Westminster City Council

Exemptions and Retrofit Procedures for the Non Road Mobile Machinery (NRMM) Operating in Westminster City Council

Abbreviations

NO_x**:** Oxides of Nitrogen
PM: Particulate Matter
PN: Particle Number
CoCP: Code of Construction Practice
EST: Energy Saving Trust
Tel: Telmentary
NRMM: Non Road Mobile Machinery
GLA Greater London Authority
TAN Type Approval Number
LEZ Low Emission Zone

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Exemption and Retrofit Policy

1.1 Status of this document

This guidance sets out Westminster NRMM exemption and retrofits policy where equipment is not available to comply with Westminster's specific enhanced NRMM emission standards and zero emission requirements, for equipment operating on construction sites.

This document does not replace the GLA's Exemption and retrofit policy for NRMM operating in London that cannot comply with the current NRMM LEZ requirements, nor does it replace the site managers responsibility to ensure that the NRMM register is updated with all plant that is in scope.

Construction sites that operate NRMM within scope **will be required** to apply through the NRMM register for an exemption or demonstrated that equipment has been retrofitted where NRMM fails to meet the required emission limit as set out by the NRMM LEZ. It is important to note that as part of the compliance monitoring process, there is a requirement for all NRMM plant between 37kW and 560kW to be logged on the NRMM register regardless of whether an exemption is being sought and/or has been granted.

Further information regarding requirements for NRMM operating in London is available at the following website

1.2 Overview

There are many development sites and infrastructure projects operating across the City that operate NRMM, which result in the generation of particles (PM10 and PM2.5) and

Nitrogen Oxides (NOx) from exhaust emissions from onsite and offsite construction machinery. Westminster has designated a borough wide Air quality Management area for both PM_{10} and Nitrogen Dioxide (NO_2) to highlight that concentrations of the pollutants are elevated. Enhanced regulatory control and innovation has resulted in great reductions in measured concentrations of these pollutants although Westminster is committed to working towards achieving the more stringent WHO 2021 air quality guideline levels by 2040 and our recent studies shows that achieving this will be extremely challenging and will require significant changes to council, regional and national Government policy to reach this goal. Westminster Code of Construction Practice therefore sets enhanced emission standards that NRMM needs to achieve as well as the requirement for Zero Emission construction site equipment.

Westminster in requiring zero emission plant is aiming to reduce associated exhaust emissions but it is recognised it will take time for industry to provide sufficient equipment to meet the sites requirements or is not available in sufficient quantities. Where this is the case equipment with the best available emission limit based on the NRMM EU stages.

that The NRMM 'EU stages' are the basis for the NRMM Low Emission Zone (LEZ) emission requirements. The latest emission level varies according to the engine category. These emission levels are deemed appropriate for the given power and application of the engine. This has meant that particular classes of NRMM plant on the market cannot meet these standards because they are not available at the EU stage stated or are available but, in a volume, insufficient to meet Westminster Requirements. Furthermore, options for re-engineering or retrofitting NRMM plant to meet the latest emission stage are sometimes limited owing to safety reasons or cost.

It is therefore necessary to outline a method of assessment for retrofit and exemption eligibility. This secures emission savings without restricting construction activity and growth in Westminster. While compliant equipment is available for the vast majority of uses, there is still a need for retrofitting older machinery to maximize its working life and, in a limited number of cases, especially where retrofitting equipment is not an option or where there are no compliant options, exemptions are still needed.

Enforcement officers undertake regular site visits to check compliance with the NRMM Low Emission Zone and appropriate action will be taken by Westminster if non-compliance is identified.

1.3 Summary of exemptions

Table 1 below provides a summary of exemption categories.

Table 1: Exemption categories

Exemption category	Description	Exemption period
Viability	The NRMM plant is not currently manufactured to meet the zero-emission target or EU stage as stated in the CoCP or there is an insufficient quantity of compliant plant in the UK supply chain for the task, however, it meets the next best available EU stage[1] and retrofit is unviable, following robust consideration.	12 months from date of approval
Short-term	The exemption can be requested in emergency situations for NRMM plant that is on site for a period of no greater than 30 days to account for a range of potential circumstances where equipment is urgently required[2].	30 calendar days from date of registration

1.4 Retrofit Solutions for combustion equipment.

Operators of NRMM plant must check whether the equipment is manufactured to meet the PM and NO_x requirement of the relevant EU stage and if this is not the case, they must robustly consider whether retrofit solutions are available, including a provision of a quote or similar evidence where applicable. This assessment should consider whether it can be installed safely meeting appropriate equipment regulations (i.e. Provision and Use of Work Equipment Regulations) and it is effective at reducing emissions to ensure it meets the relevant EU stage in so far as is practicable. This is with the objective of mitigating both PM and NO_x emissions, for clarification on what pollution reduction is required according to EU stage, please refer to The Energy Saving Trust website.

All retrofitted machines within scope (between 37kW and 560kW) require an exemption. When applying for an exemption, it is vital to enter the original Type Approval Number (TAN) and EU Stage of the engine. This confirms what EU Stage

[1] For example, If there is no viable zero emission equipment available Stage V equipment should be sourced and if it is not manufactured to meet Stage V then it must meet Stage IV as a minimum.
[2] For example if specific plant is required for a specific application and zero emission plant or plant with the required emission limits are viable or not available in the time period exemption can be agreed.

the machine was before the retrofit and provides the option to register for an exemption as a retrofit.

In order for the exemption to be considered, a retrofit installation certificate which confirms the new emission levels for the machine needs to be uploaded onto the NRMM Register and provided to WCC to form the evidence base.

1.5 Register of retrofit solutions and suppliers

To ensure that robust and high-quality retrofit technologies are used, only retrofit systems produced by manufacturers registered with the Energy Saving Trust (EST) will be eligible for consideration. The EST register that lists emission reduction systems for NRMM can be found on The Energy Saving Trust website.

Retrofit equipment is required to have been tested to the relevant ISO:8178 test cycle(s) and include ongoing telemetry once installed to maintain emissions reductions. The EST register is a certification scheme that ensures retrofit solutions have demonstrated required reductions in pollutants and that criteria in the areas of quality management, warranty and appropriate insurance provision have been met in respect of the supplier. When a company has demonstrated compliance with the requirements of the scheme, it is eligible to use the EST Endorsed Product mark on its product and marketing literature. More information can be found at: The Energy Saving Trust website

1.6 Other Viability Reasons

Westminster anticipates that a retrofit solution could be installed on the majority of NRMM plant. However, an exemption will be given in those instances where retrofit is demonstrated to be unviable. When applying for an exemption because the operator is unable to source compliant machinery, and no retrofit solutions are available, they must provide evidence to demonstrate why an exemption is being requested.

If a viability exemption is granted for the time limited period, However, once the exemption period expires, a new exemption request will need to be sent to Westminster to account for any changes in the availability of compliant equipment and retrofit technologies. Exemptions will not be automatically renewed.

1.7 Short-term exemption

The short-term exemption recognises a range of potential circumstances, including emergencies where equipment is urgently required.

Under such circumstances, you must apply for a short-term exemption and provide evidence to demonstrate why an exemption is being requested.

If the exemption is granted, it will be valid for 30 calendar days, and once the period has expired, it cannot be renewed simply by moving a piece of equipment from one site to another and then back again. If required in the future a further application will be required.

This stipulation does **not** mean that equipment on site for fewer than 30 days is not required to be registered, comply with NRMM standards or apply for an exemption. **All** in-scope machinery on site for any length of time must be included on the register and an exemption request should be submitted with appropriate evidence to support the case.

A short-term exemption may also be granted where a site operator can demonstrate that a suitable retrofit solution has been ordered for the equipment but has not yet been fitted. Once the retrofit solution is fitted the site operator should then apply for a long-term exemption for the equipment.

1.8 Applying for an exemption to comply with WCC requirements.

Applications for an exemption must be submitted to your named site officer at Westminster, on or before its arrival on site. Once a piece of equipment is registered that does not meet the correct emission standard as set by Westminster CoCP, the form will flag it up as non-compliant and give you the option to apply for an exemption. The exemption form uses the details already entered in the register (site and contact details, NRMM details etc.) with a freeform field and document upload function for the specific exemption request, which is then sent to the GLA.

Exemption requests will be reviewed by the GLA, in keeping with the principles adopted in this policy statement, typically within 10 working days. The GLA's decision is final. If an application is rejected then a grace period of five working days will apply, from date of notification, whereby the NRMM plant must then be removed from the site.

If an application is approved, then the NRMM plant is exempt as per the period outlined in Table 1 above.

If insufficient information is provided to make a judgement on the merit of an exemption request, then that request will be rejected with a direction to provide more details.