

Cabinet 29 March 2023	 TOWER HAMLETS
Report of: Ann Sutcliffe, Corporate Director, Place	Classification: Unrestricted
London City Airport: Neighbouring Authority Agreement	

Lead Member	Councillor Ahmed, Cabinet Member for Regeneration, Inclusive Development and Housing
Originating Officer(s)	Jennifer Peters, Director Planning and Building Control
Wards affected	Blackwall and Cubitt Town
Key Decision?	Yes
Reason for Key Decision	Significant impact on wards
Forward Plan Notice Published	23/12/2022
Exempt information	N/A
Strategic Plan Priority / Outcome	Providing homes for the future Empowering communities and fighting crime Working towards a clean and green future A council that listens and works for everyone

Executive Summary

In June 2013, London City Airport sought planning permission for an expansion including construction of new passenger facilities, seven aircraft stands and associated infrastructure. After an initial refusal, an appeal made by London City Airport was allowed in July 2016. The accompanying Section 106 Legal Agreement between Newham Council and London City Airport includes a requirement for London City Airport to use 'reasonable endeavours' to enter into a Neighbouring Authority Agreement with Tower Hamlets and Greenwich Councils to enable them to oversee and if required enforce the planning obligations within the S106 Legal Agreement where it relates to properties within those boroughs. Greenwich Council has agreed to enter into the Neighbouring Authority Agreement and London City Airport is now awaiting a response from Tower Hamlets Council.

Given that Tower Hamlets Council are not party to the Section 106 Legal Agreement, if we do not enter into a Neighbouring Authority Agreement, we will not have the legal means to oversee and if necessary enforce the planning obligations relating to properties within Tower Hamlets and as such these properties may be at risk of not receiving the noise insulation that they are entitled to. Cabinet originally gave approval to enter into the NAA in November 2018, although the final NAA was never signed. Given the delay, this report seeks further approval from Cabinet to enter into a Neighbouring Authority Agreement with London City Airport.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Approve the entering into a Neighbouring Authority Agreement with London City Airport.

1 REASONS FOR THE DECISIONS

- 1.1 Entering into a Neighbouring Authority Agreement with London City Airport will enable the Council to oversee and if required enforce the planning obligations within the Section 106 legal agreement between London City Airport and Newham Council where it affects properties within Tower Hamlets Borough. This includes ensuring residents affected by the expansion of London City Airport are provided with noise insulation subsidised by the Airport

2 ALTERNATIVE OPTIONS

- 2.1 The only alternative option is for the Council to not sign the Neighbouring Authority Agreement. Not signing the agreement would mean Tower Hamlets Council does not have any legal status for overseeing and enforcing the associated Section 106 Legal agreement where it relates to properties within Tower Hamlets Borough. There would therefore be a risk that residents within Tower Hamlets would miss out on any compensation they might have been otherwise eligible for owing to their proximity to London City Airport.

3 DETAILS OF THE REPORT

- 3.1 In August 2007, London City Airport lodged an application to Newham Council under Section 73 of the Town and Country Planning Act 1990 to increase the annual number of aircraft movements from 80,000 to 120,000.
- 3.2 Tower Hamlets Council objected to the proposal for the following reasons:
 - Noise and vibration impacts for Tower Hamlets residents;
 - Impact on air quality within Tower Hamlets borough;

- Increased pressure on transport infrastructure within Tower Hamlets borough;
 - Impact on climate change from increased aircraft movements.
- 3.3 On 9th July 2009, Newham Council approved the planning application. The accompanying Section 106 Legal Agreement contained a number of obligations allowing residents affected by the increase in flight movements to receive appropriate compensation. The Section 106 Legal Agreement also included a requirement for London City Airport to use reasonable endeavours to enter into a Neighbouring Authority Agreement with neighbouring councils (Greenwich & Tower Hamlets) giving them authority over matters contained within the Section 106 Legal Agreement so far as they relate to properties within those boroughs. Greenwich Council signed the Agreement in August 2009. Tower Hamlets Council opted not to sign the Agreement given its strong objections to the proposal.
- 3.4 In June 2013, London City Airport sought planning permission for the expansion of the airport including construction of new passenger facilities, seven new aircraft stands and associated infrastructure. Newham Council refused the planning application on 12th May 2015 following a direction to that effect by the Mayor of London. London City Airport made an appeal and on 26th July 2016 the appeal was allowed. The accompanying Section 106 Legal Agreement includes similar requirements for London City Airport to use reasonable endeavours to enter into an Agreement with Tower Hamlets and Greenwich Councils giving them authority over matters contained within the Section 106 Legal Agreement so far as they relate to properties within those boroughs.
- 3.5 London City Airport approached the Council seeking to enter into a Neighbouring Authority Agreement several years ago. A report to Cabinet in November 2018 sought permission to enter into the Neighbouring Authority Agreement, which was given, although the final Neighbouring Authority Agreement was never signed. London City Airport has recently approached the Council again to sign the Neighbouring Authority Agreement.
- 3.6 It is recommended that the Council does enter into a Neighbouring Authority Agreement as this will enable Tower Hamlets Council to oversee and, if necessary, enforce the planning obligations within the Section 106 Legal Agreement where they relate to properties within Tower Hamlets Borough. If the Council does not enter into the Neighbouring Authority Agreement there is a risk that Tower Hamlets residents will be at risk of not receiving noise insulation compensation that they would otherwise be entitled to.
- 3.6 The contour map of residential properties eligible for compensation is reviewed on an annual basis and published in the local newspaper, London City Airport website and promoted through social media. Eligible properties are also written to. Appendix A shows the boundary of eligible properties.

4 EQUALITIES IMPLICATIONS

- 4.1 London City Airport has written to residents within Tower Hamlets entitled to compensation, however there has been a low response rate compared to properties within Newham and Greenwich Boroughs. If the Council does agree to enter into a Neighbouring Authority Agreement there is an opportunity for the Council to endorse the noise insulation compensation and ensure some of the more vulnerable and hard to reach residents of the borough are aware of and able to access any compensation that they are eligible.

5 OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
 - Data Protection / Privacy Impact Assessment.
- 5.2 Signing the Neighbouring Authority Agreement would ensure residents within the Noise Insulation Compensation Eligibility Area receive appropriate compensation for the disruption caused by flight movements associated with London City Airport. Signing the Neighbouring Authority Agreement is therefore considered to be the Best Value option for the Council.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no financial implications emanating from this report which is requesting approval to enter into a Neighbouring Authority Agreement with London City Airport which will enable the Council to oversee and if required enforce the planning obligations within the Section 106 legal agreement between London City Airport and Newham Council where it affects properties within Tower Hamlets Borough.
- 6.2 Any costs of enforcing the Section 106 agreement will be met from within existing budgetary resources.

7 COMMENTS OF LEGAL SERVICES

- 7.1 The Council is not legally obliged to enter into this agreement. However, doing so grants easier access to the affected residents of Tower Hamlets to the compensation scheme.

7.2 Also, the agreement states that the Council is granted contractual rights of enforcement against the Airport similar to those that the Council would have otherwise obtained had the Council been a party to the S.106 agreement in the event that action is necessary to assist affected Tower Hamlets residents.

7.3 There are no immediate Equalities impacts arising from this decision.

Linked Reports, Appendices and Background Documents

Linked Report

- [London City Neighbouring Authority Agreement Cabinet Report 2018](#)

Appendices

- Noise Insulation Eligibility Map – Appendix A

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- NONE

Officer contact details for documents:

- N/A

Appendix A - Noise Insulation Eligibility Map

