

Our ref: RFI 3591

Date: 11 May 2011

Dear Simon,

REQUEST FOR INFORMATION: REVIEW OF AIR QUALITY MONITORING AND REPORTING FOR GREATER LONDON

Thank you for your request for information about the review of air quality monitoring and reporting in Greater London, which we received on 7 April 2011.

We have interpreted your request for information produced since 1 January 2010 in three parts: firstly for information that will help you understand the detail and possible consequences of a review of air quality monitoring stations in Greater London, secondly due diligence with respect to air quality monitoring stations which may be affiliated to the national monitoring network, and thirdly the potential impact of any decision to remove the Cromwell Road air quality monitoring station from the network. As you know, we have handled your request under the Environmental Information Regulations 2004 (EIRs).

With regard to the first part of your request, you are correct in your understanding that Defra will be conducting the five yearly review of air quality monitoring, as required under Ambient Air Quality Directive 2008/50/EC. This process does not include any review of reporting requirements.

The monitoring review is currently in its very early stages and Helen Ainsworth in her emails dated 22/12/10, 17/01/11 and 02/02/11 has already explained to you the reasons for the review and how it will be carried out and the possible consequences in terms of changes to the national monitoring network. This process is also clearly defined in the directive and will be completed by the end of this year. The review will have no impact on the national monitoring network for air quality in London in 2011. Any amendments to the monitoring network would be implemented from the 2012 reporting year.

No meetings have been held to date with the parties you mention that relate to this information request but a meeting is planned for later this month to review progress with the Devolved Administrations and the Greater London Authority (GLA).

The first part of your request also relates in part to material which is still in the course of completion as the monitoring review has only just begun, and to internal communications relating to those incomplete reports. This information is being withheld as it falls under the exception in Regulation 12(4)(d) of the EIRs, which relates to information which is unfinished or in the course of being completed, and the exception in Regulation 12(4)(e), which involves the disclosure of internal communications.

In applying these exceptions, we have had to balance the public interest in withholding the information against the public interest in disclosure. We recognise that there is a public interest in disclosure of information that informs the future siting of air quality monitoring stations across the capital at a time when certain air quality limits introduced to protect public health are still to be met.

On the other hand, there is a strong public interest in withholding the information because the release of incomplete information may lead to inaccurate conclusions being drawn about the location and viability of monitoring sites. This risks confusing the public and prejudicing the review at a time when we are working to communicate air quality information more clearly. This also risks drawing resources away from the review itself and potentially delaying a process that the Secretary of State has a statutory duty under the Air Quality Standards Regulations 2010 to complete at least every five years.

Therefore, we have concluded that in all the circumstances of the case, the information should be withheld. When the monitoring review is complete later this year, details of the review methodology and outcome and report to the European Commission will be placed in the public domain.

With regards to the second part of your request, any amendments to the monitoring network as a result of the review will be subject to due diligence. If monitoring stations owned by local authorities are recommended to be added to the network (regardless of whether they are near waste sites or not) then correspondence with them would be required to negotiate and put in place an agreement between the two parties to share the facilities for the foreseeable future and ideally for at least the next five years. To this effect due diligence around the sustainability of the station practically and financially would be assessed.

With regards to the third part of your request, should the Cromwell Road station be de-affiliated from the national network then it would be for the local authority to decide whether or not to continue monitoring at that location. The local authority may decide not to replace the monitoring station at all and I attach email correspondence between Defra and the London Borough of Kensington and Chelsea who have recently asked about the future of the station. Please see Annex A to this letter for copyright information.

As we have previously informed you, the current situation with the Cromwell Road site included means our monitoring network does not fully meet the detailed siting criteria of the Directive and therefore changes are likely to be recommended to ensure that our monitoring is compliant. The potential impact of de-affiliating the station will be that we have a compliant monitoring network. We will review site numbers to ensure we have the required number of compliant traffic sites in London.

I also attach an annex (Annex B) giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact me.

Yours sincerely

STUART GIBBONS

Annex A

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Annex B

Complaints

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If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF