**Airport Monitoring Officer – Quarterly Report**

**10th June – 8th September 2017**

(between London City Airport Consultative Committee meetings)

**Submissions and Approvals**

2009 Planning Permission - S106 Agreement and Conditions

The 2009 S106 Agreement requires that the Airport submits various matters for Council approval – or acknowledgement of receipt in some cases. During this monitoring period these comprised:

1. Pre-submission discussions:
* Completion of discussions on the Aircraft Categorisation Review and Aircraft Noise Categorisation Scheme. The two processes have been combined and progressed as the ANCS. The Airport completed public consultation on the ANCS in July 2017 and submitted a draft consultation report to the Council for informal comment in August 2017, prior to submission for Approval of Details of Condition 18 of the CADP1 planning permission.
1. Submissions:
* Aircraft Noise Categorisation:

The Council approved the following:

1. a provisional noise category ‘A’ for the Bombardier CS 100 (Planning Condition 7, Paragraph 3; S106 Agreement, Ninth Schedule, Part 1, Paragraph 3)

b) a confirmed noise category ‘A’ for the Embraer Legacy 500 aircraft (Planning Condition 7, Paragraph 4; S106 Agreement: Ninth Schedule, Part 1, Paragraph 4); and

c) a re-categorisation of the ATR 72 aircraft from noise category ‘B’ to category ‘A’ (Planning Condition 7, Paragraph 4; S106 Agreement: Ninth Schedule, Part 1, Paragraph 4).

A decision is waited on the following:

A provisional noise category for the Cessna 680A Citation Latitude Aircraft (Planning Condition 7, Paragraph 3; S106 Agreement, Ninth Schedule, Part 1, Paragraph 3).

* London City Airport 2016 Annual Performance Report:

A draft of the APR was submitted to the Council and published on the LCACC website in this monitoring period. Please refer to ‘Issues of Non-Compliance’ section below for further information.

1. Financial Contributions
* The following sum was received from the Airport by 1st July 2017 and acknowledged by the Council:

£83,267.11 – Annual Monitoring Payment (Index-linked) (S106 Agreement: Sixth Schedule, Part 6).

The Permission also requires a number of submissions to the Council that do not require formal approval or acknowledgement:

1. Environmental Complaints and Enquiries:
* Submitted fortnightly
1. Noise and Track Keeping Status Reports:
* Submitted quarterly
1. Operational Statistics Reports:
* Submitted quarterly

These have all been submitted as required during this monitoring period.

2016 Planning Permission - S106 Agreement and Conditions

S106 Agreement:

A (small) number of provisions of the 2016 S106 Agreement came into force on the grant of planning permission on 26th July 2016. No submissions were required to be made by the Airport in this monitoring period.

Conditions:

1. Prior to the start of construction work on CADP1, 43 planning conditions require either written approval or formal acknowledgement from the Council. During this monitoring period all outstanding pre-commencement planning condition requirements have been met by the Airport.

2) Aircraft Noise Categorisation Scheme (Condition 18):

* See 2009 Planning Permission section above.

**Issues of Non-Compliance**

2009 Planning Permission

1. Closure of Breach:

On 9th May 2017 the Airport formally notified the Council of this instance of non-compliance. The aircraft, on average over the calendar year 2016, was recorded as having noise levels over the permitted maximum for Category ‘A’ aircraft. The Council’s formal assessment found that there was a low level of harm; noted actions by LCA to achieve compliance; approved a course of action to try to avoid recurrence; and confirmed to LCA on 31st August 2017 that compliance had been achieved and the case closed.

1. Existing Breaches:

There are a number of breaches recorded in earlier monitoring periods where compliance is in progress, but not yet complete. Aside from the vent design, which is an improvement to the current specification, these have all been assessed by the Council as minor, causing a low level of harm, and have an agreed course of action in place in order to achieve compliance.

* AVRO RJ 100 aircraft – noise levels in excess of Category ‘A’ designation (Planning Condition 7; S106 Agreement: Ninth Schedule, Part 1, Paragraph 2).

The number of aircraft operating and the number of flights were reduced; the noise levels of the remaining aircraft were reduced; Condition 15 (not yet in force) attached to the 2016 Planning Permission requires that the RJ100 ceases to operate from the Airport from 31st March 2017. The aircraft ceased to operate on scheduled flights in August 2017.

* + Sound Insulation Scheme vent design – change to technical specification (S106 Agreement: Ninth Schedule, Part 5, Paragraph 7).

This is an improvement on the original design. It was approved in principle by LBN officers but required a Deed of Variation to the S106 Agreement, which was subject to discussion between the Council and the Airport; the improved design is incorporated in the 2016 S106 Agreement, and will supersede the existing specification on commencement of development of CADP1.

* Noise Management Scheme (NMS): Incentives and Penalties: non- inclusion of financial penalties (S106 Agreement: Definitions and Fourth Schedule, Part 7, Paragraph 4).

The NMS has been operating at the Airport for a number of years, following approval by the Council. The Scheme includes a system of incentives and penalties for the airline companies that are, along with the other parts of the NMS, designed to minimise aircraft noise levels. The S106 Agreement includes a requirement to use financial penalties alongside others; the Airport was not able to introduce these.

A revised and improved system of Incentives and Penalties was approved by the Council on 6th July 2017 as a part of the London City Airport Noise Management and Mitigation Strategy (NOMMS), in compliance with the relevant provisions of the 2009 S106 Agreement.

A revised and improved system of Incentives and Penalties was also approved by the Council on 19th May 2017 as a part of the Approval of Details of the 2016 Planning Permission in relation to Condition 31: Noise Management and Mitigation Strategy’ (NOMMS), although this will not come into force until the commencement of development of CADP1.

The Airport has informed the Council that it commenced implementation of the new Incentives and Penalties scheme in August 2017.

All breaches listed in section 2) above have been recorded by the Council as single instances of non-compliance rather than recurring.

3) New Breaches:

On 15th August 2017 the Council informed the Airport of two instances of non-compliance:

* Late submission of the London City Airport 2016 Annual Performance Report (APR) to the Council (S106 Agreement: Sixth Schedule, Part 5, Paragraph 1).

The Airport was required to submit the 2016 APR to the Council by 1st July 2017. This deadline was met for the main part of the APR, but not for the 20 appendices; appendices 2-19 were not submitted to the Council until 26th July 2017. The Council was unable therefore to fully assess the APR prior to its publication by the Airport. The Council’s response to the APR, dated 21st July 2017, (together with subsequent correspondence dated 3rd August 2017), has therefore been reviewed prior to the consideration of the Planning Obligations Annual Monitoring Report by the Council’s Strategic Development Committee on 10th October 2017. Due to errors identified in the published APR, LCA has been requested by the Council to publish an erratum in order that factual corrections can be made.

* Late publication of the London City Airport 2016 Annual Performance Report on the London City Airport Consultative Committee Website (S106 Agreement: Sixth Schedule, Part 5, Paragraph 1).

The Airport is required to publish the APR on the website of the London City Airport Consultative Committee (LCACC) by 31st July; this was not done until 1st August. However, the Council recognises that the Airport does not have complete control over the LCACC website, that the text of the 2009 S106 Agreement is inappropriately drafted in this case and that the APR was available on the Airport’s own website from 31st July.

**S106-Funded Projects**

In this monitoring period two projects that used funds provided through the 2009 S106 Agreement:

1) St. John’s Green Community Space project; and

2) Royal Docks East and Royal Docks West Residential Parking Zones.

2016 Planning Permission

No instances of non-compliance with planning controls attached to the 2016 planning permission have been recorded during this period.

**Further information**

Details of all the submissions that require formal approval or acknowledgement, together with responses, can be found on Newham’s website at:

<https://pa.newham.gov.uk/online-applications/search.do;jsessionid=64387469AD16B67A3CA3D5F13DDC706A?action=simple&searchType=Application>

Enter ‘London City Airport’ in the ‘Search’ box.

Copies of submissions that do not require formal approval or acknowledgement and are not therefore published on the Council’s website can be obtained from the Council’s Airport Monitoring Officer.

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DW 26/9/17