

# LONDON CITY AIRPORT

2013 SECTION 106 ANNUAL PERFORMANCE REPORT

## APPENDIX 2

# SUMMARY OF PLANNING AGREEMENT REQUIREMENTS & REFERENCES WITHIN 2013 APR

08 July 2014

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Planning Agreement Reference/ Comments from LBN	Planning Agreement Requirement	Location of Information within 2013 APR, para ref.
<b>Section 1 Introduction</b>		
Definitions	“An annual report to be submitted to the Council by 1 July in each calendar year which shall (to the extent required by the obligations in this Deed) report on the performance of and compliance with the terms of this Deed in the preceding calendar year and shall include all the annual reporting requirements contained in this Deed or as agreed with the Council from time to time”	1.2 Annual Performance Report, para 1.2.1
6th Schedule / Part 5 / 1 – Page 58	“In pursuance of any obligation under this Deed to report to the Council on the performance or compliance with the terms of this Deed, the Airport Companies shall provide the Council with the Annual Performance report by 1 July in each calendar year in respect of performance and compliance in the preceding calendar year (January to December) and shall publish the Annual Performance Report on the website for the Airport Consultative Committee by 31 July in each calendar year Provided That for the avoidance of doubt the Airport Companies shall submit the first Annual Performance Report by 1 July 2010 for performance and compliance during the year 2009 and publish such Report on the Airport Consultative Committee website by 31 July 2010.”	
6th Schedule / Part 5 / 2 – Page 58	“For the avoidance of doubt any obligation to report to the Council contained in this Deed shall be read and construed as if that obligation was to include such report in the Annual Performance Report regardless of any indication to the contrary as to form or timing of such report.”	
<b>Section 2 Aircraft Movements</b>		
4th Schedule / Part 7 / 6 – Page 45	“Report aggregate figures of the numbers and types of aircraft using LCY.”	2.1 Numbers and Types of Aircraft using the Airport, paras 2.1.1-2.2.2
LBN letter dated 26 February 2010	“There will be a need to ensure that noise data is sufficiently detailed so that compliance can be checked. Therefore there would be a need to include daily numbers of movements including class, numbers of late flights etc. (Please continue to liaise with my colleague Robin Whitehouse in this regard).”	2.2 Daily Numbers of Movements including Noise Category, paras 2.2.1-2.2.3
LBN comments received 5 May 2011	Daily flight numbers and associated noise category of aircraft should demonstrate compliance with Condition 8(1)(a) to (j) and Condition 8(4)(a) and (b) of planning permission 07/01510/VAR.	
LBN letter dated 26 February 2010	“It would be useful to include whether or not all flights and maintenance fell within or outside of the allowed times in the Agreement.”	2.3 Times of Flights and Maintenance, para 2.3.1-2.3.6
LBN comments received 5 May 2011	Times of flights of should demonstrate compliance with Conditions 6(a), 6(b), 6(c), 9 and 10 of planning permission 07/01510/VAR. The times of ground running for maintenance should demonstrate compliance with Condition 5 of planning permission 07/01510/VAR.	
3rd Schedule / Part 2 – Page 30	Confirmation should also be provided that noise generated by maintenance outside of the permitted hours was not discernible at the boundaries of the Airport site.	

Planning Agreement Reference/ Comments from LBN	Planning Agreement Requirement	Location of Information within 2013 APR, para ref.
<b>Section 3 Noise</b>		
Definitions	“The 57 dB Contour based on actual aircraft movements for the summer period (16 June to 15 September) in the calendar year immediately preceding the due date for submission of the Annual Performance Report,”	3.6 SIS: Noise Contours, para 3.6.1
Definitions	“The 66 dB Contour based on actual aircraft movements for the summer period (16 June to 15 September) in the calendar year immediately preceding the due date for submission of the Annual Performance Report.”	
Definitions	“The 69 dB Contour based on actual aircraft movements for the summer period (16 June to 15 September) in the calendar year immediately preceding the due date for submission of the Annual Performance Report.”	
Definitions	“The 57 dB Contour based on forecast Aircraft Movements at the Airport for the summer period (16 June to 15 September) in the calendar year of the due date for submission of the Annual Performance Report.”	
Definitions	“The 66 dB Contour based on forecast Aircraft Movements at the Airport for the summer period (16 June to 15 September) in the calendar year of the due date for submission of the Annual Performance Report.”	
Definitions	“The 57 dB Contour based on forecast Aircraft Movements at the Airport for the summer period (16 June to 15 September) in the calendar year of the due date for submission of the Annual Performance Report but reduced to take into account likely cancellation of flights and other matters affecting numbers of Aircraft Movements by reference to historical data from the preceding five calendar years.”	
Definitions	“The 66 dB Contour based on forecast Aircraft Movements at the Airport for the summer period (16 June to 15 September) in the calendar year of the due date for submission of the Annual Performance Report but reduced to take into account likely cancellation of flights and other matters affecting numbers of Aircraft Movements by reference to historical data from the preceding five calendar years.”	
9th Schedule / Part 1 / 5 – Page 65	“As part of the Annual Performance Report on 1 July each year the Actual 57 dB Contour, the Actual 66 dB Contour and the Actual 69 dB Contour is produced by the Airport Companies in accordance with the INM and submitted to the Council.”	
LBN comments received 1 May 2012	Include a very simple table which notes the number of properties that were eligible in the previous year, and how LCY have notified/inspected/treated those properties.	3.6 SIS: Noise Contours, Table 3.1
4th Schedule / Part 1 / 1 - Page 36	“On 1 July each year following the date of this Deed the Airport Companies shall include as part of the Annual Performance Report a list of all residential premises and Public Buildings where a period of 10 years or more has expired since the date on which the glazing elements, mechanical ventilation and modifications to external doors which form part of either the First Tier Works or the Public Buildings First Tier Works or the Second Tier Works or the Public Buildings Second Tier Works were carried out and completed...”	3.7 SIS: Further Inspection of Treated Premises, paras 3.7.1-3.7.2

Planning Agreement Reference/ Comments from LBN	Planning Agreement Requirement	Location of Information within 2013 APR, para ref.
4th Schedule / Part 2 / 1 – Page 39	“In the preparation of each Annual Performance Report the Airport Companies shall determine First Tier Works Eligibility and Public Buildings First Tier Works Eligibility by applying the Eligibility Methodology and shall publish in each Annual Performance Report the boundary within which premises having First Tier Works Eligibility and Public Buildings First Tier Works Eligibility are situated together with the 1998 57 dB Contour, the Actual 57 dB Contour, the Predicted 57 dB Contour and the Predicted Reduced 57 dB Contour.”	3.8 SIS: First Tier Works, para 3.8.1
4th Schedule / Part 3 / 1 – Page 41	“In the preparation of each Annual Performance Report the Airport Companies shall determine Second Tier Works Eligibility and Public Buildings Second Tier Works Eligibility by applying the Eligibility Methodology and shall publish in each Annual Performance Report the boundary within which premises having Second Tier Works Eligibility and Public Buildings Second Tier Works Eligibility are situated together with the Actual 66 dB Contour, the Predicted 66 dB Contour and the Predicted Reduced 66 dB Contour.”	3.9 SIS: Second Tier Works, para 3.9.1
4th Schedule / Part 4 – Page 43	“The Airport Companies shall advertise at least twice a year starting three months from the date of the first Annual Performance Report in local newspapers which are in circulation within the vicinity of the Site and publish on the Airport Website the availability of the First Tier Works the Public Buildings First Tier Works the Second Tier Works and the Public Buildings Second Tier Works.”	3.10 Publicity for SIS, paras 3.10.1-3.10.7
4th Schedule / Part 5 / 1 – Page 44	“The Airport Companies shall use reasonable endeavours to enter into the Neighbouring Authority Agreements within six months of the date of this Deed or such other longer timescale as agreed with the Council and for the avoidance of doubt upon completion of a Neighbouring Authority Agreement the Council shall cease to have any responsibility for the matters contained in that Neighbouring Authority Agreement so far as they relate to properties within the London Borough of Greenwich or the London Borough of Tower Hamlets (as the case may be).”	3.12 Neighbouring Authority Agreements, paras 3.12.1-3.12.2
4th Schedule / Part 7 / 5 – Page 45	“To hold regular meetings and/or discussions with the Council the Airport Consultative Committee and such other statutory bodies as may be reasonably nominated by the Council in order to review the operation of the noise Management Scheme and submit reports of the operation of the Noise Management Scheme to not fewer than two meetings per year of the Airport Consultative Committee.”	3.1 Noise Management Scheme, para 3.1.1 – 3.1.3
Para A6.0 in Temporary Noise Strategy	“A record of the daily operational status of each monitor together with the total monthly correlation rate of noise events to aircraft departures for the immediately preceding quarter shall be submitted to LBN.”	3.2 Temporary Noise Monitoring Strategy Reporting Requirements, paras 3.2.1-3.2.2
4th Schedule / Part 12 / 3 - Page 47	“The Airport Companies shall identify in the Annual Performance Report on 1 July each year any dwelling with any part of its external elevation which is situated within the Actual 69 dB Contour for the purposes of the Purchase Scheme.”	3.11 Purchase Scheme, paras 3.11.1-3.11.2

Planning Agreement Reference/ Comments from LBN	Planning Agreement Requirement	Location of Information within 2013 APR, para ref.
9th Schedule / Part 1 / 4 – Page 65	“Annually on 31 December the provisional categorisation of each approved aircraft type is reviewed (provided that if the provisional categorisation for an aircraft type has been approved in the period between 1 October and 31 December of the year in question then the provisional categorisation of that aircraft type is reviewed on 31 December in the following year) having regard to the departure noise levels recorded at the four monitoring points used for the purposes of the Noise Monitoring System and the Airport companies by 1 July in the following year submit details in writing to the Council of the results of the review whereupon the provisional categorisation of each approved aircraft type is confirmed or amended by the Council with the agreement of the Airport Companies having regard to the monitored values and any such amendment may with the agreement of the Council include the introduction of sub-categorisation into narrower bands provided that noise factors appropriate to any such bands are calculated and applied.”	3.5 Annual Aircraft Categorisation, paras 3.5.1-3.5.2
LBN comments received 5 May 2011	Include details of progress on the Noise Insulation Payments Scheme	3.13 Noise Insulation Payments Scheme, para 3.13.1
<b>Section 4 Ground Noise</b>		
5th Schedule / Part 1 / 3 – Page 49	“Annually on 1 July every year as part of the Annual Performance Report to submit to the Council: (a) written details (in accordance with the format set out in Part 6 of this Schedule) of Ground Running that has taken place during the preceding calendar year (the year to run from 1 January to 31 December each year for this purpose) including details of the number duration and power settings of ground runs and the types of aircraft involved; and (b) written measurements and calculations to show whether the ground Running Noise Limit has been exceeded during the preceding calendar year.” [5th Schedule / Part 1 / 2 – Page 49]	4.1 Ground Running of Aircraft Engines, para 4.1.1
5th Schedule / Part 1 / 3 – Page 49	“In the event that the Ground running Noise Limit has been exceeded contrary to paragraph 1 of this Part to submit annually on 1 July as part of the Annual Performance Report written proposals to the Council for their approval for the carrying out of measures and the time scale for the carrying out of those measures in order to ensure that Ground Running complies with the Ground running Noise Limit and such approved measures shall be carried out in accordance with the approved time scale.”	4.2 Exceedences of Ground Running Noise Limit, para 4.2.1
LBN comments received 5 May 2011	Include details of the submission of the Ground Noise Study.	n/a for 2013 APR
<b>Section 5 Air Quality</b>		
3rd Schedule / Part 3 / 1(c) - Page 31	“With effect from the date of this Deed the Airport Companies shall make the data from the Air Quality Measurement Programme available to the Council the Airport Consultative Committee and members of the general public through the Annual Performance Report and at each meeting of the Airport Consultative Committee by reporting on such data for the most recent quarter of the year preceding such meeting for which there is data available.”	5.1 Data from Air Quality Measurement Programme, paras 5.1.1-5.1.2

Planning Agreement Reference/ Comments from LBN	Planning Agreement Requirement	Location of Information within 2013 APR, para ref.
LBN comments received 5 May 2011	Include a statement confirming whether monitored levels are in line with government standards.	
3rd Schedule / Part 3 / 1(d) (iii) - Page 31	“Through the Annual Performance Report insofar as this shall include a summary of the results available from any Deposits Study in the preceding calendar year and the number and nature of such complaints in the preceding calendar year.” [3rd Schedule / Part 3 / 1(d) (iii), Page 31]	5.2 Results from any Deposits Study in the Preceding Calendar Year, paras 5.2.1-5.2.3
3rd Schedule / Part 3 / 2(a) - Page 31	“The Airport Companies shall submit for the written approval of the Council the Air Quality Action Plan within 12 months of the date of this Deed...	5.3 Air Quality Action Plan, para 5.3.1 and Table 5.1
<b>Section 6 Sustainability and Biodiversity Strategies</b>		
3rd Schedule / Part 6 / 4 - Page 34	“During the operation of the approved Airport Sustainability Action Plan, the Airport Companies shall report to the Council annually on 1 July as part of the Annual Performance Report on the performance of the Airport Companies during the previous calendar year against the targets in the Airport Sustainability Action Plan.”	6.1 Airport Sustainability Strategy and Airport Biodiversity Strategy, paras 6.1.1-6.1.3 and Table 6.1
3rd Schedule / Part 6 / 8 - Page 34	"Report to the Council every two years on 1 July (on those occasions, as part of the Annual Performance Report for that year) on the performance of the Airport Companies against the objectives and measures specified in the Airport Biodiversity Strategy in the preceding two calendar years, the first such report to be made on 1 July following the second anniversary of the receipt of written approval from the Council pursuant to paragraphs 5 and 6 of this Part; and..."	6.2 Airport Biodiversity Strategy, paras 6.2.1-6.2.2 and Table 6.2
3rd Schedule / Part 6 / 8 - Page 34	“Every five years on 1 July (on those occasions, as part of the Annual Performance Report for that year) submit to the Council a review of the performance of the Airport Biodiversity Strategy and the first such review shall be submitted on 1 July following the fifth anniversary of the receipt of written approval from the Council pursuant to paragraphs 5 and 6 of this Part; and...”	
<b>Section 7 Education, Employment and Training</b>		
6th Schedule / Part 2 / 1(a) – Page 55	<p>“Use reasonable endeavours to ensure that</p> <ul style="list-style-type: none"> <li>(i) at least 70% of the full time equivalent jobs at the Airport are filled by residents of the Local Area including at least 35% filled by residents of the London Borough of Newham;</li> <li>(ii) at least 70% of direct employees of LCA are resident in Local Area;</li> <li>(iii) at least 35% of direct employees of LCA are resident in the London Borough of Newham.</li> <li>(iv) Where LCA initiates recruitment simultaneously for more than 1 job vacancy to advertise through local employment agency (e.g. Reed, Docklands Office), to notify vacancies to relevant Recruitment Centre and to advertise such vacancies on the Airport Website.”</li> </ul> <p>“To provide the Council and the Airport Consultative Committee with an annual return on 1 July each year with details of the percentage of people living in the Local Area who are employed on the site including the percentage of residents of the London Borough of Newham.” [6th Schedule / Part 2 / 1(f) – Page 55]</p>	7.2 Employment Statistics Reporting, para 7.2.1-7.2.8

Planning Agreement Reference/ Comments from LBN	Planning Agreement Requirement	Location of Information within 2013 APR, para ref.
6th Schedule / Part 2 / 1(b) – Page 55	<p>“To use reasonable endeavours to encourage employers at the Site to fill their job vacancies with residents of the London Borough of Newham and in so doing:</p> <ul style="list-style-type: none"> <li>(i) within six months of the date of this Deed establish a forum for all employers at the Airport which have at least 20 individual members of staff based at the Airport and to hold meetings of that forum at least twice in each calendar year;</li> <li>(ii) so far as practicable ensure all employers at the Airport which have at least 20 individual members of staff recruit locally as far as possible an advertise job vacancies through the Airport Website and the relevant Recruitment Centre.”</li> </ul>	7.3 Employers’ Forum, para 7.3.1
6th Schedule / Part 2 / 1(c) – Page 55	“To continue to provide a list of the existing employers at the Site to the Council annually on 1 July each year in order to enable the Council to encourage such employers to fill their job vacancies with residents of the London Borough of Newham.”	7.2 Employment Statistics Reporting, para 7.2.4
6th Schedule / Part 2 / 1(d) – Page 55	“To continue to provide the Council annually with details in writing of the policy adopted by LCA to fill any airport job vacancy and LCA shall consult the council about such policy on not fewer than one occasion each year in conjunction with the submission of the annual return pursuant to paragraph 1)f) of this Part”	7.6 Airport Job Policy, para 7.6.1
6th Schedule / Part 2 / “1(e) – Page 55	“To provide the Council with details of programmes initiated by LCA for the training of their own employees as part of the annual return pursuant to paragraph 1(f).”	7.7 Training Programmes, para 7.7.1-7.7.2
6th Schedule / Part 2 / 1(f) – Page 55	“To provide the Council and the Airport Consultative Committee with an annual return on 1 July each year with details of the percentage of people living in the Local Area who are employed on the Site including the percentage of residents of the London Borough of Newham;”	7.2 Employment Statistics Reporting, para 7.2.1-7.2.8
6th Schedule / Part 2 / 1(g) – Page 56	“To use reasonable endeavours to participate in and encourage staff of LCA, other employers at the Airport and their staff to participate in local community projects and initiatives.” [6th Schedule / Part 2 / 1(g) – Page 56]	7.4 Staff Participation, para 7.4.1-7.4.3
6th Schedule / Part 2 / 1(h) – Page 56	“Within 12 months of the date of this Deed to implement a work experience programme at the Airport which shall have the objective of providing one week work experience for a minimum of 40 residents of the London borough of Newham and a minimum total of eight residents of the London Boroughs of Bexley, Barking & Dagenham, Greenwich and Tower Hamlets and further...”	7.10 Work Experience, para 7.11.14-7.11.6
<b>Section 8 Surface Access</b>		
LBN letter dated 26 February 2010	Although there is a separate requirement to under the Travel Plan requirements, it may also be useful to include this with the annual submission on the 1st July 2010. This would ensure all the compliance reports are submitted together.	8.1 Surface Access Performance; 8.2 Surface Access Strategy and 8.3 2013 Travel Plan Progress

Planning Agreement Reference/ Comments from LBN	Planning Agreement Requirement	Location of Information within 2013 APR, para ref.
<b>Section 9 Environmental Complaints</b>		
3rd Schedule / Part 7 / 2 (c) - Page 35	<p>“The Airport Companies shall submit a report of any such complaint and any such action:</p> <p>(c) in summary as part of the Annual Performance Report in relation to such complaints and actions in the preceding calendar year.”</p>	9.1 Report of any Compliant or Action in Summary in Preceding Calendar Year, paras 9.1.1-9.1.9
<b>Section 11 Other Matters</b>		
Clause 8.12 (b) and (c) – Page 21	<p>“8.12 In the event of any claim being made for judicial review of the Planning Permission to Part 54 Civil Procedures Rules, the following provisions shall have effect:</p> <p>(b) where any investigation study report scheme or strategy is required to be undertaken submitted approved implemented or operated under this Deed:</p> <p>(i) any time period within which it is required to be undertaken submitted approved implemented or operated (as the case may be) shall be suspended from the date of the claim for judicial review and the unexpired part of such period shall not resume until the date on which the claim has been finally determined Provided That if the unexpired period is less than six months that period shall when it resumes be extended to six months; and</p> <p>(ii) any due date by which it is required to have been undertaken submitted approved implemented or operated (as the case may be) shall be postponed until six months after the date on which the claim has been finally determined.”</p> <p>“(c) if the Annual Performance Report is required under this Deed to be published during the currency of the claim for judicial review or within six months of the claim being finally determined the content of the Annual Performance Report shall be agreed between the Airport Companies and the Council having regard to the provisions of this clause 8.12;”</p>	N/A for 2013 APR since the JR claim was finally in June 2011 with the airport's 2009 planning permission being upheld.
7th Schedule / Part 1 / 1 - Page 60	“Within 18 months of the date of this Deed the Airport Companies shall undertake and submit to the Council for its approval the Wake Turbulence Study and in any event the Airport Companies shall begin investigation into the extent and frequency (if any) of damage by Wake Turbulence associated with aircraft landing and taking off at the Airport within six months of the date of this Deed.”	11.1 Wake Turbulence Study, para 11.1.1-11.1.2
LBN comments received 5 May 2011	Include details of the submission of the Value Compensation Scheme.	11.2 Value Compensation Scheme, para 11.2.1



