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2nd May 2012

Dear Sirs

Olympic Transport Plan, Olympic and Paralympic Route Network and Air Quality

I am writing in response to your letter of 9th March relating to air quality and the Olympic Route Network (ORN) and Paralympic Route Network (PRN). In particular the report published by TfL on 5th March 2012 concerning the emissions and air quality impacts of the 2012 ORN and related traffic management arrangements ("the Report"). I will try to address the points you raise (*italicised for reference*) in turn.

We note the apparent conclusion that modelling for the TfL report indicates "that overall there is expected to be a small net reduction in PM₁₀ and NO_x emissions overall for London. Although some particular locations could see a temporary, but small increase during Games time. TfL has identified appropriate measures to help further minimise these increases".

The conclusion you draw appears to be based on one statement in the TfL press release (which is not intended to provide a full technical overview) rather than reflecting the overall conclusions of the Report itself - and thus we believe that some of the assertions that follow in your letter misrepresent the Report or are simply incorrect.

It is important to note that the Report was focused on understanding the potential implications for air quality of the ORN and PRN and the associated travel demand management measures (collectively, "the ORN / PRN and associated measures") and how these specific implications may be mitigated or minimised. Many of the points you make in your letter relate to air quality matters more generally - albeit in the context of the Olympics year - and not to the specific impacts of the ORN / PRN and associated measures, which were the subject of the Report.

It refers to emissions rather than concentrations and NO_x rather than nitrogen dioxide (NO₂) which are the subject of legal limits (limit values).

The Report deals with both concentrations and emissions of nitrogen oxides and particulate matter.

It seems to ignore the fact that limit values must not be exceeded once attained and / or air pollution made worse where they are exceeded

The Report does not ignore this. In relation to PM₁₀, the position is that TfL does not project any impact on the attainment of the relevant limit values as a result of the ORN / PRN and associated measures.

In relation to NO₂, the attainment of the limit value under Directive 2008/50/EC ("the Directive") and the Air Quality Standards Regulations 2010 ("the Regulations") relates to the entire 'zone' of London (i.e. the Greater London area as a whole), not to individual locations within that area. The Report is clear that the modelling shows that some locations within Greater London will be the subject of minor adverse impacts, and of those a very small number will move above the limit value equivalent levels. However, given that the zone of London is not currently attaining NO₂ limit value, this will not affect London's compliance-status under the Regulations and Directive. Furthermore, the Secretary of State must also maintain the best ambient air quality compatible with sustainable development. It is also worth noting that there is a much greater area that will be positively impacted, and in net terms, the overall impact for the zone of London is slightly positive.

In this particular case, the *overall* effects of the ORN / PRN and associated measures are assessed to be positive. Any adverse impacts in particular locations will be temporary. Furthermore, TfL will take measures, as far as is practicable, to minimise the (temporary) increases in emissions and concentrations.

The TfL report does not provide any margin of tolerance in its assessment of increases in relation to those sites that are close to and / or exceed current EU and national air quality targets, such as Marylebone Road, Park Lane, Victoria Embankment, Tower Hill and Upper Thames Street and therefore little confidence can be placed on the number of sites with measured and / or modelled increases.

The Report is not a formal assessment of the UK's compliance with EU limit values; we therefore do not agree that there is any requirement to provide a margin of tolerance. It is worth noting that the assessment on which the Report is based used a number of conservative assumptions in relation to the traffic impacts. For example it assumed a 10% reduction through travel demand management (whilst the range of reasonable assumptions used for the traffic modelling is between 10% - 30%); and it used a 'worst case day' (Day 7) in terms of assumed traffic impacts, and applied these over the entire month of August.

Those locations with increased levels of NO₂ are already specifically targeted for action in the Mayor of London's Air Quality Strategy (the AQS). The lack of significant mitigation for NO₂ found within the report is likely to have a serious impact on the future delivery of the AQS e.g. the achieving full compliance with PM₁₀ limit values in London in 2012.

We do not fully understand the points you make here, particularly since you appear to conflate a number of different issues and pollutants. The Games are temporary and will have no impact on the delivery of the MAQS. That Strategy's implementation is in progress at this point in time and will continue well beyond the end of the Games. The Report indicated that compliance with PM₁₀ limit values would not be impacted by the ORN / PRN and associated measures. It also indicated a positive net impact overall in relation to both NO₂ and PM₁₀.

The Report also highlighted that TfL will, where practicable, implement some additional measures for the Games period over and above those already programmed as part of the implementation of the MAQS. In some cases (e.g. the retrofit of additional bus routes with SCR) the additional measures will have benefits beyond the Games and will assist the delivery of the MAQS.

Furthermore, TfL is seeking to secure a particular legacy from the Games-time in terms of travel demand management by undertaking studies to understand the effects of the various measures being employed and how behavioural change might be sustained in the future, e.g. in relation to freight and people's travel choices. This work will help inform and enhance future delivery of MAQS.

The mitigation is insufficiently precautionary and is likely to place the Secretary of State in breach of her duty as expressed under section 17 Air Quality Standards Regulations 2010.

We do not agree that the mitigation measures described in the Report are insufficiently precautionary or, for the reasons set out above, are likely to place the Secretary of State in breach of her duty under section 17 of the Regulations.

TfL - and our partners - are putting in place a programme of Travel Demand Management measures intended to influence travel behaviour and minimise, as far as possible, travel demand. This programme is targeted at reducing the total number of trips made by public transport and private vehicles in areas directly affected by Games operations and encouraging those businesses and members of the public that need to continue to travel to modify the time, route or mode of their travel to avoid congestion. TDM will work alongside operational and traffic management measures. This should help reduce impacts on air quality, particularly with respect to reductions in the number of motorised vehicle trips and shift to non-motorised modes.

The TDM programme has been active since 2010 and includes direct support to large businesses in key areas, as well as a range of advice and guidance and workshops for smaller and medium-size businesses, underpinned by marketing and communications. For the travelling public, there is a multi-media marketing campaign and a dedicated website identifying the expected location of transport hotspots on road and public transport and advising the public to avoid them where possible and to modify their behaviour – and the alternatives available to them e.g. walking maps, links to cycle route planning information, etc.. Games spectators are also now being targeted with travel information and advice, including a strong message not to drive to Games events. There is also additional enforcement activity along key parts of the road network; coach and taxi marshalling; suspension of roadworks during the Games period; and work with the freight industry e.g. to support out-of-hours deliveries during the Games, re-routeing and use of alternative delivery points. The extensive programme being put in place is aimed at minimising the impacts of traffic and reducing background demand on the network. It is on top of this that specific air quality mitigation has then been considered.

The air quality analysis undertaken is informing our ongoing development of the traffic management arrangements. In addition, the Report sets out a number of specific air quality measures to help further minimise the minor potential increases, including bus retrofit, the promotion no-idling and the application of dust suppressants.

We recognise, when comparing on a "Games versus no-Games" basis, that a small number of locations will experience increases in concentrations of NO₂ and PM₁₀. However the impacts will be minor and temporary and we believe we are - as far as practicable and proportionate - making the best use of the measures available to us to minimise them. Plans for managing traffic and air quality for the Olympics reflect the need for London to continue to operate effectively while delivering this major event successfully.

The TfL report provides no assessment as to whether the plan is likely to have an adverse impact on the promotion of equality of opportunity under the Equalities Act 2010.

The Report is a specific assessment of the air quality impacts of the ORN / PRN and associated measures, which implement the Olympic Transport Plan. As a result the Report would not be expected to contain any such assessment.

The ODA and TfL are public bodies covered by section 149 of the Equality Act 2011. Both have actively considered their public sector equality duties, and had due regard to the potential impact of the ORN / PRN and associated measures on vulnerable groups including those with protected characteristics under the Act. This has been an integral part of the design process. It is widely recognised that Black and Minority Ethnic (BAME), low income and certain other disadvantaged groups (including those with other protected characteristics under the Act) are vulnerable to adverse health impacts arising from poor air quality by reason that they tend to live and / or work close to areas with poorer air quality, including those with higher levels of traffic pollution. However, given their temporary nature, the ORN / PRN and associated measures are considered not to have effects that are specific to e.g. BAME groups over and above the impact on other groups.

As detailed in the response to your point (iv) below, approximately 0.4 square kilometres that are currently above the equivalent limit value level for NO₂ will fall to levels at or below that level (on a like for like basis) and only 0.05 square kilometres will go from below to above the limit value equivalent level. As far as practicable, mitigation measures will be deployed where areas of increased pollution are identified.

Other groups protected under the Act, such as those with visual and mobility impairments, were identified as being potentially adversely affected by the ORN / PRN and associated measures; those potential impacts have been minimised as part of the design process. For example, TfL has undertaken extensive and comprehensive public engagement in all affected areas (i.e. at all 109 miles of ORN, with a letter drop to all properties within a 400 metre buffer and drop-in sessions etc.) and has had direct consultation with established visual and mobility impairment groups regarding accessibility matters. On a practical level this has, for example, resulted in the increased provision of the temporary crossings in locations that accommodate their needs as far as reasonably practicable.

In the circumstances, we request under the Environmental Information Regulations 2004 further information held by TfL, such as more detailed maps and/or analysis of the locations where the above breaches are expected, any mitigation of such breaches and any assessment conducted for the purposes of carrying out your equality duty.

For the reasons given above, we take issue with your use of the term "breaches" in this context. We have sent by separate copy a disc containing high resolution versions of the maps used for the report.

Please explain how PM₁₀ and NO₂ concentrations so far in London in 2012 compare with those assumed in your modelling

We do not model air quality for partial calendar years. The data for PM₁₀ and NO₂ concentrations so far this year are publicly available via the London Air Quality Network website: <http://www.londonair.org.uk/LondonAir/Default.aspx>. It was not a function of the Report to assess air quality in 2012 to date, and indeed it is not yet possible to model 2012 meteorology. Concentration trends so far in London in 2012 have been dominated by wider pollution episodes which have also extended well beyond London. This is not related to the Olympics.

Please also indicate any precautionary measures built into the TfL assessment to deal with the case of London experiencing a 'summer smog' such as in 2003 and/or 2006 e.g. how TfL would deal with the situation where the PM₁₀ daily limit value of 35 Bad Air Days had already been breached in Marylebone Road or Upper Thames Street before the start of the Games.

The purpose of the analysis in the Report was to assess the impacts of the ORN / PRN and associated measures and to understand the differences against a representative year, on a like-for-like basis, that would be likely to result from their operation. The modelling used for the Report uses meteorology for a recent representative year (2008) - in line with conventional practice. It is clear from the analysis that the impact of the Games and the ORN / PRN and associated measures themselves will be minor.

Any smog episode would be likely to arise as a result of increased trans-boundary pollution and / or specific meteorological factors. The matters you raise are clearly extremely important but this is a wider challenge than the impact of the Olympics itself and is a question not just for TfL. We are working with the GLA and central government to seek to minimise the chances of smog or other episodes occurring - although there are clearly many factors beyond our control and influence in this regard - by continuing to deliver the MAQS and also put in place for the Games period additional practicable measures to minimise the potential impacts associated with the Olympics itself as described.

Finally, can you confirm for all locations in Greater London where the limit values apply under EU Directive 2008/50/EC on ambient air quality and cleaner air for Europe:

i. The modelling does not project breaches of the PM₁₀ annual mean value in 2012 with or without the ORN / PRN;

We can confirm that our modelling, of a "Games vs. no-Games scenario" (i.e. on a like for like basis), does not indicate that the ORN / PRN and associated measures will result in a breach of the PM₁₀ annual mean limit value.

ii. The modelling does not project breaches of the PM₁₀ daily limit value in 2012 with or without the ORN / PRN;

We can confirm that our modelling, of a Games vs. no-Games scenario (ie on a like-for-like basis), does not indicate that the ORN / PRN and associated measures will result in a breach of the PM₁₀ daily limit value.

iii. You agree that the ORN / PRN is expected to result in the NO₂ annual mean limit value being exceeded in 2012 having being attained in 2010 and / or 2011;

We do not agree that the ORN / PRN is expected to result in the NO₂ annual mean limit value being exceeded in 2012 or them having been attained in 2010 and / or 2011 since, as noted above, the zone of London is not currently attaining the limit value.

iv. You agree that the ORN / PRN is expected to result in an increase in NO₂ concentrations at places which are breaching the NO₂ annual mean limit value;

According to our modelling, on a Games vs. no-Games scenario (i.e. on a like for like basis), there are far more locations where the effects of the ORN / PRN and associated measures are such as to reduce the level of concentrations, as opposed to increasing them. Approximately 0.4 square kilometres that are currently above the equivalent limit value level for NO₂ will fall to levels at or below that level. Only 0.05 square kilometres will go from below to above the limit value equivalent level.

v. You agree that the ORN / PRN is expected to result in the NO₂ hourly limit value being exceeded in 2012 having been attained in 2010 and/or 2011; and

Again, we do not agree that that the ORN / PRN and associated measures is expected to result in the NO₂ hourly limit value equivalent levels being exceeded in 2012 having been attained in 2010 and / or 2011, since the zone of London is not currently attaining the limit value.

vi. You agree that the ORN / PRN is expected to result in further exceedences of the NO₂ hourly limit value at places which are breaching the NO₂ hourly limit value.

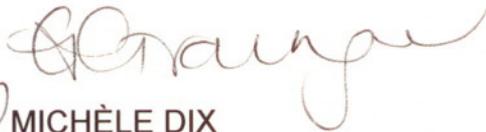
Hourly NO₂ concentrations are highly variable and it is not surprising that an event of the nature and scale of the Games, which affects the disposition of traffic, will result in some changes in this regard. However, the planned mitigation measures will help reduce NO₂ concentrations. For example, these include the retrofitting of additional buses and the deployment of hybrid buses in time for the Olympics. Air quality should actually be slightly improved compared to what it would be in 2012 *without* the Games.

We should be grateful to know whether there will be any further assessment of the details of the report and whether a final assessment will be provided to the Secretary of State and / or other person before a final determination by them of the ORN / PRN and / or Olympic Transport Plan.

The ORN was designated by the Secretary of State in 2009 under the Olympic Route Network Designation Order 2009 (SI 2009/1573). The Olympic Transport Plan was approved by the ODA in 2009 and revised in 2011. We are not aware of any plans by the Secretary of State or ODA to make changes to either document. The Report which was provided to the Secretary of State was prepared by TfL for the purpose of informing the submissions being prepared by the ODA for the making of traffic regulation orders under section 14 of the London Olympic Games and Paralympic Games Act 2006, including submissions for consent from the Secretary of State. TfL does not plan to revise its Report.

However, as the Report mentions, TfL will continue to review its active traffic management to consider the effects the Report highlights and assess whether there are any additional opportunities to further minimise the air quality impacts. TfL and other statutory agencies will also be continuing to monitor air quality and develop the detail of the mitigation and other measures set out in the Report.

Yours faithfully



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