

Ms Kay Sully
The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

By email only

Our Ref: 27102/A3/BL/D5/110219
11th February 2019

Dear Kay,

The Planning Act 2008
The Infrastructure Planning (Examination Procedure) Rules 2010
Application by Horizon Nuclear Power for an Order Granting Development Consent for the Wylfa Newydd Nuclear Power Station (Ref: EN010007)

Response to Examination Deadline 5

Please find enclosed the submissions for Deadline 5 on behalf of North Wales Police (NWP). These include the following:

- North Wales Police response to Examining Authority's Further Written Questions
- Updated Section 106 Heads of Terms Required by North Wales Police for Wylfa Newydd Nuclear Power Station (Doc Ref: WN_NWP_HOT_R4)

In addition to the enclosed submissions, we set out below an update on the progression of current dialogue undertaken between NWP and the Applicant in relation to the impact of the proposed development on their operational duties and the mitigation required in response.

The enclosed submissions and the content of this letter relate solely to on-going negotiation between NWP and the Applicant. Alongside this, however, NWP, North Wales Fire and Rescue Service (NWFRS) and the Welsh Ambulance Service NHS Trust (WAST) have continued to discuss the establishment of a joint consultation body for the approval of plans and strategies secured through the DCO. The body would involve NWP, NWFRS and WAST, be referred to as the Emergency Services Engagement Group (ESEG), and be based on terms of reference secured in the section 106 agreement being prepared by Horizon Nuclear Power. To provide the Examining Authority with an update on the ESEG, a joint letter has been prepared on behalf of the group and is being submitted to the Examination under separate cover for Deadline 5.



Registered in England
Number: OC342692

Barton Willmore LLP
Registered Office:
The Blade
Abbey Square
Reading
RG1 3BE
F/ +44 (0)118 943 0001

Current Position between NWP and the Applicant

On 24th January 2019, NWP met with the Applicant to discuss the Police Impact Assessment (submitted by NWP at Deadlines 2 and 3) and the proposed provisions in relation to DCO control documents. The meeting was split into two parts – the first session focused on the Police Impact Assessment (PIA) and the work undertaken by Gore Associates, on behalf of HNP, to review the PIA, with the second part focussing on the approach to the approval and control of DCO plans and strategies. The SoCG was also discussed at that meeting.

During the second part of the meeting, the Applicant advised that following the recent announcements in respect of Hitachi, the approach taken to control documents, schemes and management plans within the DCO was in the process of being amended. A verbal overview of the amended approach was provided by HNP and it was confirmed that further detail would be provided through the submission of revised documents, including the CoCP, at Deadline 5. In light of this, NWP requested draft copies of the revised plans and strategies to be provided in advance of Deadline 5 as it would not be in a position to provide comments or progress the draft SoCG without first having been able to review the Applicant's Deadline 5 submissions.

The Police Impact Assessment

HNP has commissioned consultants (Gore Associates) to review the PIA prepared and submitted to the Examination by NWP. At the meeting on 24th January 2019, HNP and Gore Associates presented initial findings on the PIA and highlighted areas of disagreement – particularly in relation to the data and methodology used, and subsequent conclusions drawn. It became apparent at the meeting that some of the data that Gore Associates had secured was incorrect and NWP has subsequently provided Gore Associates with the same data sets that it used in its PIA.

Subsequent to the January meeting, NWP has maintained dialogue with Gore Associates but has yet to receive and formal written critique of the PIA. NWP has received verbal confirmation from HNP that this will be submitted at Deadline 5. NWP has taken the opportunity to review the presentation given by Gore Associates at the meeting, and has provided HNP with additional data.

NWP understand that the Gore Associates presentation included a revised operating model and staff numbers which sought to challenge the NWP PIA. However, it was apparent to NWP that the Applicant's advisors had failed to fully understand how NWP arrived at its conclusions, and subsequently did not provide justification, rational or evidence for the alternative findings presented. To assist the review process, NWP have provided further clarification on the PIA and this was shared with HNP and Gore Associates on 4th February 2019. This clarification included an explanation of the resource models used to translate the change in crime, incident and calls into resources. The key points are summarised below.

The NWP resource models are used to translate the demand increase into resource requirements to inform budget setting and are the evidence base for making changes to:

- Resource numbers. The models are built using tools from a software/consultancy company which are employed by many police forces across England and Wales, and are based on extensive deployment, investigative and resource data collated from multiple force systems, as well as information collated through staff surveys and workshops.
- The resource model for Local Policing Services reflects the officer and PCSO demand generated by being dispatched to incidents, additional investigative demand which comes from crime and

non-crime occurrences, and demand from unplanned events (such as scene guards). The model also reflects requirements for proactive activity such as mobile patrol and current abstraction rates.

- The projected increase in incidents and crime have been passed through the resource model in terms of increased dispatched incidents and investigative workload, keeping all other inputs equal, and the additional resources required calculated from the totality of that demand.
- The NWP method employs an unbiased demographic of population in order not to stereotype the workforce. It treats the additional resident population from the Wylfa development as a typical population based on populations within Wales. Its method does not assume the associated crime and incident rate will be higher or lower based on the unique demographics of the workforce. This is to specifically prevent the introduction of factors with greater uncertainty which could potentially skew the findings.
- The NWP resource models used are based on current “as is” demand, this includes demand from the transient tourist population on Anglesey which is reflected in the resourcing model for the area and therefore separated from the additional demand expected from the proposed permanent population increase.

As part of the review process, NWP has also considered the financial perspective of Gore Associates’ presentation slides.

During the meeting, Gore Associates stated their view that HNP is only responsible for contributing to any functions/resources required to mitigate the development impact that are over and above “Core Policing Duties” in accordance with Section 25 of the 1996 Police Act. It is important to explain that Gore Associates has not understood the purpose of the planning process, which is to provide mitigation that is required to necessarily and reasonably mitigate the impact of any scheme. This is a separate methodological process from section 25 of the 1996 Police Act. In addition, in relation to cost recovery HNP’s proposal was to apply the NPCC (National Police Chiefs Council) Guidelines on Charging for Police Services methodology on a Full Economic Cost Recovery basis.

Having reviewed its PIA, NWP believe that the approach proposed by Gore Associates could simplify the assessment methodology and also ensure a consistency of approach between both parties. As such, NWP would be willing to apply the Full Economic Cost Recovery basis proposed to fully account for the costs associated with support functions including:

- Force Control Centre
- Managed Response Unit
- Investigation Support Unit
- Administration of Justice
- Programme Management & Support
- Training

It is anticipated that the impact of the approach would be to reduce the overall full time equivalent posts (FTE) required to mitigate the impacts of the proposed development. This will then focus all subsequent decisions on appropriate resourcing levels for four key areas, which will aid all parties given the time constraints of the Examination:

- Local Policing Services – Response, Neighbourhood Policing, Local CID
- Roads Policing/Commercial Vehicle Unit
- Operational & Emergency Planning
- Crime Services

NWP has suggested to HNP that it would be willing to accept the methodology (as proposed by Gore Associates) for charging purposes. However, NWP has yet to receive confirmation from HNP that this would be acceptable. NWP has also offered to re-run its assessment model with data provided by Gore Associates if that would be of assistance. NWP await further contact from HNP and Gore Associates to progress these matters.

As yet, NWP has received no specific response, or detail from HNP, in relation to the Road Policing Unit assessment. This element is entirely lacking and was not therefore able to be discussed in the meeting that took place on 24th January 2019.

At the conclusion of the presentation by Gore Associates, HNP advised that their assessment work has identified a financial contribution of circa £6m would be required to mitigate the impact of the proposed development on police services. This is considerably less than the PIA identified would be necessary to be secured as a planning obligation and was absent any consideration of the Road Policing Unit assessment. In light of the significant difference that remains between the parties, it is critical that HNP's response to the PIA is issued urgently to allow negotiations to continue, as failing to agree an appropriate quantum of contribution could have a detrimental effect on public safety. NWP also note that, to date, all that has been provided by Gore Associates is an outline PowerPoint slide presentation. This did not contain any detail, or explanation, as to how the financial contribution of £6m was reached through modelling. It has now been over two months since the original assessment relating to police resourcing need was submitted and, prior to that, ongoing engagement had been taking place between NWP and HNP.

It is also important to point out, at this stage in the process, that fairness for all parties is completely paramount. The ability of the Applicant to negotiate funds adequate for the purpose of mitigating the scheme should not be diminished, or less practical, or possible, simply due to the financial uncertainty and delivery of the Wylfa Newydd project. Neither should terms be negotiated purely on the basis of trying to make a project more attractive for a potential funder or purchaser. This is not the purpose of the Examination process.

Statement of Common Ground between NWP and HNP

Following the meeting on 24th January 2019, a tracked change version of the SoCG was issued to NWP by HNP. The tracked change version was issued on 30th January 2019, and HNP requested comments were provided by NWP by 1st February 2019. HNP then intended to issue a final version of the SoCG for NWP agreement on 11th February 2019. In light of the fact that the SoCG (and the s106 agreement) is entirely dependent on the outcome of the on-going dialogue with Gore Associates, NWP is not in a position to comment on, or agree to, the latest draft SoCG until HNP's response to the PIA has been received. NWP was advised at the meeting on 24th January 2019 that HNP's response to the PIA would be submitted at Deadline 5 on 12th February 2019. HNP has requested that NWP provide its final comments on the final SoCG by 14th February to allow the final document to be prepared for submission at Deadline 6. This is simply not enough time for NWP to review the Deadline 5 submissions and then provide comment on the SoCG.

Approach taken to control documents, schemes and management plans within the DCO

As stated earlier, at the 24th January meeting, HNP advised that the approach being proposed for control documents, schemes and management plans within the DCO was being amended. It was confirmed that this would result in new requirements being included within the draft DCO and new management plans being proposed, e.g. the Abnormal Indivisible Load Management Plan. HNP also confirmed that the WNMPOP had been discarded and, as was requested by NWP, an Emergency Services Engagement Group was proposed (based on terms to be set out in the draft DCO s106). However, at the time of the meeting, no updated drafts were available for review.

On Friday 1st February 2019, HNP issued a revised draft Workforce Management Strategy to NWP and requested comments were provided by close of business on Monday 4th February 2019. Whilst NWP appreciates the draft being issued for comment, the timescales were not achievable. The reason given for the tight timeframe was to allow HNP to try to consider and incorporate any minor changes before the document was submitted at Deadline 5 on 12th February. This effectively gave NWP less than 2 working days to review and comment on the document whilst providing HNP with 5 working days to review NWP's comments. HNP did invite further comments beyond the 4th February (up until 14th February), in order that they could be considered and the document as appropriate for submission at a later deadline (the indication was that this would be Deadline 7).

On 5th February 2019, HNP issued NWP with updated drafts of the following:

- Code of Construction Practice;
- Code of Operational Practice; and
- Sub-Codes of Construction Practice for:
 - A5025 Off-line Improvements;
 - Logistics Centre;
 - Park & Ride (Dalar Hir);
 - Marine Works;
 - Off-site Power Station Facilities; and
 - Power Station Main Site.

These comprised track changes from the previous versions submitted at Deadline 2. HNP requested that NWP provided comments on the draft documents by 13th February. However, HNP also advised that as the draft documents had been issued prior to the completion of the internal governance process, the text provided to HNP may be amended for the versions submitted at Deadline 5.

The interaction of the various plans and requirements proposed by the Applicant as a means of securing the delivery of an appropriate form of development and any required mitigation is a key area of concern for NWP. NWP needs to ensure all plans and strategies which may impact on its statutory functions are adequately secured and the changes that NWP expected to see in the next revision of the draft DCO were set out in their Deadline 4 submission. In light of the fact that the approach to control documents has been amended but full details of those amendments and the mechanisms of control in the DCO will not be available until Deadline 5, NWP do not consider that they have the required detail to be able to comment on draft documents in advance of Deadline 5.

The current pressure being placed on NWP by HNP to review and respond to revised draft documents has been compounded by the recent commercial developments with respect to the project, which has now meant that NWP is no longer receiving assistance from HNP with respect to resourcing. This has placed NWP in an unfair position and the recent project uncertainty has therefore prejudiced NWP as an interested party. NWP has been forced to re-evaluate its role in the process and to identify and release additional resource -from the public purse - to allow its team to continue to be engaged with the DCO, and ensure the development does not have a detrimental impact on policing in Anglesey and north Wales.

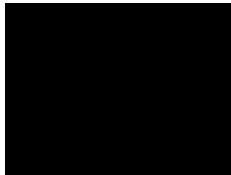
NWP has always undertaken a reasonable and proportionate assessment of impacts upon the force. NWP wants to engage with parties and want to ensure that they can actively manage and police the North Wales area to ensure community safety and the prevention of crime and disorder. NWP has made its position in relation to the control documents and the SoCG clear to HNP and has advised that the final SoCG is unlikely to be ready for submission to the Examination by Deadline 6.

To confirm, NWP will be attending the Issue Specific Hearing on the DCO on 4th March 2019. As with previous ISHs, NWP will require three seats at the Hearing Session.

We trust that this update on progress is helpful and provides the Examining Authority with a clear understanding of the current position. NWP is keen to work with HNP to resolve the differences between them and to be fully engaged in the DCO Examination process. However, at this time, sufficient detail has yet to be made available to allow this. We are hopeful this will change after Deadline 5.

Should you have any queries, please do not hesitate to contact me.

Yours sincerely,



Ben Lewis
Infrastructure & Energy Director

cc. James Davies – North Wales Police
 Jennifer Holgate – Womble Bond Dickinson