

<p>Cabinet</p> <p>28 November 2018</p>	
<p>Report of: Ann Sutcliffe, Acting Corporate Director, Place</p>	<p>Classification: Unrestricted</p>
<p>London City Airport: Neighbouring Authority Agreement</p>	

Lead Member	Councillor Blake, Cabinet Member for Regeneration & Air Quality
Originating Officer(s)	Owen Whalley, Divisional Director – Planning & Building Control
Wards affected	Blackwall and Cubitt Town; Poplar;
Key Decision?	Yes
Forward Plan Notice Published	28 September 2018
Reason for Key Decision	Significant impact on two wards
Community Plan Theme	A healthy and supportive community

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 they do not enter into a Neighbouring Authority Agreement, they 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. This report seeks permission 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 has approached the Council seeking to enter into a Neighbouring Authority Agreement. 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 2018 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.
- 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 This report seeks the approval of the Mayor in Cabinet for the Council to enter into a Neighbouring Authority Agreement with London City Airport in relation to its proposed expansion.
- 6.2 Entering into the agreement will enhance the ability of Tower Hamlets residents that live within the designated boundary (see Appendix A) and are affected by noise pollution as a result of the enlargement of the airport, to claim appropriate noise insulation compensation.
- 6.3 There are no direct financial implications for the Council arising from the agreement, however there is a risk that the Council may incur unrecoverable costs in the event that a contractual enforcement of the planning agreement in support of residents is unsuccessful.

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 grants to the Council 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 by the Council 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

NONE

Appendices

- Map showing Noise Insulation Eligibility 2018 – 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 Compensation Eligibility

[See next page]