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## Examination of Newham Local Plan Hearing Statement of London City Airport

Dear Mr. Fieldhouse,

We welcome the opportunity to participate in this Examination of the Newham Local Plan. As you will have read from our Regulation 19 representations, our main point of interest is Matter 14 in relation to London City Airport. While we are not opposed to having an airport specific policy within the Local Plan, we are concerned with the way it is currently worded. Specifically, our concerns are:

- The position that certain changes to the use and function of the airport are 'un-mitigatable and unacceptable' pre-judges any future proposals without appropriate evidence or assessment. These include reductions in the extant respite period, the introduction of night flights, the use of the airport for helicopters/drones, and use of the airport for freight purposes.
- A specific policy to reduce car parking on site.

This Hearing Statement responds directly to your MIQ question 14.5 regarding this policy, which states:

*Is policy T5 justified, effective and consistent with national policy and the London Plan? In particular, will it be effective in supporting the operation of London City Airport and its contribution to the wider economy whilst having due regard to social and environmental factors?*

We contend that policy T5 does not satisfactorily meet these criteria for the reasons set out below.

Newham have provided an Airport Topic Paper to set out the Council's position on the airport. Annex 1 provides commentary responding to some of the points raised, setting them in the context of MIQ question 14.5.

## Introduction to London City Airport

The Airport was originally granted planning permission in May 1985. Operating hours were restricted to 06:30 to 22:00 Mondays to Saturdays and 09:00 to 22:00 on Sundays and public holidays, with an exception being made in emergencies. Since then, a number of planning permissions and variations have been granted.

In particular, in July 1998, planning permission was granted for an increase in the limit on annual aircraft movements from 36,000 to 73,000. As part of this planning permission, a weekend closure was introduced for the first time, between 12:30 on Saturdays and 12:30 on Sundays. Planning permission was subsequently granted in July 2009 for a further increase in the maximum number of annual aircraft movements from 73,000 to 120,000.

Later in July 2016 planning permission was granted on appeal for the London City Airport Development Programme (CADP) which involved the comprehensive upgrade of airport infrastructure and passenger facilities. This was subject to an extensive set of planning conditions and planning obligations to regulate the operation of the Airport. Among other things this included:

- a 6.5 million annual passenger cap;
- a limit on annual aircraft movements of 111,000;
- controls on the hours of use;
- limits on daily and hourly aircraft movements;
- an aircraft noise certification scheme;
- a Noise Management and Mitigation Strategy;
- a noise contour area limit;
- conditions relating to air quality.

The CADP project was implemented but construction was paused in 2020 during the pandemic. It is expected that the remaining CADP works (including new terminal buildings) will be built out over the medium to long term, depending on the growth in passenger numbers, operational and service requirements and financial considerations.

Most recently in August 2024, planning permission was granted on appeal under S73 of the Town and Country Planning Act 1990 for a variation of the CADP planning permission to allow an increase in the annual passenger cap from 6.5 million to 9 million passengers and three additional early morning flights (between 06:30 and 06:59). The planning application also included changes to opening hours at the weekend to allow the Airport to operate for an additional six hours on a Saturday afternoon (beyond

12:30) with an additional hour for up to twelve arrivals during the summer season. However, this part of the application proposals was not granted planning permission.

In 2019, before the pandemic, the Airport had grown to handle 5.1 million passengers per annum and over 80,000 annual aircraft movements. At that time, the Airport employed 2,310 people on site and generated a further 850 jobs within the local area or 1,370 across London, through its supply chain and induced effects. In the most recent full year of operation (2024), the Airport handled approximately 3.6 million passengers and around 51,000 aircraft movements. There were 2,060 employees working onsite.

In 2024, the Airport also made significant contributions to the surrounding community, including more than £1.4m in financial contributions to LBN, as well as running our Meet the Buyer and STEM events alongside a strong programme of community volunteering.

## Representations

### Is policy T5 justified, effective and consistent with national policy and the London Plan?

We have interpreted this question to be asking whether policy T5 meets the NPPF 'tests of soundness'. Expanding the question using the NPPF soundness tests, policy T5 must satisfy the following criteria:

- **Justified** – it must be an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** – it must be deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – it must enable the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

Our Regulation 19 response explains in detail why Policy T5 does not meet these tests of soundness. These reasons are summarised below.

#### *Justified*

We can find no appropriate strategies or proportionate evidence presented by Newham that supports the policy position of certain proposals being 'un-mitigatable and unacceptable'. Our Regulation 19 response goes into detail on why this is not justified for the uses identified in the draft Plan, highlighting a lack of analysis on those potential proposals and the role that planning conditions have in controlling airport operations and development. Our response also describes the issue with seeking a reduction in car parking on site without analysis of the airport's passenger growth forecast and the London Plan requirement to consider parking on a case-by-case basis.

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<sup>1</sup> National Planning Policy Framework (2024), para. 36, p. 12

Our overarching point is that no strategy or evidence has been presented that would justify a negative policy position against certain operations or development on airport land. It is not for policy to determine the acceptability of specific types of operation or development where there is a broad land use allocation in place that supports an airport at this location. Policy should provide the basis for the assessment of planning applications into specific proposals, balancing the benefits and impacts and taking into account all material considerations and mitigation proposals.

### *Effective*

A key soundness issue faced by policy T5 is that it cannot be effective over the duration of the plan period. This is because it assumes that the operations identified as 'un-mitigatable and unacceptable' today will continue to be so in future. Put simply, we cannot know what technologies or mitigation could be available in future, particularly before any specific proposal is available to assess.

The problem the policy faces is that it provides no flexibility or latitude should a proposal come forward that in all other respects would be acceptable. Such an application would in practice conflict with the Local Plan before any assessment has taken place. This is an unnecessary, negative and restrictive policy requirement that ignores the planning conditions that control the airport and is at odds with plan making principles.

### *Consistent with national policy (and the London Plan)*

Our Regulation 19 response also provides specific detail on where policy T5 conflicts with both national and London Plan policy. In brief, in relation to national policy, these are:

- **Aviation Policy Framework**, which identifies the importance of striking a balance between the benefits of aviation and the negative environmental effects. It also identifies freight and vertical movements as key areas for low impact growth, subject to environmental impact assessment.
- **Beyond the Horizon – Making best use of existing runways**, which states: "... any [airport] proposals should be judged by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations. This policy statement does not prejudge the decision of those authorities who will be required to give proper consideration to such applications. It instead leaves it up to local, rather than national government, to consider each case on its merits."
- **Airports National Policy Statement: New Runway Capacity and Infrastructure at Airports in the South-East of England**, which makes clear that Government is supportive of airports "making best use of their existing runways" and that decisions on airport capacity must "balance local, environmental and social considerations against the national and local benefits stemming from expansion".
- **Flightpath to the Future**, which highlights the national strategic position of support airport proposals where they are consistent with the existing policy frameworks for airport planning, as set out in the Aviation Policy Framework and Making Best Use policies.

With regard to the London Plan, policy T5 conflicts with:

- **Policy T8 Aviation**, in particular:
  - Part B, that states that aviation related development proposal must include mitigation measures and should be appropriately assessed;
  - Part D, that requires appropriate assessment of surface access impacts from airport proposals;
  - Part E, that requires appropriate assessment of any changes to airport operations or air transport movement growth; and
  - Part F, that supports better use of existing airport capacity, including freight facilities.
- **Policy T6 Car Parking**, which in its supporting text<sup>2</sup> provides the approach to car parking where no standard exists. This states that: *"...the level of parking should be determined on a case-by-case basis taking account of Policy T6 Car parking, current and future PTAL and wider measures of public transport, walking and cycling connectivity."* In other words, as no parking standards exist for airports, a balanced assessment should be applied.

All development plan documents in London must be in general conformity with the London Plan under section 24 (1)(b) of the Planning and Compulsory Purchase Act 2004. The position that certain operational changes or specific airport related proposal are 'un-mitigatable and unacceptable' is at odds with national and London Plan policy. The position on reducing car parking capacity on site also does not align with London Plan policy.

**Will [policy T5] be effective in supporting the operation of London City Airport and its contribution to the wider economy whilst having due regard to social and environmental factors?**

National policy recognises the role of airports as engines of economic growth, supporting trade, inward investment, tourism, economic prosperity and significant numbers of jobs. It is for this reason that Government is supportive of airports making best use of their existing infrastructure within a framework which maintains a balance between the benefits of aviation and its costs.

As worded, policy T5 presents an unnecessary and burdensome constraint on the effective operation of the airport and its future contribution to the wider economy. Singling out the extant respite period, the introduction of night flights and the use of the airport for helicopters/drones ignores planning conditions already in place. The restriction on the use of the airport for freight purposes is also unnecessarily restrictive given the scope that already exists at the airport for freight to be carried in the belly hold of aircraft, as well as the Local Industrial Land designation for the dockside areas of airport land<sup>3</sup>. Requiring a reduction in car parking without considering traffic management implications is also not supportive of the operation of the airport and presents a difficult operational challenge.

### *Planning Balance*

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<sup>2</sup> London Plan, p. 183, para. 10.6.5.

<sup>3</sup> It is relevant to note that in 2024 the Council approved a change of use application for an open B8 use on airport land (24/02569/FUL). This warehouse use is well suited to handling freight, along with other uses appropriate for a Local Industrial Location, and was assessed and approved by the Council, rather than being considered 'un-mitigatable and unacceptable'.



Our overall opposition to policy T5 is that it prevents the planning balancing exercise before any proposals can be considered and properly assessed. This is not the way in which policy should function and unfairly pre-judges any future proposal that would sit under the Council's criteria of 'un-mitigable'. As such, the policy does not allow for the additional economic benefits of future proposals at the airport to be balanced against the social and environmental factors.

We already know that some of 'un-mitigable' proposals which policy T5 is seeking to exclude can in fact be mitigated. For example, the recent appeal decision (APP/G5750/W/23/3326646) relating to operational changes at the airport and a passenger cap uplift to 9 million passengers per annum including the approval of additional early morning flights. These early morning flights are in the night period (which runs to 07:00, not 06:30 as mentioned in Newham's Airport Topic Paper) and this therefore is a recent example of where night flights have been considered to be acceptable, and not 'un-mitigable'.

The same planning balance exercise is evident from other, much larger scale airport developments, such as the recent decisions to grant development consent for the expansion of London Luton Airport and London Gatwick Airport. Both decisions were outcomes which were not pre-determined by policy; instead, they were a product of the decision-making function of the Secretary of State, seeking to balance local, environmental and social considerations against the national and local benefits stemming from expansion, consistent with national policy.

### *Future Airport Operations*

The airport does not currently have any proposals for the reduction in the extant respite period, the introduction of night flights, the use of the airport for helicopters or drones, or use of the airport for freight purposes. However, that is not to say that one or more of these operational proposals could come forward during the plan period to 2038.

Any proposal for the reduction in the respite period and/or the introduction of night flights would be accompanied by an Environmental Impact Assessment which would identify both the economic benefits and the social and environmental impacts and would consider the mitigation proposals. It would then be for the local planning authority or the Secretary of State to take this environmental information into account and balance the harms of the proposals against their benefits. However, as policy T5 is written, any such proposal would be at odds with the policy before the full environmental impact assessment had been taken into account or any consideration had been given to the planning balance.

In terms of the position on helicopters and drones, a negative policy position on VTOL aircraft precludes future innovation that may not be known today but could come about during the plan period. Future urban mobility is an obvious example, however, other operational initiatives such as the

use of drones for airfield inspections could be inadvertently prevented. This position is supported in the government's policy document Flightpath to the Future (Executive Summary and Section 5).

The use of the airport for freight handling purposes affords strong support in national policy and the London Plan, as mentioned previously in this Statement. As set out in our Regulation 19 response, the Council have no control over what can be carried on aircraft using the airport. However, locating freight handling facilities at the airport would have benefits for the local road network in being able to actively manage the timing, delivery and storage of freight at the airport, rather than it being delivered in an ad hoc manner.

### *Car Parking*

The London Plan contains specific car parking standards under for different land uses under policy T6, but for un-specified uses the car parking capacity must be considered on a case-by-case basis. For airport parking, a general policy position to reduce parking would result in potential operational issues, particularly during the airport's morning and evening operational peaks. Without adequate parking, traffic management issues could arise due to queuing at the airport's car park entries. If car parking demand at the airport exceeds a reduced capacity, the implication would be an inevitable spillover onto local roads, affecting connectivity and public service provision and resulting in the type of traffic impacts the policy seeks to avoid. This may also lead to illegal car park operations off-site, which raise their own traffic impacts.

It is important that the airport has the ability to manage traffic accessing and leaving the campus. This management requires the flexibility to manage capacity with passenger growth. Our Regulation 19 response details how car parking was considered in the context of the S73 application to grow to 9 million passengers per annum. However, during the application and subsequent appeal (APP/G5750/W/23/3326646) car parking was not considered in any detail in the appeal and a reduction in car parking was not considered to be a critical element to achieve.

### **Suggested Re-wording of Policy T5**

Throughout the UK there are examples of policies that deal with the impacts of airport development. While each local area has its own specific circumstances, there is a consistent thread common to each set of policies. This is that proposals for airport developments must weigh in the balance the economic benefits against the social and environmental impacts. This is consistent with national policy. Annex 2 to this Hearing Statement provides examples of airport policies from other development plans which we feel are helpful in guiding what Newham's policy should be seeking. These policies are summarised below.

London Plan policy T8 supports the role of airports located in Opportunity Areas, well connected to public transport and where they can support significant numbers of homes and jobs. It requires that

airport developments are appropriately assessed and mitigated to meet their environmental costs. It also requires assessment of the transport impacts and supports upgraded passenger, freight and transport links. This is a policy with which the Newham local plan should be in conformity.

The London Borough of Hillingdon's Local Plan policy DMAV2 with respect to Heathrow has a criteria-based approach which supports airport development where it directly relates to the airport, does not detrimentally impact the road networks and there are no other significant adverse environmental impacts.

Crawley Borough Council has a chapter of its Local Plan dedicated to Gatwick Airport along with a Supplementary Planning Document. These seek to support the operation and growth of the airport where economic benefits can be realised while also minimising the social and environmental impacts.

Luton Borough Council's Local Plan has a strategic site allocation for Luton Airport. In this, it supports the development of the airport where it directly relates to airport uses, supports national policy, is in alignment with the airport master plan, fully assesses the environmental impacts, controls and over time reduces noise and incorporates sustainable transport measures. The site allocation goes on to deal with car parking, which should be based on objectively based needs assessment while not adversely affecting the local highway network or local amenity.

Despite the different locations, sizes and impacts of these airports, each airport policy contains the same general principle. That is, the development and growth of airports will be supported where the economic benefits can be realised, and the environmental and surface access impacts can be appropriately mitigated. These policies allow for the correct balancing exercise to take place, rather than pre-judging outcomes of proposals yet to come forward.

With this context in mind, we propose the following changes to Newham's policy T5.

Removal of the following text under the implementation section of Policy T5.2 as struck through below:

~~Where negative impacts would be unacceptable even following mitigation, development would not be supported. It is considered that the following changes in the use and function of the airport would result in an un-mitigatable and unacceptable impact to existing local residents and to development proposals for new homes:~~

- ~~• Development proposals that reduce the extant respite period or introduces night flights.~~
- ~~• Development that would enable the use of the airport site for helicopters or drones.~~
- ~~• Development that would encourage greater use of the airport by freight planes and increases the number of goods vehicle trips.~~

Change Policy T5.4 as follows:

a. Development that ~~reduces~~ appropriately manages the level of car parking on site.



I trust this Hearing Statement clear sets out our arguments concerning policy T5 in relation to London City Airport. If you have any questions regarding the content of this Statement, please feel free to contact me directly.

Yours sincerely,

Stephen Allen

A handwritten signature in black ink, appearing to read 'S. Allen', with a long horizontal flourish extending to the right.

Head of Planning  
London City Airport Ltd

c.c. London Borough of Newham Policy Team.