



Our ref: EN00260
Your ref: Mr J Cheyne

Mr Cheyne

E-mail sent to: juliancheyne@hotmail.co.uk

13 March 2009

Dear Mr Cheyne



REQUEST FOR INFORMATION

We refer to your request for information under the Freedom of Information Act (FOIA) received by the Olympic Delivery Authority (ODA) on 13 February 2009 requesting the following information:

A group of MPs has put down an Early Day Motion which states

'That this House notes that poor air quality is currently estimated to reduce the life expectancy of every person in the UK by an average of seven to eight months and impacts particularly on children, the elderly and those in poor health; notes that emissions from demolition and construction sites can be significant contributors to poor air quality in local areas;'

- 1. 'notes with concern the delay in implementing measures to reduce these emissions at major construction projects, including those for the Olympics;' Which measures have not been implemented and why not?*
- 2. 'and calls on all major construction projects, including those for the Olympics, to ensure that the most polluting plant used on site is fitted*



MAYOR OF LONDON

with suitable pollution control technology in line with the best practice guidance on The Control of Dust and Emissions from Construction and Demolition.' Please provide details of the plant and technology at issue and what action the ODA is taking to fit plant with the necessary technology?

3. *Why hasn't the ODA Planning and Development Control Authority, which is the regulatory arm of the ODA, taken action to ensure that its Delivery arm conforms to these requirements?*

Due to the nature of the information which you have requested, we have reviewed your request in terms of the Environmental Information Regulations (EIR). We confirm that we hold information of the description specified in your request. The information held by us is as follows:

Item 1

The ODA is committed to implementing the London Best Practice Guidance (LBPG) as part of our Sustainable Development Strategy and Code of Construction Practice (CoCP), which has received town planning approval. The ODA recognises and acknowledges the importance of minimising our environmental impacts in our work on the Olympic Park (OP).

Accordingly, the ODA is taking all reasonable steps to adopt environmental best practice across the construction programme and the CoCP includes measures the ODA will use to monitor and mitigate the effects of construction activities. The CoCP is supported by the ODA's Dust Monitoring Scheme which includes monitoring of dust (both coarse dust and PM10 are monitored). The ODA's CoCP and supporting Dust Monitoring Scheme reflects the LBPG for a high risk site.

Some of the measures implemented by the ODA across the OP to control dust and emissions from our activities in accordance with the LBPG including:

- Hard surfacing and effective cleaning of haul routes across the OP;
- Appropriate speed limits around the OP;
- Effective vehicle cleaning and specific fixed wheel washing on leaving the OP;

- Damping down of haul routes;
- Spray systems around high risk activities such as concrete crushers;
- On-road vehicles have the necessary equipment in order to comply with emission standards.

In addition, we can inform you that the ODA is using ultra-low sulphur diesel for OP vehicles and we are aspiring to transport 50 per cent of materials (by weight) used during construction to the OP by rail or water. We can advise you that according to our first annual monitoring report of this information which covered the period June to November 2008, the ODA has met this target.

Item 2

The ODA is considering how best to implement the specific requirement in the BPG for all non road mobile machinery (NRMM) to be fitted with appropriate exhaust after-treatment. The BPG requires that NRMM with power outputs of over 37kW should be fitted with suitable after-treatment devices as stated on an approved list managed by the Energy Saving Trust (EST) (the EST list). We have attached a copy of the EST list as **Annex A** to this request for your information.

However, the NRMM manufacturing industry has raised several concerns regarding the implementation of the BPG and the requirements to fit suitable after-treatment devices. Specifically, the industry is concerned about the safety implications of the equipment and the effectiveness on the plant performance.

Given the concerns raised by the industry regarding the safety of the equipment on the EST list and the fact that the ODA takes the safety of the workers on the OP very seriously and will take the necessary precautions in order to protect these workers, as well as the fact that the ODA is keen to address the issues in relation to NRMM; we have proposed to both the Environmental Industries Commission and the Construction Plant Industry that a pilot study is undertaken to assess some of the key issues raised regarding the safety of the devices on the EST list. We are currently in the process of scoping the pilot study.

Item 3

As you are aware, the ODA Planning Decisions Team (PDT) is the Local Planning Authority responsible for issuing planning permissions to the ODA for its construction works. To date, the ODA PDT believes that the requirements of the relevant planning permissions are being complied with. As such, no further action is necessary by the ODA PDT. However, we can advise you that ODA PDT continues to monitor compliance with the relevant planning conditions.

We can further advise you of the following in relation to the work of the ODA PDT. The planning permissions under which the Olympic and Paralympic project incorporate a number of measures to mitigate against the effect of construction work on air quality. The measures include:

- a. Conditions SP.0.4 of permission ref 07/90011/FUMODA and OD.0.5 of permission ref 07/90010/OUMODA which require the approval of a Code of Construction Practice.
 - As stated above, the CoCP has been approved by the ODA PDT.
- b. Conditions SP.0.50 of permission ref 07/90011/FUMODA and OD.0.54 of permission ref 07/90010/OUMODA require the approval of a scheme for dust monitoring, assessment and mitigation.
 - As stated above, this scheme has been approved and includes measures and procedures for continuing monitoring of air quality around the Olympic site and reporting mechanisms. The London Boroughs covering the Olympic site were consulted prior to determination and amendments made to reflect their comments.
- c. A Section 106 Agreement (Legal Agreement) forms part of the permissions and, among other things, requires (in Schedule 3) that an Environmental Forum is established which meets regularly and includes the Host Borough Environmental Health Officers.
- d. Schedule 11 of the S106 Agreement requires the ODA to use reasonable endeavours to deliver at least 50% of construction

materials to the site by rail or water (thereby reducing vehicle emissions from road vehicles) and also to reuse or recycle 90% of demolition material (reducing the need to import material into the site by road). In accordance with the provisions of Schedule 11, the ODA submitted its Annual Monitoring Report to the PDT on progress on sustainability targets at the end of 2008. This includes a report of sustainable transport modes and includes confirmation that as at September 2008, some 57% of construction materials by weight had been delivered to the site by rail.

Compliance with the above conditions is monitored through the Public Protection Forum (PPF) which is part of the Environmental Forum required by the S106 Agreement. The PPF meets monthly and includes Host Borough Environmental Health Officers with expertise in air quality issues, the Health Protection Agency as well as a PDT representative. The PPF is presented with monthly air quality monitoring reports including data from air quality monitoring points around the Olympic site.

The ODA PDT with the Host Borough Environmental Health Officers both through the PPF and directly and use their expertise to advise on air quality issues and ways of resolving such issues should they arise. ODA PDT officers have inspected areas of the site to monitor compliance with the requirements of the CoCP. The ODA PDT also has its own environmental consultants that it can call on if necessary. It is through these various forums and consultations that the ODA PDT monitors compliance by the ODA with the planning conditions placed in relation to the construction works undertaken by the ODA and as stated above, to date ODA PDT are not aware of any breaches of compliance with these conditions.

We would advise you that problems and concerns regarding construction work on the Olympic Park can be reported on the ODA's construction hotline: 08000 722 110. If the issue cannot be resolved through the hotline and it is considered that a breach of planning control may have occurred the Planning Decision Team can be contacted at: ODA, Planning Decision Team, Mailpoint 32B, 23rd Floor, One Churchill Place, London E14 5LN Tel 020 8430 6020

The [S106 Agreement](#) and the submissions made pursuant to conditions referred to ([Code of Construction Practice](#)) are publicly available documents which are available on the ODA PDT website.

We trust that the above information is of assistance to you. However, if you are not satisfied with the response to your request and wish to make a complaint, you should write to The Information Officer, Olympic Delivery Authority, One Churchill Place, Canary Wharf, London, E14 5LN. Please state detailed grounds for your complaint.

If you are not satisfied with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner will not make a decision unless you have exhausted the complaint procedure provided by the ODA. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Jani', is positioned above a vertical line that extends downwards to the typed name below.

Information Officer
Olympic Delivery Authority

