

Controlling dust and emissions

In July the mayor of London published the long expected guidance on the control of dust and emissions during construction and demolition. The controls take the form of supplementary planning guidance (SPG), which imposes a new Ultra Low Emissions Zone (ULEZ) for non-road mobile machinery in London.



The proposed standards are based on European engine emissions stages and take effect from September 1st 2015. Emissions of nitrogen oxides (NOx), PM10 and PM2.5 equivalent to Stage IIIB levels would be required in Canary Wharf & Central London and emission levels equivalent to Stage IIIA elsewhere in London. Stricter requirements will take effect from 2020 with Stage IV required in Canary Wharf & Central London, and Stage IIIB elsewhere in London.

The Construction Plant-hire Association (CPA) was involved in discussions with Greater London Authority (GLA) from the early stages in 2012. Our viewpoint initially was that the legislative process that exists through the European Directive on engine standards should be the appropriate technical standard for emissions controls. This brings about beneficial change when owners replace their

equipment with new machines. However, this rate of progress was clearly not going to be sufficient for the Authority, which was not only under pressure from legislators to improve air quality, but also wanted to push London forward as a global city which could attract investment, business and talent from around the world. And that internationally mobile talent wants a high quality of life - including clean air.

The GLA proposed that staged improvements should be based around the emissions standards available on new equipment. It would be open for owners to meet these standards by whatever means they found suitable. The most common route to compliance would be to buy new machines. Although in theory manufacturers will make them available in accordance with the European standards, there are at least two reasons why the Authority could not be allowed to assume that

compliant equipment would become available as required. Firstly, manufacturers have negotiated flexibility allowances with the European Commission, which gives them the ability to continue to make some models to the earlier standard. Secondly, machinery available at the factory gate is not necessarily immediately available to the owner - there is a supply chain, and possibly some earlier stock, that need to be moved first.

The GLA had also thought that the retro-fit of Diesel Particulate Filters or other abatement technologies might be appropriate, but the CPA has consistently resisted this as a general solution. The problems with fitting DPFs have been well documented, but apart from technical difficulties, there has been a clear indication from engine manufacturers that warranty problems would follow any retrofit that was not factory authorised.

We also urged the GLA to consider the effect of the controls on equipment hire companies based in London and operating mainly in London. Unlike national companies, they cannot re-arrange the geographic locations of their fleet so that only the newer machines are used in London. And they would be at a competitive disadvantage if they were to trade outside London, because their cost base is at London values, rather than at regional values. The planning guidance does already make allowance for the inequality of economic impact on small developments - in outer London, only major developments will be within scope of the 2015

requirements. Given that the mayor promised economic growth and jobs when he was re-elected in 2012, this is encouraging evidence that GLA may take a pragmatic view of implementation.

A key concession already agreed with CPA is that there will be a list of equipment types that are exempt from restrictions. This list should include machines that have a long working life, such as crawler cranes and piling rigs. It will also include machinery which is not widely available to an appropriate standard and which cannot be feasibly retrofitted, such as small mobile 'city' cranes. In some instances, whole classes of equipment may require long-term exemption. In others, fairly narrow weight or size ranges may require a temporary exemption while manufacturers' supply catches up with demand. We are working on the list with GLA's consultants now, and both sides acknowledge that the list will need to be constantly reviewed and updated, as new machines become easily available, and others are included which were not considered at the outset.

Early indications are that owners will not have difficulty in supplying equipment however, there will be some cases that cannot feasibly be brought into line within the expected timetable. We will argue for these to be exempted as appropriate. However, any concessions that are won will need to be justified - but as many equipment owners know, there is plenty of justification for a long list of exemptions.

