borough of Newham hereby gives notice with respect to your submission of details pursuant to the application and development detailed above and validated on 25th January 2017.

Condition 81 is **APPROVED** subject to the details submitted and approved, and subject to the conditions and reasons stated within the accompanying report.

The Council has considered the provisions of the approved Environmental Statement – known as the Updated Environmental Statement (UES) and revisions, February 2016 and does not consider this matter to warrant the need for further Environmental Impact Assessment.

Signed:



Deirdra Armsby
Director of Regeneration & Planning
For Regeneration and Planning

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:	James Burton	Valid Date:	25th January 2017
Application Number:	17/00245/AOD	8-Week Date:	21.03.2017
Deemed Discharge Notice:	No	PEA Date:	N/A
Address:	London City Airport, Hartmann Road, Silvertown London		
Proposal:	Approval of details pursuant to Condition 81 (Unexploded Ordnance) attached to Planning Permission 13/01228/FUL dated 26/07/2017		

Assessment:

Condition 81	Unexploded ordnance
81 Unexploded Ordnance <p>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.</p> <p>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.</p>	
Details Submitted and APPROVED:	<ul style="list-style-type: none"> Report: 'Condition 81 – Unexploded Ordnance – London City Airport – January 2017'
Details submitted for information (Not Approved):	<ul style="list-style-type: none"> Site Plan Covering letter including Appendix 2 – Statement of Conformity with the Updated Environmental Statement for Planning Permission 13/01228/FUL dated 26/07/2017. This is a requirement of Condition 3 of the Permission: <p>3 Environmental Statement</p> <p>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.</p> <p>Reason: <i>To ensure that the Development is carried out in accordance with the UES, dated September 2015, and the mitigation measures proposed therein.</i></p>
Officer Assessment:	<p>As set out in the Construction Phasing Plan submitted under Condition 4 of the Planning Permission, it is proposed to build the development over a continuous period of 5 years in two stages: the Interim Works and the Completed Works. This Condition covers both stages.</p> <p>In summary, the report comprises a desk-top assessment of the likelihood of unexploded wartime ordnance being found on the site during construction, together with risk management procedures and an emergency response plan if required.</p> <p>The report states that it follows guidance issued by CIRIA - the Construction Industry Research and Information Association.</p>

	<p>External consultation, as listed in Appendix 2, elicited no responses.</p> <p>Internal consultation, as listed in Appendix 2 – no objection.</p> <p>The submission is consistent with all relevant Development Plan policies, as listed in Appendix 1.</p> <p>In the Case Officer's opinion, the submitted details comply with Condition 81 of the Permission.</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>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.</p>

Officer Recommendation:	Approve the details identified as Submitted and APPROVED listed above, pursuant to condition 81 attached to planning permission 13/01228/FUL dated 26 th July 2016.
Authorising officer Signature:	 Amanda Reid, Head of Planning and Development
Date:	24 th March 2017

Appendix 1:

Development Plan Context:	
<i>National Planning Policy Framework (DCLG, March 2012)</i>	
<i>The London Plan: Spatial Development Strategy for London (GLA, consolidated with alterations since 2011, published March 2016)</i>	<p>As at the date of assessment of original application:</p> <p>Policy 6.6 - Aviation</p>
<i>London Borough of Newham Local Plan: Core Strategy (adopted January 2012)</i>	<p>Policy INF1 – Strategic Transport</p> <p>Policy INF3 - Waste and Recycling</p>
<i>London Borough of Newham Local Plan: Detailed Sites and Policies Development Plan Document (adopted 20 October 2016)</i>	None applicable at date of assessment of original application.
<i>EIA Approved UES</i>	<p>The covering letter includes Appendix 2 – Statement of Conformity with the Updated Environmental Statement for Planning Permission 13/01228/FUL dated 26/07/2017. This is a requirement of Condition 3 of the Permission:</p> <p>3 Environmental Statement</p> <p>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.</p>

	Reason: To ensure that the Development is carried out in accordance with the UES, dated September 2015, and the mitigation measures proposed therein.
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Appendix 2:

Consultations:		
<i>Consultee:</i>	<i>Date Consulted:</i>	<i>Summary of response:</i>
L City Airport Consultative Committee	31st January 2017	No response
Greater London Authority	31st January 2017	No response
Civil Aviation Authority	31st January 2017	No response
LBN Emergency Planning Officer	31 st January 2017	No objection

Informative:

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.