

GREATER LONDON AUTHORITY

[REDACTED]
(By email)

Our Ref: MGLA291220-2686

21 January 2021

Dear [REDACTED]

Thank you for your request for information which the GLA received on 28 December 2020. Your request has been dealt with under the Environmental Information regulations (EIR) 2004.

You asked for;

- 1. The number of NRMM exemptions granted by the GLA in each London Borough for the years 2015 to 2020 to-date included, separating exemptions in to block exemptions, viability, short-term (emergency) exemptions and time-limited exemptions?*
- 2. The number of NRMMs identified as non-compliant by Borough for each of the years 2015 to 2020 to-date*
- 3. A copy of the official audit process that the GLA and/or each London Borough - as appropriate - follows in order to ensure that data entered on the NRMM on-line register by contractors is correct*
- 4. The number of enforcement actions taken across Greater London, listed by London Borough, for non-compliance with NRMM requirements by year for 2015 to 2020 to date.*

Our response to your request is as follows:

In relation to questions 1 – 2 please find below the information you are seeking for each of the years 2015 to 2020:

1. The number of NRMM exemptions granted by the GLA in each London Borough for the years 2015 to 2020

Date the NRMM was first registered on site *	Retrofit	Viability (Other)	COVID	Emergency	Existing
2015	1	2			
2016	20	21			
2017	32	89			
2018	37	135	19		

2019	43	150	168	2	2
2020	14	113	559	9	15

*Note if a machinery has had an additional exemption granted, the exemption date is listed under the date the machine was first registered on site, not the date the exemption was granted.

2. The number of NRMMs identified as non-compliant by Borough for each of the years 2015 to 2020 to-date

The GLA does not hold then number of NRMM identified as non-compliant by borough. Identification of non-compliant NRMM takes place during site audits. The audit process for NRMM is managed by Merton Council funded by the Mayor's Air Quality Fund. For more information on the audit process please contact Merton Council on nrmm.london@merton.gov.uk.

3. A copy of the official audit process that the GLA and/or each London Borough - as appropriate - follows in order to ensure that data entered on the NRMM on-line register by contractors is correct

Information on the NRMM process can be found in the NRMM practical guide which can be read online using this link:

https://www.london.gov.uk/sites/default/files/nrmm_practical_guide_v4_sept20.pdf

The GLA does not hold a copy of the audit process. The audit process for NRMM is managed by Merton Council funded by the Mayor's Air Quality Fund. For more information on the audit process please contact Merton Council on nrmm.london@merton.gov.uk.

4. The number of enforcement actions taken across Greater London, listed by London Borough, for non-compliance with NRMM requirements by year for 2015 to 2020 to date.

The construction industry is very supportive of the NRMM LEZ and work to comply with the standards. We find that the majority of sites comply to the standards, and many of the non-compliant sites discovered during audits have worked to resolve the identified issues promptly. The audit process for the NRMM LEZ is completed by Merton Council, funded by the Mayor's Air Quality Fund. The NRMM team at Merton Council work closely with sites to support those with non-compliant machinery to take action to meet the NRMM LEZ standards. They can be contacted at nrmm.london@merton.gov.uk.

The requirement to meet the NRMM Low Emission Zone (LEZ) standards is created through planning conditions. Non-compliance is therefore enforced through the planning enforcement powers. This means that a non-compliant site can be given an enforcement notice (and subsequently taken to court if they don't comply with the notice), or they can be served with a prohibition notice, which closes the site down until matters are resolved.

This action is taken through planning enforcement powers, the Local Authority where the construction site is located is responsible for this action. The GLA therefore do not hold data on the number of enforcement actions taken. The Local Authority of the locations you are interested in may be able to provide you with this data.

Please note that a breakdown by borough in relation to question 1 is withheld from disclosure under Regulation 12 (5)(b), The course of justice and inquiries exception.

This exception is very wide in coverage, in this instance it is used to cover material covered by any adverse effect on law enforcement. An adverse effect in this case relates to all aspects of the prevention and detection of crime and is engaged because the release of this information would, or would be likely to, prejudice the prevention or detection of crime.

A breakdown in the above data would be likely to result in individual sites becoming identifiable due to some boroughs with low development rates and in some years having low sites registered so it would be possible to work out which sites it could refer to. It could also be used as a method to try to single out a machine on a specific site when the data is granular for example if it is suspected it uses potentially non-compliant / unregistered machinery (e.g. from going past the site).

We consider that data which can be linked to site or supplier specific inventories would be likely to facilitate onsite theft and/ or vandalism. The machinery found on construction sites are expensive, which means that replacing these stolen items can produce significant financial pressure.

The GLA acknowledges that there is a public interest in transparency in relation to the operation of machinery which has met the standards set out in our policies, either by original manufacture or by retrofit. This is particularly true for the construction sector which is a significant contributor to London's air pollution.

However, the public interest is best served by ensuring withholding minimal data which would otherwise be likely to have a detrimental effect on efforts by the construction sector to prevent criminal activity. The public interest is served by releasing a sufficient volume of data to facilitate public understanding of the NRMM register and be able to draw conclusions on the impact of on the environment from that data.

For further information please visit:

<https://www.london.gov.uk/what-we-do/environment/pollution-and-air-quality/nrmm>

If you have any further questions relating to this matter, please contact me, quoting the reference at the top of this letter.

Yours sincerely


Information Governance Officer

If you are unhappy with the way the GLA has handled your request, you may complain using the GLA's FOI complaints and internal review procedure, available at:

<https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information>