

## Addendum report

**Application Number:** 07/01510/VAR

**Validation Date:** 06.08.2007

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

**Ward:** Royal Docks

**Applicants:** London City Airport Ltd

**Agent:** RPS Planning

**Proposal:** Application under Section 73 of the Town and Country Planning Act 1990 to vary conditions 13 and 15 of the outline planning permission no.N/82/104 dated 23 May 1985, as previously varied by the Secretary of State on the 26 September 1991 and by the London Borough of Newham on 21 July 1998 and 11 July 2007, to allow up to 120,000 total aircraft movements per annum (number of total movements in 2006 was 79,616) with related modifications to other limits.

### 1. SYNOPSIS

- 1.1 This report should be read as an addendum to the main report on application 07/01510/VAR.
- 1.2 The original application was to be considered at the 30<sup>th</sup> July 2008 Committee and the report was published for that agenda. Following comments received from the GLA on the day of Committee, it was resolved that the item should be deferred.
- 1.3 The main issue raised by the GLA was in relation to expansion of the Public Safety Zone (PSZ) affecting the safeguarding of the Thames Gateway Bridge (TGB). The GLA originally objected to the proposals, and urged that the Secretary of State call the application in for consideration if the Council was minded to approve it. The comments received from GLA on the 30th July 2008 were supportive of the proposals and the GLA advised that the Secretary of State need not call in the application. This was however only on the provision that a PSZ risk assessment of the proposals on the TGB is undertaken and is fully considered before any decision is made.
- 1.4 The Department of Transport (DfT) have now confirmed that National Air Traffic Services (NATS) undertook a risk analysis which confirmed that risk levels of any potential user of the TGB would fall below the 1 in 100,000 risk threshold of PSZ policy. Therefore the proposals are not considered prejudicial to the safeguarding of the TGB.
- 1.5 In response, the GLA wrote to the Council on the 11<sup>th</sup> September 2008, stating that the Mayor of London is now satisfied that the proposals will not adversely impact on the planning case for the TGB. It was also confirmed that a separate letter had been issued to the Secretary of State confirming this view, and also confirming that the outstanding request that the application be called in and considered at Public Inquiry, has now been withdrawn.

- 1.6 In addition to the GLA representations, this addendum also considers other representations received after the original report was drafted. Officers have considered these issues and consider that they are already addressed in the original report.
- 1.7 A number of comments were also received about the original report itself, and these are also covered in this addendum.
- 1.8 Finally, this addendum also provides an update on the further consideration and negotiation of the S106, which would accompany any decision to approve the proposals.
- 1.9 The issue of the expansion of the PSZ affecting the TGB safeguarding is now considered resolved. Officers are also of the view that other further representations received have also been considered and addressed. Therefore, given that there are no other new planning issues, it is recommended that planning permission is granted, subject to the appropriate conditions (see Section 2.1 of this addendum) and a S106 agreement (see Section 11 of original report, Section 6 and Appendix 1 of this addendum) to mitigate the development's impact.

## **2. RECOMMENDATIONS**

- 2.1 Following further consideration of issues and comments received since writing the original report (see Section 5.14 of this addendum), it is recommended that the recommendation as set out in the original report (Section 1.1) is amended to the following;

The Committee is asked to;

- 1) resolve to agree the reasons for approval and that they are minded to GRANT planning permission for this application subject to the completion of a legal agreement in accordance with the Heads of Terms set out in Section 11 of this (original) report, and subject to the inclusion of conditions set out below.
- 2) to delegate authority to the Borough Planning Officer to finalise negotiation on i) Heads of Terms for an agreement under Section 106 of the Town and Country Planning Act and ii) the precise wording for the conditions to be included with any consent.
- 3) to delegate authority to the Borough Planning Officer to determine this application after completion of an agreement under Section 106 of the Town and Country Planning Act.

Conditions and Reasons:

The current application proposes to vary conditions 13 and 15 of the outline planning permission dated 23rd May 1985, as previously varied by the Secretary of State on 26th September 1991 and by the London Borough of Newham on 21 July 1998 and 11 July 2007 to allow up to 120,000 total movements per annum with related modifications to the daily and other limits including noise factored movements.

Should the proposal be acceptable to the Council, the correct procedure is for the Council to issue a new decision notice that includes both the relevant outstanding planning conditions and those which are sought to be varied under the Application (conditions 13 and 15).

A composite set of conditions is provided below for ease of reference. This identifies which conditions have been inserted, varied or deleted by previous planning permissions referred to above;

In addition, the composite conditions identify the changes proposed to conditions 13 and 15 under the current proposals and the necessary consequential changes to other conditions

to replace 'Air Transport Movements' with 'aircraft movements' to ensure that the wording of all conditions is consistent.

### **Composite Description of Development**

Outline planning permission for the layout, construction and use of an aerodrome for use by short-take-off-and-landing type aircraft, known as STOLport, on land adjacent to the Royal Albert Dock and King George V Dock, Newham E16 (condition 4 subsequently varied and condition 5 subsequently deleted by planning permission LRP219/J9510/017; conditions 6, 10, 11, and 12 subsequently varied and conditions 15 and 16 subsequently added by planning permission P/97/0826; condition 13 subsequently varied by planning permission 06/0131/VAR; and conditions 13 and 15 subsequently varied again by planning permission 07/01510/VAR (subject of this report).

### **Composite Conditions**

Permission is granted subject to the following planning conditions:

- (1) Approval of details of the layout of the runway and the siting, design and external appearance of the buildings and other structures (including plant and machinery), the means of access thereto (including the location of any emergency access gates) and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority.
- (2) Application for approval of the "reserved matters" shall be made to the local planning authority not later than 3 years from the date of this letter.
- (3) The development hereby permitted shall be begun on or before whichever is the later of the following dates:
  - (i) 5 years from the date of this letter; or
  - (ii) The expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.
- (4) No runway designated for the use of aircraft shall exceed 1199 metres in length.
- ~~(5)~~ [Deleted by 1991 permission]
- (6) Except in cases of emergency, 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) shall be permitted to use the Airport.
- (7) The STOLport shall not be used for any form of club or recreational flying.
- (8) No part of the site or any of the buildings thereon shall be used for any purposes other than purposes connected with the provision of air services at the STOLport.
- (9) The STOLport shall not be brought into use until a perimeter fence and noise barriers, of such a type and in such positions as may be approved by the local planning authority have been erected; and such barriers and fences are thereafter to be maintained in good condition.
- (10) The ground running of aeroplane engines for testing or maintenance purposes shall take place only between the hours of 0630 and 2200 hours from Monday to Friday inclusive and between the hours of 0630 and 1230 hours on Saturdays, 1230 and 2200 hours on Sundays

and 0900 and 2200 hours on Bank Holidays and Public Holidays (but not at all on Christmas Day) and:

- (i) In such locations and with such orientations of the aircraft as may be agreed in writing with the local planning authority and
  - (ii) Employing such noise protection measures as may be agreed in writing with the local planning authority.
- (11a) The Airport shall not be used for the taking off or landing of aircraft at any time other than between 0630 and 2200 hours from Monday to Friday inclusive and between 0900 and 2200 hours on Bank Holidays and Public Holidays except:
- (a) In the event of an emergency
  - (b) For the taking off or landing between 2200 and 2230 hours of an aircraft which was scheduled to take off from or land at the Airport before 2200 hours but which has suffered unavoidable operational delays and where that taking off or landing would not result in there being more than 400 aircraft movements at the Airport per calendar year between 2200 and 2230 hours or more than 150 such movements in any consecutive three months.
- (11b) From the date of this permission until 31 March 1999 the Airport shall not be used for the taking off or landing of aircraft on Saturdays at any time other than between 0630 and 1300 hours except:
- (a) In the event of an emergency
  - (b) For the taking off or landing between 1300 and 1330 hours on Saturdays of an aircraft that was scheduled to take off from or land before 1300 hours but has suffered unavoidable operational delays and where that taking off or landing would not result in there being more than 400 air transport movements at the Airport per calendar year between 1300 and 1330 hours or more than 150 such movements in any consecutive three months.
  - (c) The taking off or landing of aircraft between 1300 hours and 1800 hours on one Saturday per calendar year for the airport's charity open day.
- (11c) From 1 April 1999 the Airport shall not be used for the taking off or landing of aircraft on Saturdays at any time other than between 0630 and 1230 hours except:
- (a) In the event of an emergency
  - (b) For the taking off or landing between 1230 and 1300 hours on Saturdays of an aircraft that was scheduled to take off or land before 1230 hours but has suffered unavoidable operational delays and where that taking off or landing would not result in there being more than 400 aircraft movements at the airport per calendar year between 1230 and 1300 hours or more than 150 such movements in any consecutive three months.
  - (c) The taking off or landing of aircraft between 1230 hours and 1800 hours on one Saturday per calendar year for the Airport's charity open day.
- (11d) From the date of this permission until 31 March 1999 the Airport shall not be used for the taking off or landing of aircraft on Sundays at any time other than between 1200 and 2200 hours except:
- (a) In the event of an emergency

- (b) For the taking off or landing between 2200 and 2230 hours of an aircraft which was scheduled to take off from or land at the Airport before 2200 hours but which has suffered unavoidable operational delays and where that taking off or landing would not result in there being more than 400 aircraft movements at the Airport per calendar year between 2200 and 2230 hours or more than 150 such movements in any consecutive three months.
- (11e) From 1 April 1999 the Airport shall not be used for taking off or landing of aircraft on Sundays at any time other than between 1230 hours and 2200 hours except:
- (a) In the event of an emergency
- (b) For the taking off or landing between 2200 and 2230 hours of an aircraft which was scheduled to take off from or land at the airport before 2200 hours but which has suffered unavoidable operational delay, and where that taking off or landing would not result in there being more than 400 aircraft movements at the Airport per calendar year between 2200 and 2230 hours or more than 150 such movements in any consecutive three months.
- (11f) For the purposes of sub-paragraph (b) of each condition 11(a), 11(b), 11(c), 11(d), and 11(e) the figures of 400 aircraft movements and 150 aircraft movements shall in each case include all aircraft movements by aircraft which have suffered operational delays between the hours specified in each sub-paragraph on Mondays to Fridays, on Saturdays, on Sundays and on Bank and Public Holidays and the expression 'aircraft movements' shall mean the take-off or landing of an aircraft at the Airport, other than those engaged in training or aircraft testing.
- (12) (1) No type of aircraft may, save in an emergency, use the Airport unless the noise level of that aircraft complies with a category established in accordance with this condition.
- (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 shown in Figure 1 annexed to this permission, expressed in PNdb and established as set out below.

(3) Before any aircraft shall use the Airport a provisional noise categorisation for that aircraft type shall be approved in writing by the local planning authority and shall be based on the results of monitored trial flights of the particular aircraft type from the airport carried out in accordance with written proposals (including details as to how the trial flights are to be organised) before any such trial flights take place to be submitted to and approved in writing by the local planning authority.

(4) Annually on 1 July 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 January and 31 March of the year in question then

the provisional categorisation of that aircraft type shall be reviewed on 31 March in the following year) having regard to the departure noise levels recorded in accordance with paragraph (6) below, and by 31 March each year details shall be submitted in writing 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 in writing with the local planning authority having regard to the monitored values.

(5) Any such amendment may, with the agreement in writing of the local planning authority, include the introduction of 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 location shown in Figure 1\*; the details of the system are to be as approved in writing by the local planning authority and the results made available to the local planning authority.

\*(Figure 1 relates to a plan appended to the 1998 s106 Agreement which shows the locations of noise monitoring points.)

(7) On every annual review of the provisional categorisation of each approved aircraft type a 57 LAeq contour (average mode) produced in accordance with the methods adopted by the Civil Aviation Authority and published in DORA 9023 or any publication modifying or extending DORA 9023 shall be submitted to the local planning authority.

#### Varied Condition

(13)

(1) The number of ~~air transport aircraft~~ movements at the Airport shall not exceed:

- (a) ~~50 100~~ per day on Saturdays and ~~100 200~~ per day on Sundays but not exceeding ~~140 280~~ on any consecutive Saturday and Sunday
- (b) ~~360 592~~ per day on weekdays except 1 January, Good Friday, Easter Monday, the May Day holiday, the late May bank holiday, the late August bank holiday, 25 December and 26 December
- (c) ~~80 132~~ on 1 January
- (d) ~~100 164~~ on Good Friday
- (e) ~~120 198~~ on Easter Monday
- (f) ~~150 248~~ on the May Day Holiday
- (g) ~~140 230~~ on the late May Bank Holiday
- (h) ~~140 230~~ on the late August Bank Holiday
- (i) ~~60 100~~ on 26 December
- (j) ~~73,000 120,000~~ per calendar year.

(2) In the event of their being a Bank Holiday or Public Holiday in England which falls upon or is proclaimed or declared upon a date or dates not referred to in sub-paragraph (c) to (i) (inclusive) of condition 13 (1) then the number of ~~air transport aircraft~~ movements permissible on that date shall not exceed ~~200 330~~ unless the local planning authority otherwise agrees in writing but in any event the limit for any particular date or dates shall not exceed ~~240 396~~ per day.

(3) For the purposes of conditions 13 (1), 13 (2), and 13 (4) the

expression 'aircraft movements' shall mean the take-off or landing of an aircraft at the Airport, other than those engaged in training or aircraft testing 'air transport movements' shall mean air transport movements by civil aircraft in the transport of passengers, cargo, or mail on commercial terms and shall include movements by aircraft engaged in sightseeing tours.

(4) The number of factored movements shall not exceed:

- (a) In any one week the number of permitted ~~air transport aircraft~~ movements for that week by more than ~~15%~~ 25%
- (b) ~~73,000~~ 120,000 per calendar year.

(5) For the purpose of condition 13(4) the number of factored movements shall be calculated by multiplying the number of take-offs and landings by each aircraft by the relevant noise factor for an aircraft of this type under condition 12 and adding together the totals for each aircraft type using the Airport.

- (14) During the period of construction of the STOLport pile-driving shall take place only between the hours of 0800 and 1900 from Monday to Saturday inclusive.

#### Varied Condition

(15)

Between 0630 and 0659 hours on Mondays to Saturdays (excluding Bank Holidays and Public Holidays when the airport will be closed between these times) the number of ~~air transport aircraft~~ movements shall not exceed 6 on any day.

- (16) The Airport shall be closed on Christmas Day each year and no take-offs or landings of aircraft of any kind and no ground running by aircraft engines shall take place on Christmas Day save in the event of an emergency and save that the restriction in this condition shall not prevent other activities taking place at the Airport on Christmas Day where any noise generated is not discernible at the boundaries of the airport.

#### Additional Condition

(17)

Notwithstanding the total restriction on flights between 0630 and 0659 hours, as set out by Condition 15. The total number of aircraft movements in the period between 0630 and 0645 on Mondays to Saturdays (excluding Bank Holidays and Public Holidays when the airport will be closed between these times), shall not exceed 2 on any day.

Reason: In the interests of protecting environmental amenity from noise impacts at a very sensitive part of the day, in accordance with Policies 4A.20 (Reducing Noise and Enhancing Soundscapes) of the London Plan (Consolidated February 2008) and EQ48 (Noise-Sensitive Development) of the Unitary Development Plan (adopted June 2001, saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State).

- \* It is recognised that this list includes several conditions that have now been complied with or are no longer relevant.

### 3. GLA RESPONSE

- 3.1 In their letter dated the 30<sup>th</sup> July 2008, the GLA recognised and appreciated that the contribution London City Airport (LCA) make to London's world city status. It was also considered that at 120,000 flights per annum the airport is reaching its natural durable size, and any expansion beyond that would be difficult to justify. Nevertheless, the previous objection was conditionally withdrawn. There were however two areas of concern expressed about the impact of the PSZ expansion on; i) the TGB safeguarding and ii) affecting and blighting sites that were earmarked for regeneration. Both these concerns are considered below;
- 3.2 *TGB Safeguarding*
- 3.3 This Section should be read in conjunction with Section 10.25 of the original report. The GLA expressed concern that the expansion of the PSZ arising from this proposal would prejudice the safeguarding for the TGB. This was on the basis that the level of risk of anyone using the bridge would exceed the 1 in 100,000 outer risk threshold. PSZs are determined by a complex process of risk modelling analysis undertaken by National Air Traffic Services (NATS) on behalf of Department for Transport (DfT). PSZs represent a simplified form of the 1 in 100,000 risk contours to make them easier to follow, administer and illustrate on maps. There is an inner contour at 1 in 10,000 risk, and an outer contour at 1 in 100,000 risk. The 1 in 100,000 outer risk threshold and is based on stating that there would be a potential for a loss of life arising from an air traffic incident should a person remain stationary at any position within this contour for 100,000 continuous years. As a result of the current planning proposals the predicted 1 in 100,000 risk contour for the PSZ is expected to extend across part of the safeguarded area for the TGB. On the basis of this, the GLA urged that NATS undertake a risk analysis of the proposal on the TGB before any decision on the current proposals is made.
- 3.4 Following these comments, and subsequent deferral of the planning application from the 30<sup>th</sup> July 2008 Committee, DfT commissioned NATS to undertake a risk analysis of the proposals. A letter was then received from the DfT dated the 21<sup>st</sup> August 2008, that NATS had completed their analysis, which concluded that as the TGB was in the outer zone of the expanded PSZ, that the risk levels that any potential user of the bridge would be exposed to falls below the 1 in 100,000 risk threshold. Therefore, it was considered that the proposals were not prejudicial to PSZ policy or the TGB safeguarding. As a result of this risk analysis, Transport for London (TfL) sent an email dated the 1<sup>st</sup> September 2008 withdrawing their previous objection. In their letter dated the 11<sup>th</sup> September 2008, the GLA stated that the Mayor of London is now satisfied that the proposals will not adversely impact on the planning case for the TGB. It was also confirmed that a separate letter had been issued to the Secretary of State confirming this view, and also confirming that the outstanding request that the application be called in and considered at Public Inquiry, has now been withdrawn.
- 3.5 *Regeneration Sites Affected by PSZ Expansion*
- 3.6 The GLA also expressed their concerns that sites surrounding the Airport, that had been earmarked for regeneration, could be blighted by the proposals and the expanded PSZ. The Council were urged to consider and discuss this with affected landowners.
- 3.7 Officers have already recognised the implications the expanded PSZ would have on surrounding regeneration sites. The affected landowners have been involved, and are continuing to be involved, in discussions on the proposals and mechanisms through any S106 agreement to mitigate against these impacts. The assessment of these impacts is set out in Sections 8.7.13, 9.2.1 and 9.4.5 of the original report. Mechanisms to mitigate against any adverse impacts affecting these sites are considered and set out in Section 11



and Appendix 1 of the original report. Section 6 and Appendix 1 of this addendum provides an update.

#### **4. OTHER CONSULTATION RESPONSES**

4.1 A further 48 letters were received. Of these, there were 45 letters objecting to the proposals and 3 letters of support. The following grounds for objection were made;

- Increased noise pollution
- Noise monitoring has been poor
- Increased air pollution
- Increased health and safety risks
- Early morning flights
- Amenity will be affected at sensitive times of the day
- Safety Assessment of Connaught Bridge needs to be undertaken
- Demand for public transport usage will increase
- Increased traffic
- The economic benefits and who actually benefits is questioned
- The number of jobs created is questioned
- The proposals will detrimentally affect regeneration
- The risk analysis undertaken for the TGB is flawed.
- Health and safety issues

Nearly all of these issues are covered in the original report. However, to expand on the issue of a Safety Assessment for Connaught Bridge, TfL and DfT did not raise this as an issue when they were consulted on the application. The PSZ will increase in area slightly more than it currently does across Connaught Bridge. The inner 1 in10,000 risk contour the PSZ at Connaught Bridge requires someone to be stationary at the same point for 10,000 years for there to be a notional risk. Pedestrians and vehicles using the Bridge are constantly moving and therefore the 1:10,000 risk is appreciably lower. The one new issue raised is in relation to comment that the risk analysis for the TGB is flawed. These comments were referred on to DfT and TfL and any further comments will be reported to committee.

4.2 The new letters supporting the application commented on the following;

- The airport contributes towards regeneration of Newham, the City and the Region
- New jobs will be created
- Existing noise levels is not considered a problem
- The airport provides community benefits
- The airport provides an alternative to other existing regional airports

All of these grounds were raised by previous letters of support which were set out in the original report and considered in the assessment.

4.3 Most of the additional consultation responses, both letters of objection and support, received since the original report was drafted raise issues already covered and assessed in that report. Therefore, these additional responses do not change the original assessment or recommendation. The one new issue raised was with reference to the risk analysis undertaken by NATS on the TGB. Details of the objection were referred back to DfT and TfL and their comments, and this will be reported at Committee.

## 5. COMMENTS RECEIVED ABOUT ORIGINAL REPORT

- 5.1 Following publication of the original committee report, comments were received from the applicants (London City Airport Ltd) as well as the London Development Agency (LDA) on the contents of the report. These are considered below;
- 5.2 *London City Airport (Applicants)*
- 5.3 The applicants made several comments on the original report;
- 5.4 *Air noise contours* – It was pointed out that the majority of the planning report compares the 2006 noise contours with 2010 (with consent) contours. As the airport is operating at close to its permitted capacity the applicants feel that the contours in 2010 will remain of a similar size to 2006 without any further consent being granted. The population around the airport will increase with the construction of consented and proposed developments. The applicants feel that it is more accurate to compare number of dwellings and population within the 2010 (with consent) contours with the 2010 (without consent) contours.
- 5.5 In response, officers feel that the report does take into account all the comparisons. It is considered that the optimum comparison is between the inevitable future, without development, and the future with. The applicants view that the 2010 (without consent) scenario will be similar size to 2006 is broadly true, but generally the numbers are smaller in 2010 (without consent). Hence comparing 2010 (with consent) with 2010 (without consent) would lead to larger differences than shown by comparing 2010 (with consent) with 2006. However, the point is accepted that when comparing 2010 (with consent) (including consented new dwellings) and 2006 (without consented new dwellings) - that is not a like for like comparison.
- 5.6 *Air noise -69dB contour* – a correction in 8.3.3 of the report has been pointed out; It should read; “Officer assessment also indicates that some **parts** of certain properties surrounding the Airport will be exposed to the newly expanded 69 dB noise contour through the proposed changes.”
- 5.7 *Noise annoyance* – It was pointed out that the report states that the application will double the number of people “highly annoyed” due to aircraft noise, if 2010 (with consent) and 2010 (without consent) scenarios are compared. The applicants feel that this does not take account for the fact that the consent has already been given for many properties within the existing 2006 contour. They feel that a like for like comparison should have been done.
- 5.8 In response, officers feel that instead of using the word “double” it may be more accurate to refer to absolute numbers; a population of 2,097 was affected in 2006, in 2010 (without consent) this figure will be 1476 and in 2010 (with consent) this will be 3,290.
- 5.9 *Sound insulation* – 8.5.7 of the report states “An enhanced Noise Insulation Scheme (NIS) for properties where noise levels exceed 63dBA (66 at worst), this scheme should apply to residential, and public buildings.” Officers consider that the enhanced sound insulation should begin at the 66dBA threshold. This has been identified in 1.2 of Heads of Terms (H.O.T’s) in Appendix 1 of this addendum.
- 5.10 *Community buildings* – The applicants also query (as pointed out in 1.3 of the H.O.T’s in Appendix 1) whether community buildings such as schools should receive the same level of sound insulation as residential properties. This is a matter for on-going negotiation on the S106.
- 5.11 *Public Safety Zone dimensions* – The applicants query the geographical figures for the indicated PSZ expansion (as set out in Sections 9.4.3 and 9.4.4.) These figures were

estimated from the PSZ plan submitted by the applicants. It is accepted that the plan was not to scale, and that these figures are only an estimation. The correct extent of the PSZ expansion will not be known until this has been established by NATS, following any grant of planning permission.

- 5.12 *Conditions* – LCA would prefer to negotiate further on the precise wording of the conditions as set out in the report. This is considered reasonable, and it is therefore proposed that the recommendation as set out in 2.1 (2) of this addendum is amended to;

to delegate authority to the Borough Planning Officer to finalise negotiation on i) Heads of Terms for an agreement under Section 106 of the Town and Country Planning Act and ii) *the precise wording for the conditions to be included with any consent.*

The revised wording is reflected in the recommendation set out in of this report.

- 5.13. *S106*

- 5.14 HOT's Point 3.4, Appendix 1 *CPZ contribution*- The applicants want to clarify that the sum of money offered (£35K per year) is for 5 years in total and not in perpetuity. Officers consider this is reasonable. (See Section 6.9 of this addendum).

- 5.15 HOT's Point 8 Appendix 1, *PSZ Value Compensation Scheme (VCS)* – The applicants consider that a more up to date offer should be provided in the report since it was drafted. The broad HOT's have been agreed and are set out in Section 11 of the original report, Section 6 and Appendix 1 of this addendum. Officers recognise that specific details of these HOT's are still under discussion and should Committee agree, will delegate authority to the Borough Planning Officer to continue those discussions. The current progress relating to the VCS relate to details of the HOT's, and not to any fundamental change to the HOT's as set out in the report.

- 5.16 HOT's Point 9 Appendix 1, *Noise compensation at Silvertown Quays* – The applicants consider that a more up to date offer should be included since the report was drafted. The current situation regarding this part of the s106 negotiation is set out in Section 6.16 of this addendum. The applicants have offered £2m towards public realm improvements at Silvertown Quays. However, this has not yet been agreed. The applicants also considered that the word 'amenity' should be inserted, when describing what this contribution will mitigate against. However, officers are of the view that this has not been sufficiently justified.

- 5.17 HOT's, Point 15 Appendix 1, *Noise Factored Movement (NFM)*- The applicants have pointed out that including this HOT could mean reassessing the NFMs methodology within 2 years. Conditions 12 and 13 refer to the current NFMs system but do not, as drafted, anticipate any amendments to the NFMs methodology. To ensure consistency between the S106 and conditions, conditions 12 and 13 should make provision for any amendments to the NFMs methodology as agreed in due course under the S106. Officers consider that the amended recommendation as set out in Section 2.1 of this addendum can delegate authority to the Borough Planning Officer to finalise the precise wording of all the conditions pursuant to any consent. Therefore, any slight amendment to the precise wording of conditions 12 and 13, to take into account any variation to the NFM methodology in accordance with the S106, can be accommodated.

- 5.18 *London Development Agency (LDA)*

- 5.19 Representations were made on two issues; i) noise mitigation and ii) the Value Compensation Scheme (VCS).

5.20 *Noise mitigation* – The LDA consider that the Noise Insulation Scheme (NIS) set out in Section 11 and Appendix 1, Point 1 of the original report should be more far reaching. The following observations were made;

- It was stressed that the type of insulation provided would need to take into account the overall lowering of sound frequencies of aeroplanes using the airport. Lower frequency sound waves are generally able to penetrate obstructions (such as glazing) much better than higher frequencies sound waves. In terms of noise monitoring it is recommended that sound frequency are also logged and reported. This will enable future redevelopments around the airport to be suitably designed in the future.

*Officer comments:* This consideration can be included as part of the Noise Monitoring and Mitigation Strategy that could be adopted under any S106 agreement. (See Appendix 1, Point 1.1 of this addendum). As part of that process there could be an assessment of whether there is a general lowering of sound frequencies associated with the airports use and the likely consequences of that. However, officers are of the view that noise frequency spectra at the airport are not likely to change markedly, given the current fleet mix at the airport. Furthermore, in terms of cost, practicality and efficiency, any changes to design to address low frequencies may not necessarily result in noticeable improvements.

- The LDA have suggested that actual noise events are monitored and reported. Averaging the actual noise events when those noise events get much closer together (as is proposed), i.e. LA max during the morning and evening peaks. The requirement to produce this data will allow better consideration of noise mitigation measures.

*Officer comments:* LCA are already monitoring actual noise events and that data is available. The new agreement could require that information to be reported under the Noise Monitoring and Mitigation Strategy (see Appendix 1, Point 1.1 of this addendum).

- Considers that the threshold set for enhanced NIS should be 63dB  $L_{Aeq\ 16\ hour}$  rather than 66dB  $L_{Aeq\ 16\ hour}$ .

*Officer comments:* The 66dB  $L_{Aeq\ 16\ hour}$  threshold is considered reasonable, given that this is consistent with how other airports are operating.

- Source noise should include not just landing and take-off noise, but ground noise, taxiing, manoeuvring, Auxiliary Power Units (APU) and Ground Power Units (GPU), as well as engine testing.

*Officer comments:* The new noise monitoring scheme proposed through the S106 will include ground noise (see Point 1.7. of Appendix 1 of this addendum).

- It is suggested that ‘public buildings’ qualifying for the NIS, should include community buildings, including health and other buildings. The applicants should also go beyond the principle just providing glazing.

*Officer comments:* The existing S106 includes a definition of public buildings, which includes doctors surgeries, meeting halls, nursing homes etc. It is proposed that that definition is continued into any new agreement.

- The proposed S106 takes account of mitigation for loss of amenity in outdoor spaces. The LDA have suggested that any mitigation towards Biota! might include 'sonic cocooning'. This would involve signal recognition of early aircraft approaches, activating a subtly-designed sonic feature, with time varying sound level, and with a sound frequency profile designed to offset adverse perceptions of aircraft noise.

*Officer comments:* It is considered that the calculated change in noise levels in the area where Biota! has been consented, is unlikely to significantly change with the proposals. The building has already been designed to mitigate against noise impacts, and any increase in noise is unlikely to be so significant as to warrant additional mitigation.

- The principle of LCA purchasing any property that falls within the 69 dB  $L_{Aeq\ 16\ hour}$  has been accepted. The question of what happens to any of these properties has been raised.

*Officer comments:* The rationale underpinning the Airport purchasing any property falling within the 69 dB  $L_{Aeq\ 16\ hour}$  contour is to protect occupants from being trapped in properties that they cannot sell. Once purchased, it would be up to the Airport how they use these properties, subject to appropriate statutory regulations and controls.

- 5.21 *Public Safety Zone Extension (Value Compensation Scheme)* – The LDA pointed out that in the original report (under (Appendix 1, Point 8, penultimate bullet point) that there was a slight confusion over the HOT’s which states that LCA will cover any claims that result in compensation being paid, but then goes on to state that LCA should pay fees as and when they are incurred. Therefore, there was a question over what happens in instances where a claim does not result in compensation being paid. Officers accept that the principle of paying claimants reasonable costs as and when they are incurred is appropriate. However, there is recognition that the precise wording agreed for the clause needs some further consideration. This can be included in the on-going negotiation and consideration of the S106. For the purposes of the report, and to avoid confusion, it is proposed to amend the HOT as set out in (Appendix 1, Point 8, penultimate bullet point) and delete the words “LCA should therefore pay the fees as and when they are incurred.” The amended clause is set out in Appendix 1, Point 8 of this addendum.

## **6. S106 Update**

- 6.1 This section should be read in conjunction with Section 11 of the original report and Appendix 1 of this addendum report.
- 6.2 Officers have been continuing consideration of mitigation measures with regard to this application secured through a S106, and this has not yet been finalised. Further clarification, amendments and updates can be provided on the Heads of Terms (HOT’s) set out in the original report. This Section provides a narrative update on the S106, whilst Appendix 1 of this addendum sets out the updated table in full. This now supersedes the table set out in Appendix 1 of the original report.
- 6.3 *Noise Monitoring and Mitigation Strategy*
- 6.4 In regard to noise monitoring and reporting, officers consider that Point 1.1 should be further tightened to ensure continuous and improved mitigation against noise impacts. It is considered that the 2 years to fully implement the scheme (as set out in the original report) does not completely address the interim period between consent being granted and the new scheme being fully implemented. Proposed new clauses will ensure that a draft strategy is agreed and implemented ahead of the final scheme, and that the existing scheme will continue until the interim scheme is triggered.
- 6.5 *Early Morning Flights*
- 6.6 Point 1.7, repeats the recommended additional condition (Condition 17 – see Section 2.1 (17) of this report). Officers have received legal advice that given this, it is not necessary to further include the restriction under a S106. Therefore, it is recommended that this is now deleted.

- 6.7 *Ground Noise from Ground Operators*
- 6.8 This clause was previously agreed with the applicants, and is proposed to be included in the updated table. (See new Point 1.7 of Appendix 1 of this Addendum).
- 6.8 *Parking Contribution*
- 6.9 Officers consider that Point 3.4 should be amended to widen the definition to include other parking restrictions, rather than just a CPZ, that could be imposed to mitigate against the parking impacts of the proposal. It is now considered appropriate to change the heading and text from 'CPZ contribution' to 'Parking contribution'.
- 6.10 The applicants also made representations under Point 3.4. They wanted to clarify that the sum of money offered (£35K per year) is for 5 years in total and not in perpetuity. Officers consider this is reasonable.
- 6.11 *Bus Contribution*
- 6.12 Officers consider that Point 3.5 should be amended to widen the definition to include other options for improving local bus services. The clause originally identified that £20k would be contributed towards a bus service study. By amending the definition to 'bus contribution', this could allow the contribution to be used for additional bus improvement alternatives.
- 6.13 *PSZ extension*
- 6.14 Under Point 8, the LDA made representations that the period to submit a claim for compensation under the Value Compensation Scheme (VCS), should be increased from 7 years to 10 years. LCA have agreed that this is reasonable.
- 6.15 Also under this Point, further representations from LDA recommended that in addition to the VCS, there should be an alternative option of paying a contribution in lieu, to be agreed by all parties and subject to the reasonable satisfaction of the Council. The option can be opted by the affected parties should they not wish to proceed with the VCS. This option should be triggered within 2 years from the date of consent, and could apply to any or all the affected sites. LCA have confirmed that their agreement to this approach. It is therefore recommended that Point 8 is amended to reflect these two options.
- 6.16 Following other representations received from the LDA (see Section 5.21 of this addendum) it is proposed that Point 8 is amended, to delete 'LCA should therefore pay the fees as and when they are incurred' from the penultimate bullet point of this HOT. Officers agree that a similar clause is required, but further consideration needs to be given to the precise wording which will provide more clarity and certainty. If the precise wording is agreed before this application is considered at Committee, Members will be updated.
- 6.17 *Noise Levels at Silvertown Quays*
- 6.18 Officers have also made further progress in the negotiation and consideration of Point 9 (see 5.16 of this addendum). LCA have offered £2m towards public realm improvements. However, this has not yet been agreed, but the table has been updated to reflected the offer.

- 6.19 *Noise Factored Movements (NFM)*
- 6.20 Officers received legal advice on Point 15, that as the restriction on NFM is also recommended to be a condition on any planning approval that it was not necessary to repeat this as a HOT's, (see Condition 13 of 2.1 of this report). Therefore it is proposed the first paragraph is deleted. However, the other requirement under that clause is maintained. This makes a requirement for the applicants to work with the Council to reassess the noise factored movements methodology with the objective of providing further incentives for aircraft to fly quieter.
- 6.21 *Review existing S106*
- 6.22 LCA made representations that Point 16, should include further commentary to explain that the intention is to create a new S106 to consolidate all existing S106 agreements that are in place at the airport. The behind this clause is to allow all legal obligations to be contained in a single document which will be simpler for all parties (i.e. it will replace the existing S106 agreements completed on 21/7/98, 5/9/01, 6/2/03 (as varied on 1/2/05) and 11/07/07.) Where appropriate, obsolete obligations can be deleted, existing obligations will be updated/simplified and new obligations inserted. Officers concur with this view.

## 7. CONCLUSION

- 7.1 The main reason the original report was deferred from 30<sup>th</sup> July 2008 Committee was for a risk analysis of the expanded PSZ on TGB safeguarding and public use to be undertaken. It is considered that this issue has now been resolved, and concluded that the proposals do not affect PSZ policy. The GLA have therefore now withdrawn their previous objection to the scheme. In addition, there have been further representations received since the original report was drafted on the proposals as well as the original report. These have been fully considered as part of the overall assessment and it is concluded that the additional representations does not warrant a significant departure from the recommendation and conditions set out in the original report. Some minor amendments are however considered appropriate and these have been set out in this report. This addendum also provides an update on further progress on the consideration and negotiation of the S106. It is considered that the updated HOT's will help to tighten mitigation against the impacts of the proposal even further. Therefore, given that there are no other new planning issues, it is recommended that planning permission is granted, subject to the appropriate conditions (see Section 2.1 of this addendum) and a S106 agreement (see Section 11 of original report, Section 6 and Appendix 1 of this addendum).

**Originator of Report: Sunil Sahadevan**

**Date: September 2008**

**Bernadette Marjoram**

Interim Head of Physical Regeneration & Development

### Human Rights Act

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

### Local Government (Access to Information) Act 1985

### Background Papers Used in Preparing this Report

Planning Application

Statutory Register of Planning Decisions

Correspondence with Adjoining Occupiers

Correspondence with Statutory Bodies

Correspondence with other Council Departments

London Plan

UDP, SPGs

Other relevant guidance

## Appendix 1

### S106 table

The following table should be read in conjunction with Section 11 of the original report and Section 6 of this addendum report. The table sets out in fuller terms the agreed Heads of Terms.

<b>1. Noise</b>	<b>Benefit:</b> Will help to mitigate against noise impacts
<b>1.1 Noise Monitoring and Mitigation Strategy</b>	
<p>Within two years of granting this permission, LCA will fully implement a new noise monitoring and management strategy including provision of all necessary equipment. This will be developed in agreement with LBN. It will cover ground sources as well as airborne noise, link in with the noise insulation scheme, will seek to minimise the impacts of other developments on the integrity of the system and will minimize the noise impact of the airport on the environment. The new strategy will need to provide a more robust monitoring system than the existing monitoring arrangements to ensure a higher degree of data collection, precision and provide for better reporting.</p> <p>It is recognised that to implement a new system would take up to 2 years, but many issues can be dealt with in a shorter timescale. Listed below are the required timescales for elements of the Monitoring and management strategy</p> <p>The existing noise monitoring and management strategy will continue until the new draft strategy has been approved and implemented. When the approved noise monitoring strategy has been fully implemented, this will be run together in parallel with the existing system for the first full year, commencing on the 1<sup>st</sup> January following its implementation, or any other date to be agreed by the Local Planning Authority. The new strategy will then replace the existing strategy.</p> <p>The draft strategy shall be submitted to LBN within 3 months of granting of this permission. The new strategy shall include time scales for the implementation of all facets of the strategy with the view to bringing into force as soon as practicable individual aspects of the strategy.</p> <p>Within 1 month of grant of planning permission a temporary strategy shall be submitted to LBN to prevent the loss of noise monitoring data (either through failure of the noise monitoring system or software or due to external influences such as local development). The temporary strategy shall be put in place within 3 months of this permission. The temporary strategy shall remain in place until the new strategy is agreed and in place.</p> <p>Any new infrastructure shall be installed and operational within 12 months of granting this permission.</p> <p>The new infrastructure shall be tested, calibrated and fully integrated within the noise management scheme within 2 years of granting this permission.</p>	
<b>1.2 Sound Insulation Grants Scheme.</b>	
<p>Continue sound insulation scheme in line with annual contour to current specification. Two tier approach, where properties in the 66dB will receive greater level of mitigation.</p>	



**1.3 Public Buildings.**

All public buildings in community use within the noise contour to be treated in a similar manner. Will treat noise sensitive buildings (e.g. community use) same as residential

**1.4 Previously treated properties.**

All residential properties that have been treated under this scheme to be offered inspection 10 years after initial installation, with rectification to ensure insulation standard is maintained; all residential properties that fall within that fall within the 66 dB contour to be offered enhanced sound insulation [lofts, south facing room etc]

**1.5 Purchase offer**

In the event that any properties fall within the 69dB<sub>L<sub>aeq</sub>16hr</sub> contour, within 6 months of the publication of the contour that shows this make an offer to purchase that property at a fair market rate. Such offer to be valid to the owner of the property at the time for five years

**1.6 Sound Screen Study.**

Undertake a study, and as appropriate implement findings, to enhance the Noise attenuation properties of the sound screen, in the area of Camel Road.

**1.7 Ground Noise from Ground Operators**

Noise study around airport/direct line of site – revisit screening programme as a result of study if study highlights area of noise – address with mitigation on ground.

**2. Air Quality - £50k pa continuous**

**Benefit:** Will help to mitigate against negative impacts of air quality.

**2.1 Continuous monitoring**

LCA to provide and maintain NOx and PM10 permanent monitoring equipment at current location.

**2.2 Periodic measurement**

LCA to undertake an agreed programme of periodic measurements to assess Airport impact on air quality around the area of the Airport and to investigate anomalies in the continuous and other measurements.

**2.3 Action Plan**

LCA to develop an Action Plan within 12 months of this agreement to seek to mitigate Air Quality impacts, including “Airport Smell”; impact and performance of this Action Plan to be reviewed annually with LBN.

**2.4 Air Quality data**

Make data publicly available of data, publish regularly, credit LCA with data.

**3 Transport**

**Benefit:** Will address negative impacts of proposal on highway network and public transport, and encourage more sustainable forms of travel.

**3.1 Staff Travel Plan**

Develop, agree and implement an Action Plan for staff travel aimed at increasing the usage of public transport.

**3.2 Passenger Travel Plan**

Develop, agree and implement an Action Plan for passenger travel aimed at increasing the usage of public transport and increasing taxi occupancy rates at peak times. To include accessibility implications.

<p><b>3.3 Manage any Impacts of staff or passengers on road network</b>  Within 6 months of this agreement, LCY to propose and agree with LBN appropriate targets for managing any impact of staff and passengers on the road network.</p> <p><b>3.4 Parking contribution</b>  LCA will contribute up to £35,000 pa for the first 5 years towards the cost of parking controls in the area.</p> <p><b>3.5 Bus contribution</b>  Contribute £20k towards improving local bus services to serve the Airport.</p> <p><b>3.6 DLR 3 car service</b>  LCA offered £2.5m contribution. This is based on some conditions and branding rights for the Airport on one of the DLR cars.</p> <p><b>3.7 VISSIM Study</b>  A contribution of £50k is required for the modelling study, and a contribution of up to £100k to pay for any mitigation works arising from that study.</p>	
<p><b>4. Education, Training and Employment - £600K in cash and £50,000 in kind.</b></p>	<p><b>Benefit:</b> Will help address skills gap within the borough, and assist local people access to training and education to take advantage of socio-economic benefits arising from the proposal. Will also help local people access the socio-economic benefits accruing from the proposals.</p>
<p><b>4.1 Primary</b>  Barnaby Bear or other relevant National Curriculum programme to be offered for one class per year to each of the primary schools south of the A13, plus one school each borough from surrounding boroughs</p> <p><b>4.2 Secondary</b>  Develop with LBN, ELBA or other providers a suitable programme to be offered to secondary schools south of A13 total 12 times per annum, plus one school each borough from surrounding boroughs.</p> <p><b>4.3 Further</b>  Offer work experience for at least 40 individuals per annum, at least one week each from Newham, plus 8 places offered to surrounding boroughs per annum</p> <p><b>4.4 Higher</b>  University Prize Scheme - £2000 each year for three years for up to 8 residents of Newham plus up to 2 from surrounding boroughs, for 5 years (i.e. 50 students in all) entering university for the first time and studying a relevant subject for the Airport.</p> <p><b>4.5 Training</b>  City Interview Programme – run programme at least 7 time pa targeted at NEETs and unemployed.</p> <p><b>4.6 Advertising</b>  All LCA bulk recruitment to include Reed Docklands Office (or such other local employment agency as LCA may choose to engage) and notified to Workplace. All vacancies to be placed on LCA web site.</p>	

<p><b>4.7 Employment Targets</b> Target - At the time of employment, of all LCA employees on site, 35% to be resident in LBN, 70% to be within 5 miles.</p> <p><b>4.8 Other Organisations on Site</b> Establish and hold at least twice per year, on site employers' forum for all organisations with 20+ staff based at LCA. Aim to ensure all companies recruit locally as far as possible, using LCA web site and Workplace where appropriate; encourage participation of both on site companies and their staff in community involvement.</p> <p><b>4.9 Access to Jobs and workplace scheme</b> Develop and implement a programme for 5 years to reinforce basic skills amongst the Newham adults.</p>	
<b>5 Sustainability</b>	<b>Benefit:</b> Will help to make proposals sustainable.
<p><b>5.1 Sustainability Study</b> Within 18 months of this agreement, develop and agree a Sustainability strategy for the Airport, covering such issues as: Energy; Waste; Surface access; Water and Carbon Management.</p> <p><b>5.2 Sustainability Action Plan</b> Within 6 months of agreeing the Sustainability Strategy, implement an action plan aimed at delivering the objects contained therein.</p> <p><b>5.3 Annual Reporting.</b> Report annually in the comprehensive Airport Report to LBN on the performance against the targets on sustainability.</p> <p><b>5.4 Biodiversity Study and Strategy</b> Report setting out strategy for enhancing and protecting biodiversity.</p>	
<b>6 Landscaping &amp; Community Chest</b>	<b>Benefit:</b> Will attempt to improve open spaces around the airport that will be negatively affected by the increased noise impacts, that can't be mitigated against in the same way as buildings
<p><b>6.1 Donation</b> LCA to make a contribution of £1m, (£200k pa for 5 years) starting at the date of this agreement.</p> <p><b>6.2 Allocation of donation</b> LBN in receipt of this donation shall use it to fund landscaping improvements and community initiatives within the Airport's 57dB contour, and ensure that the source of this funding is duly publicised in all the activities supported</p>	

<p><b>6.3 Administration of donation</b> LBN shall be responsible for the administration of this fund.</p>	
<p><b>7 Reporting</b></p>	<p><b>Benefit:</b> To improve monitoring of Airport operations to ensure that permission is being complied with and to ensure that environmental impacts are minimised.</p>
<p><b>7.1 Content</b> All the above plus existing reporting requirements</p> <p><b>7.2 Reporting period</b> Annually on calendar years</p> <p><b>7.3 Report timing</b> By 1 July following year [i.e. report on calendar year 2008 by 1/7/09]</p>	
<p><b>8. PSZ extension</b></p>	<p><b>Benefit:</b> LCA offer to compensate land owners affected by PSZ extension.</p>
<p><b><u>Option A</u></b></p>	
<ul style="list-style-type: none"> <li>• LCA will implement a Value Compensation Scheme (VCS) to compensate for value that may have been lost in sites yet to be developed (including STQ) covered by the extension of the PSZ as a result of this planning application.</li> <li>• The details of this scheme are to be developed by LCA and agreed by the council within 6 months of the signing of the S106 agreement.</li> <li>• The principles of the scheme are to be included in the Committee report and the S106 agreement.</li> <li>• Sites eligible for this scheme are those currently undeveloped sites over which the increased PSZ extends as a result of permission being granted for this Application.</li> <li>• Claimants, being; <ul style="list-style-type: none"> <li>a) the owners,</li> <li>b) any leaseholders</li> <li>c) Any 3<sup>rd</sup> party that the Council considers should be reasonably included,</li> </ul> <p>can apply for the VCS any time up to 10 years after the granting of permission and the signing of the S106.</p> </li> <li>• The VCS will be based on the difference in value of the site shown in two valuations. Both valuations will assess the open market value of the site as at the date of claim but the first valuation will assume the planning permission had not been granted and therefore that the PSZ was not extended beyond its extent prior to the grant of the interim</li> </ul>	

permission - all other valuation assumptions shall be the same.

- In undertaking the VCS valuations, regard shall be had to the effect of the PSZ extension on the relevant landholding as a whole; i.e. any loss of development floor space caused by the PSZ extension could have beneficial or adverse knock on effects within the remainder of the landholding and these should be taken into account in the valuations.
- Values will be assessed using the CPO Compensation Codes.
- Compensation offered will be the difference between the values assessed with and without the extended PSZ, will be offered on reasonable terms and conditions. Payment should be within 3 months of either agreement of values between parties or 3 months following the determination of the independent arbitrator.
- Any loss of value will need to be payable regardless of the amount, unless the amount is less than £50, which is consistent with the Compensation Code.
- In the event that a claim results in compensation being paid, LCA will cover the claimant's reasonable cost (both legal and agency) of the claimant entering this agreement. These should be subject to prior agreement against an agreed brief and be fixed for the assignment. No overspend will be paid by the LCA, unless agreed in advance and in writing.
- In case of dispute as to the validity or value of any claim, determination will be by independent arbitration.

**Or**

**Option B**

LCA to make a financial contribution in lieu. This will be agreed by all parties and subject to the reasonable satisfaction of the Council. The option can be triggered within 2 years from the grant of planning permission, and can apply to any or all the affected sites.

<p><b>9. Noise Levels At Silvertown Quays</b></p>	<p><b>Benefit:</b> LCA to provide compensation against loss of value arising from increased noise at Silvertown Quays. This will be subject to implementation and completion of the development.</p> <p>LCA have offered £2m towards public realm improvements. However, the affected parties have not yet agreed to this sum. Subject to Committee approval, the Borough Planning Officer can further negotiate on this clause.</p>
<p><b>10. Noise insulation for developments already consented but not yet built out.</b></p>	<p><b>Benefit:</b> LCA will implement a compensation scheme to compensate for the increased cost incurred to landowners (and reasonable interested 3rd parties) to insulate against noise for new developments already consented but not yet built. The affected sites must fall within the 57db or 66db contour once this permission is implemented. A higher level of insulation will be provided for</p>

	the sites that fall within the 66db contour in line with the Sound Insulation Grant Scheme (SIGS). This is the same as the SIGS for existing properties, but will accelerate eligibility.
<b>11. Wake Turbulence</b>	<b>Benefit:</b> LCA undertake an investigation into any damage arising to buildings surrounding the airport as a result of wake turbulence, and if appropriate have a structure in place to deal with any claims that are made.
<b>12. Mitigating measures in adjoining boroughs</b>	<b>Benefit:</b> Agreement to enter into separate legal agreements with adjoining boroughs to compensate individual properties affected by increased noise contours
<b>13. Monitoring Officer to be funded</b>	<b>Benefit:</b> To better monitor the activities and operations of the Airport to ensure compliance with consented schemes.
<b>14. Promotion</b>	<b>Benefit:</b> Better promotion of details of airports compensation package to local people.
<b>15. Noise Factored Movements</b>	<b>Benefit:</b> Within two years of this permission being granted LCA will work together with LBN to reassess the noise factored movements methodology with the objective of providing further incentives for aircraft to fly quieter.
<b>16. Review existing s106</b>	<b>Benefit:</b> To create a new S106 to consolidate all existing S106 agreements that are in place. Where appropriate obsolete obligations can be deleted, existing obligations will be updated/simplified and new obligations inserted. The benefit will be to allow all legal obligations to be contained in a single document which will be more readable, useable and be simpler for all parties.