

ANNEX 1

Response to Newham's Airport Topic Paper

The following responds to key points within Newham's Airport Topic Paper, setting them in the context of MIQ question 14.5.

Current Planning Conditions

At para. 2.2.12 some of the key operational and environmental conditions from the airport's planning consent are listed. This is an important point to consider. It illustrates the range of controls that have been put into place following a detailed assessment of the airport's planning application. The preceding paragraph 2.2.11 also explains that the last application and appeal resulted in the passenger cap uplift to 9 million passengers per annum being approved, but the extension of operational hours on Saturday afternoon refused. This was a result of a full assessment of all material considerations, balancing the benefits against the impacts by reference to current and predicted future baseline conditions, before a conclusion was reached. This illustrates the correct assessment process to follow. Local plan policy should not pre-judge such outcomes particularly where there is little to no evidence in support of the proposed exclusion of certain changes to the airport. Such an approach is not justified or effective.

Relevant Policy

The Paper goes on to discuss policies that are relevant to airports. We do not disagree with the text produced here. Indeed, as indicated above, national policy recognises that the aviation sector is a major contributor to the economy and supports its growth. In addition, the Airports National Policy Statement, Making Best Use of Existing Runways, Flightpath to the Future, the Overarching Aviation Noise Policy and the London Plan all state the importance of balancing the economic benefits of airport development with the environmental impacts and mitigation. By seeking to exclude specific changes to the Airport in the future and so pre-empting the assessment of impacts and benefits for such proposals, draft Policy T5 is inconsistent with this national and regional policy position. It also risks hindering the operation of the Airport and its contribution to the wider economy over the Plan period to 2038.

Newham's Position on Aviation

At section 3.5, Newham's position on aviation draws on a consultation response to the government's Green Paper on Aviation from 2019, which it authored itself and which sets out what the Council would support and oppose by way of airport development.

With the exception of this consultation response, we are not aware of this position being set out in any council strategy. This offers no real evidence to justify policy T5.

Newham's response to the airport's master plan consultation is provided at section 3.6, which outlines its concerns regarding the changes to the duration and intensity of operating hours. It concludes that there "certain instances" where residents "will, or, are likely to be, adversely affected" but its overall conclusion is that it is not possible to calculate the impacts given the level detail available. The context for this local plan review is no different. The impacts of the proposals that policy T5 seeks to exclude will only be ascertained when a planning application is submitted and assessed. It should not be for policy to pre-judge the impacts of proposals and whether they are mitigatable, based on limited information; such an approach is not effective or justified.

Views of residents and other stakeholders

Section 4.2 summarises the views of residents and stakeholders, primarily based on consultation responses to the airport's master plan and our applications for growth. While these provide a selection of opposition to specific airport proposals, they do not provide an evidence base for policy formation.

Health and air quality

Section 4.4 deals with health and air quality and quotes the recent airport appeal decision (APP/G5750/W/23/3326646) that "*air quality conditions in the vicinity of the airport are generally good, with levels below the air quality objectives/limit values for nitrogen dioxide, PM10 and PM2.5*". The Paper goes on to conclude at para. 4.4.11 that "*Overall, the Council considers that more flights at the airport could result in an increase in freight and passenger vehicle trips to/from the airport. This could exacerbate already harmful air pollution levels in Newham*". This conclusion seems to contradict the appeal decision, but in any event such conclusions need to be determined through a planning application process against the baseline environmental conditions that exist at the time and not in policy.

Policy T5.2

Section 5.2 provides more context around Policy T5.2 and the implementation text that describes some uses as 'un-mitigatable and unacceptable'. Paragraphs 5.2.5 and 5.2.7 re-iterate the Council's position that certain changes "*are always going to cause unacceptable cumulative impacts*" and cannot be mitigated and therefore cannot be supported. However, this position does not appear to be based on any specific evidence and fails to acknowledge the effectiveness of mitigation measures at London City and other airports. It also contradicts the correct approach to the

consideration of development proposals which is set out at paragraph 5.2.4 of the Topic Paper. Here, the Council correctly states that impacts would be assessed on a case-by-case basis, that some impacts could be mitigated and others may not be able to be mitigated but that the wider benefits of the proposals could be considered as part of the planning balance; the approach in policy T5 is an attempt to exclude certain changes to the airport from the planning balance. Paragraph 5.2.6 claims the Council's approach is supported by national and regional policy, however no specific policy is identified and for the reasons indicated above, the Airport's position is that national and regional policy are not in fact supportive of the Council's position.

Respite period or "curfew"

Paragraphs 5.2.15 through to 5.2.28 provide detail on the appeal decision that retained the weekend respite period (APP/G5750/W/23/3326646). This all points to the conclusion that a condition is already in place to control the airport's hours of operations; the way to establish whether any changes to those hours are 'un-mitigatable' or unacceptable is through a balanced assessment of a planning application. Instead, the Council is seeking to embed in its local plan policy the proposition that during the course of the entire Plan period (to 2038) there can be no circumstances in which any reduction in the respite period can be mitigated or found to be acceptable when balanced against the benefits of such a proposal. As indicated above, this is not supported by evidence and is contrary to national aviation policy.

Night flights

Paragraphs 5.2.29 to 5.2.39 consider night flights and the position that they are 'un-mitigatable'. Paragraph 5.2.37 erroneously states that night flights have never been approved at London City Airport. In actual fact, the recent appeal decision approved three additional aircraft movements before 0700 which fall within the night period (2300 to 0700 hours) in addition to the six which were already permitted; this demonstrates that introduction of flights in the night period can be acceptable with the appropriate level of mitigation. The proposed exclusion of night flights in policy is not justified.

Helicopters

Paragraphs 5.2.40 to 5.2.49 explain the Council's reasons for considering helicopters as 'un-mitigatable'. Again, an operational condition is already in place that restricts vertical take off and landing type aircraft; policy provision in the local plan is not required in addition to this. Paragraph 5.2.46 discusses eVTOL and that the noise characteristics are not yet known. This illustrates that the Council does not have

evidence to support its 'un-mitigatable' position; the proposed exclusion of helicopters and drones for the entire Plan period is not, therefore, justified.

Freight

Paragraphs 5.2.50 to 5.2.61 outline the concerns of the Council around freight operations, particularly the potential environmental impacts that increases in goods vehicle trips could bring to the area and the potential pressure on night operations. These are all matters that require a full assessment through a planning application, but cannot be considered 'un-mitigatable and unacceptable' in policy terms without evidence. At paragraph 5.2.51 the Council itself acknowledges that 69 tonnes of freight was transported from London City Airport in 2016; this occurred without identifiable impacts and without creating demand for additional night flights. Again, the proposed exclusion of freight operations at the Airport for the Plan period is not justified.

Parking

Section 5.4 discusses the reasoning for the policy on sustainable access to the airport, concluding at para. 5.4.14 that reducing the quantity of parking will discourage passengers and staff from driving to the airport and encourage a more sustainable mode share. We remained very concerned that this policy position as applied to an airport has not been given adequate analysis.

It is important for the operation of the airport and for surrounding residents that vehicle access to the airport can be adequately managed on site as part of a comprehensive airport surface access strategy, which prioritises the use of public transport and other sustainable modes. Even with the airport's existing commitments to target 75% (and in future, 80%) of passengers using public/sustainable modes of transport, the proposed introduction of a policy requirement to reduce car parking, in circumstances where the airport will be accommodating a significant increase in passenger numbers over the Plan period risks the creation of local traffic problems caused by queuing onto the local road network. In this regard, it is relevant to note that as part of the 2024 appeal decision in which planning permission was granted for an increase in the annual passenger cap to 9 million passengers, the inspectors accepted the proposed increase in car parking and did not consider it to be necessary or appropriate to reduce the number of parking spaces.

Newham has not produced any evidence which would allow the implications of this aspect of policy T5 to be fully assessed and understood. Given this, it would be more appropriate to deal with parking capacity through a planning application, so that the level of parking can be considered on its merits on a 'case-by-case' basis as envisaged in Policy T6 of the London Plan.

Elizabeth line station

Paragraphs 5.4.16 to 5.4.19 set out the reasons for Newham's change of position on its support for a privately funded Elizabeth Line station at Silvertown. It is disappointing to note the removal of support was based solely on a Statement of Common Ground between TfL and the Council. While it is acknowledged that the evidence for such a station needs to be established, we had understood the Council's position to be one of general support, particularly if work to establish the feasibility for such a station were to be privately financed.

It appears TfL's only objection to a station at this location is due to the additional operating costs this would incur. We suggest that it would be more appropriate to consider a range of factors over the Plan period rather than a single cost consideration today. Ultimately, multi-modal public transport linkages are a key sustainability principle that should be supported in the Local Plan. We would add that the withdrawal of support for a new Elizabeth line station at Silvertown is completely at odds with the stated objectives of the Council in policy T5(4) namely, to improve sustainable access to the airport site for both airport passengers and staff alike.