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Subject: Proposed Development Consent Order at Wylfa Newydd - Additional pre-hearing submission from NWP [WBDUK-AC.FID27109485]
Date: 01 March 2019 16:30:16
Attachments: [imagea66e2d.PNG](#)
[image2fd55f.PNG](#)
[imagebe1876.PNG](#)
[1 March PINS cover letter.pdf](#)
[DOC_154545329\(3\)_Annex_1_Comments on the revised DCO S106 Agreement an....pdf](#)
[DOC_154551260\(1\)_Annex_2_Updated Schedule of Plans & Strategies requir....pdf](#)
[DOC_154550639\(2\)_Annex_3 Comparative Analysis of Police Impact Assessme....pdf](#)

Dear Kay

On behalf of North Wales Police, I am pleased to enclose a status update in advance of next week's hearings as promised at Deadline 6.

I look forward to hearing from you with confirmation of receipt of this submission.

Kind regards

Kate

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Annex 3: Comparative Analysis of Police Impact Assessments by North Wales Police and Gore Associates (on behalf of Horizon Nuclear)



North Wales Police Police Impact Assessment				Gore Associates Review of North Wales Police Impact Assessment (submitted at Deadline 5)	
Function	Methodology Applied	Method for Phasing of Resources required by Year	Resource Requirement (at peak)	Methodology Applied	Resource Requirement (at peak) Based on Estimated data (para. 1.4.39)
a) Local Policing Services - Response, NPT and Local CID	Demand & Capability Unit Resource Allocation Modelling overlaid by Western Senior Management Team Professional Judgement with regards Management and Supervision levels Model based on population within Anglesey and North Gwynedd and accounts for transient population and uses a robust demographic profile.	Workforce Numbers (non-home based)	17 (Resource Model = 11 Prof Judgement = 6)	Unknown how final number is reached but report states it does not include transient population demand and is based on current population of Anglesey and North Gwynedd	6
b) Custody	Demand & Capability Unit - Custody Resource and Arrests modelling. Current detention and occupancy rates considered.	Workforce Numbers (non-home based)	1	Average occupancy rate considered with conculsion reached through "common sense"	0
c) Operational and Emergency Planning	Professional Judgement and dialogue with the Hinkley Point Project and Avon and Somerset Police (A&SP)	Workforce Numbers (non-home based) and Construction Phase	2	Assumption of current NWP workload and responsibilities and strong belief of required recommended resource	1
d) Road Policing Unit - RPU and Commercial Vehicle Unit	Coverage and demand. Service Area Review undertaken by RPU with resourcing based on modelling of Road Infrastructure Capacity and Resilience based on HGV and Workforce movements impacting upon A55 corridor, Gwynedd and Isle of Anglesey overlaid by analytics on Collisions, Drug/Drink Driving, Collisions etc. The Commercial Vehicle Unit who would ensure the compliance of heavy goods vehicles associated with the build.	Vehicle Movements, Workforce Numbers and Construction Phase	26	Methodology Unknown "Para. 1.4.27 - On the information provided by North Wales Police it is not possible at the present time to fully consider the impact assessment or consider an alternative model". However, notwithstanding the statement made at para. 1.4.27, Gore Associates have provided a resource number within their report. It is unclear how this resource figure has been calculated.	2
e) Force Control Centre	Demand and Capability Unit Call Modelling proposes at peak a 1.9% increase in calls, with corresponding increase in budgeted establishment applied	Workforce Numbers (non-home based)	2	An example of a model is given at para. 1.4.18 but it has not been applied.	0
f) Managed Response Unit	Population at peak increases by 1% with uplift applied to units current budgeted establishment. Includes demand created by transient population	Workforce Numbers (non-home based)	0.5	A suggested formula is presented at para. 1.4.12 but it has not been applied	0
g) Investigation Support Unit	Population at peak increases by 1% with uplift applied to units current budgeted establishment. Includes demand created by transient population	Workforce Numbers (non-home based)	0.5	A suggested formula is presented at para. 1.4.12 but it has not been applied	0
h) Crime Services	Population at peak increases by 1% with uplift applied to units current budgeted establishment and one post for proactive elements Includes demand created by transient population	Workforce Numbers (non-home based)	5	A suggested formula is presented at para. 1.4.12 but it has not been applied	1.25
i) Administration of Justice	Population at peak increases by 1% with uplift applied to units current budgeted establishment. Includes demand created by transient population	Workforce Numbers (non-home based)	1	A suggested formula is presented at para. 1.4.12 but it has not been applied	0
j) Programme Management and Support	Professional Judgement	Vehicle Movements, Workforce Numbers and Construction Phase	2	Gore reports states that data on department is not available. Data has not been requested by Gore associates from NWP.	0
k) Training	Aligned to recruitment of Staff and Officers	Based on officers numbers and training requirements	2	Not accounted for	0



Annex 2: Updated Schedule of Plans and Strategies requiring NWP/ESEG involvement

WYLFA NEWYDD NUCLEAR POWER STATION

SCHEDULE OF PLANS AND STRATEGIES: NWP UPDATE 1 MARCH 2019

Plan/Strategy	Current Position as Drafted in the DCO and S106 (based on DL5 draft DCO – REP5-003 and Section 106 agreement DL6 draft REP6-004)	1 st March Update from NWP
Wylfa Newydd Code of Conduct	<p>DCO</p> <p>Requirement PW8 secures compliance with the Workforce Management Strategy and requires a Code of Conduct to be prepared in accordance with the Workforce Management Strategy.</p> <p>This Code of Conduct must be sent to NWP prior to commencing for development for information.</p> <p>If revisions are made to the Code of Conduct a copy must be sent to IACC at least two months in advance of such revisions taking effect.</p> <p>S106</p> <p>n/a</p>	<p>NWP welcomes the amendment to PW8 to require the Code of Conduct to be submitted to NWP (under PW8(3)) prior to the commencement of construction.</p> <p>NWP are now content that approval of the Code of Conduct as appended is no longer required and welcome the revised wording. Nonetheless, given the status of the revised document and NWP's clear interest in it, PW8(4) also needs to be amended in order to ensure that NWP or ESEG are sent and consulted upon any future revisions to the Code of Conduct. It is not adequate that revisions to the code are merely circulated for information.</p>
Supplier Code of Conduct	<p>DCO</p> <p>The Code of Conduct now applies to suppliers, so this is covered by PW8.</p> <p>S106</p> <p>n/a</p>	<p>NWP consider that the revisions made to the Workforce Management Strategy now address previous concerns raised. It should be noted however that change management is paramount and NWP do require future involvement on any future changes made to the Code of Conduct, which should be explicitly stated at requirement PW8(4).</p>
Protest Management Strategy	<p>DCO</p> <p>This plan is now secured by WN1.</p> <p>HNP must submit this strategy to IACC for approval prior to commencing development.</p> <p>The strategy must be approved by IACC in consultation with NWP and construction must be in compliance with this strategy unless otherwise approved by IACC in consultation with NWP.</p> <p>S106</p> <p>Schedule 9 paragraph 4.4.2 states that the ESEG will work with the Developer to develop the Protest Management Strategy as defined by the DCO and required in accordance with the DCO requirement.</p>	<p>NWP welcomes the amendment of WN1 (new sub-sections 3 - 6) and the inclusion of NWP as a consultee. NWP also supports the requirement for the approval of the strategy prior to the commencement of development and the need for further written approval (by IACC in consultation with NWP) if any changes are made to the strategy post-construction.</p> <p>At present however the Protest Management Strategy is limited to the main site and it clearly needs to apply to the entirety of the Order Limits. Whilst protest is more likely to take place near, or in proximity to, the nuclear power station itself, protest events could occur across different aspects of the proposed development and this must be appropriately managed.</p> <p>WN1(3) states that the strategy "must be submitted to the discharging authority identified in Part 2 of Schedule 21 for approval", however, Part 2 of Schedule 21 lists the relevant consultees not the discharging authority. This sentence is unclear at present and should be reworded to state "the scheme identified in Part 2 of Schedule 21 must be submitted to the discharging authority for approval".</p> <p>NWP submits that the appropriate consultee would be the ESEG and not simply NWP, subject to the constitution of ESEG (this is dealt with further in Annex One: Summary comments on the revised DCO s106 agreement).</p> <p>NWP also notes the inclusion of wording within the DCO S106 at paragraph 4.4.2 or Schedule 9, which clarifies the ESEG will "work with" HNP to develop the Protest Management Strategy. Whilst engagement on this issue is welcomed, as clearly stated in previous submissions, NWP require a form of approval of principles, not simply consultation, on such an important document. NWP has, in that regard, previously provided more detailed drafting to HNP, which sets out a mechanism for NWP to approve certain plans prior to their being discharged by the relevant planning authority, including the Protest Management Strategy. This wording needs to be incorporated and incorporated within the Section 106 Agreement and corresponding Deed of Covenant. The wording provided to HNP is</p>



Plan/Strategy	Current Position as Drafted in the DCO and S106 (based on DL5 draft DCO – REP5-003 and Section 106 agreement DL6 draft REP6-004)	1 st March Update from NWP
		<p>contained within Annex One.</p> <p>Finally, in relation to future change management, it is imperative that the role of ESEG is properly defined within the DCO S106 and documented, in order to ensure that there is a firm commitment to have regard to, and implement where reasonable, the recommendations of ESEG as to future changes made to documentation, only to the extent that they affect the future.</p>
Community Safety Management Strategy	<p>DCO</p> <p>This plan is now secured by PW7.</p> <p>HNP must submit this strategy to IACC for approval prior to commencing development.</p> <p>The strategy must be approved by IACC in consultation with NWP and construction must be in compliance with this strategy unless otherwise approved by IACC in consultation with NWP.</p> <p>S106</p> <p>Schedule 9 paragraph 4.4.3 states that the ESEG will agreed the content of the Community Safety Management Strategy (in accordance with the equivalent DCO requirement and CoCP) which will include monitoring against community safety indicators, including data on anti-social behaviour and crime which may propose changes to practical ways of working. ESEG must also liaise with the Health and Wellbeing Engagement Group in agreeing the content of the Community Safety Management Strategy as it relates to health and care sector staffing.</p>	<p>NWP welcomes the amendment of PW7 (new sub-sections 2 - 5) and the inclusion of NWP as a consultee. NWP also supports the requirement for the approval of the strategy prior to the commencement of development and the need for further written approval (by IACC in consultation with NWP) if any changes are made to the strategy post-construction.</p> <p>WN1(3) states that the strategy “must be submitted to the discharging authority identified in Part 2 of Schedule 21 for approval”, however, Part 2 of Schedule 21 lists the relevant consultees not the discharging authority. This sentence is unclear at present and should be reworded to state “the scheme identified in Part 2 of Schedule 21 must be submitted to the discharging authority for approval”.</p> <p>NWP submits that the appropriate consultee would be the ESEG and not simply NWP, subject to the constitution of ESEG (this is dealt with further in Annex One: Summary comments on the revised DCO s106 agreement).</p> <p>NWP also notes the inclusion of wording within the DCO S106 at paragraph 4.4.2 or Schedule 9, which clarifies the ESEG will “agree with” NWP the content of the Community Safety Management Strategy. Whilst this revised wording is very much welcomed, as clearly stated in previous submissions, NWP require a form of approval of principles, not simply consultation, on such an important document. NWP has, in that regard, previously provided more detailed drafting to HNP, which sets out a mechanism for NWP to approve certain plans prior to their being discharged by the relevant planning authority, including the Community Safety Management Strategy. This wording needs to be incorporated and incorporated within the Section 106 Agreement and corresponding Deed of Covenant. The wording provided to HNP is contained within Annex One.</p> <p>Finally, in relation to future change management, it is imperative that the role of ESEG is properly defined within the DCO S106 and documented, in order to ensure that there is a firm commitment to have regard to, and implement where reasonable, the recommendations of ESEG as to future changes made to documentation, only to the extent that they affect the future.</p>
Traffic Incident Management Plan	<p>DCO</p> <p>This plan is now secured by WN1.</p> <p>HNP must submit this strategy to IACC for approval prior to commencing development.</p> <p>The strategy must be approved by IACC in consultation with NWP and construction must be in compliance with this strategy unless otherwise approved by IACC in consultation with NWP.</p> <p>S106</p> <p>Schedule 9 paragraph 4.4.2 states that the ESEG will work with the Developer to develop the Traffic Incident Management Plan as defined by the DCO and required in accordance with the DCO requirement.</p>	<p>NWP welcomes the amendment of PW7 (new sub-sections 2 - 5) and the inclusion of NWP as a consultee. NWP also supports the requirement for the approval of the strategy prior to the commencement of development and the need for further written approval (by IACC in consultation with NWP) if any changes are made to the strategy post-construction.</p> <p>WN1(3) states that the strategy “must be submitted to the discharging authority identified in Part 2 of Schedule 21 for approval”, however, Part 2 of Schedule 21 lists the relevant consultees not the discharging authority. This sentence is unclear at present and should be reworded to state “the scheme identified in Part 2 of Schedule 21 must be submitted to the discharging authority for approval”.</p> <p>NWP submits that the appropriate consultee would be the ESEG and not simply NWP, subject to the constitution of ESEG (this is dealt with further in Annex One: Summary comments on the revised DCO s106 agreement).</p> <p>NWP also notes the inclusion of wording within the DCO S106 at paragraph 4.4.2 or Schedule 9, which clarifies the ESEG will “work with” NWP on developing the Traffic Incident Management Plan. Whilst this revised wording is very much welcomed, as clearly stated in previous submissions, NWP require a form of approval of principles, not simply consultation, on such an important document. NWP has, in that regard, previously provided</p>



Plan/Strategy	Current Position as Drafted in the DCO and S106 (based on DL5 draft DCO – REP5-003 and Section 106 agreement DL6 draft REP6-004)	1 st March Update from NWP
		<p>more detailed drafting to HNP, which sets out a mechanism for NWP to approve certain plans prior to their being discharged by the relevant planning authority, including the Traffic Incident Management Plan. This wording needs to be incorporated and incorporated within the Section 106 Agreement and corresponding Deed of Covenant. The wording provided to HNP is contained within Annex One.</p> <p>Finally, in relation to future change management, it is imperative that the role of ESEG is properly defined within the DCO S106 and documented, in order to ensure that there is a firm commitment to have regard to, and implement where reasonable, the recommendations of ESEG as to future changes made to documentation, only to the extent that they affect the future.</p>
Health & Wellbeing Strategy	<p>DCO</p> <p>The preparation of a strategy is not currently being proposed by HNP.</p> <p>S106</p> <p>HNP have submitted that the mitigation is secured throughout the DCO S106.</p> <p>Safeguarding is referenced as follows:</p> <p>Schedule 5 paragraph 5.2 – Accommodation officers must monitor and manage via engagement with the WAMS Oversight Board and with the Developer the placement of non-home based members of the Workforce to ensure that placement with vulnerable persons is avoided and other Safeguarding measures are appropriately considered.</p> <p>Schedule 6 paragraph 4.3.2 – the Education (Contingency) Fund may be used for funding associated support services for Local Schools or state schools operating in Gwynedd or Conwy in respect of matters relating to Safeguarding.</p> <p>Schedule 8 paragraph 6.4 – the roles of the Health and Wellbeing Engagement Group include Safeguarding vulnerable adults and children.</p> <p>Schedule 13 – the role of Community Involvement Officers in Support the Council and associated services in terms of Safeguarding matters arising from the Wylfa Newydd DCO Project (paragraph 1.3.14)</p>	<p>Health and Wellbeing is referenced in various mitigation measures throughout the DCO S106. Whilst NWP are content to accept that a general Health and Wellbeing Plan is not required, NWP (amongst other parties) must be involved in the safeguarding of vulnerable adults and children. Safeguarding forms a core policing duty of NWP and has specific responsibilities for ensuring that safeguarding is implemented effectively.</p> <p>Implementation of safeguarding is a multi-agency approach and NWP play a key role in safeguarding. NWP suggest that wording is included in the DCO S106 so that any safeguarding issues are referred to the North Wales Safeguarding Board (NWSB) to review. The NWSB may provide reasonable recommendations and provide advice on the release of any funds.</p> <p>In the event that it is not agreed that the NWSB are the appropriate body (albeit NWP would not support this view), then a mechanism is required to ensure that NWP are referred to and consulted as advisor on matters pertaining to safeguarding where it arises in the DCO S106.</p>
Wylfa Newydd Code of Construction Practice (CoCP)	<p>DCO</p> <p>This will be a certified document and compliance is secured through requirement PW7. Any changes to the CoCP must be approved by IACC in consultation with NRW.</p> <p>S106</p> <p>Schedule 7 paragraph 5 requires results of traffic monitoring undertaken in accordance with section 5.10 of the CoCP to be provided to the Transport Engagement Group.</p>	<p>NWP welcomes the amendments to PW7, however, it is NWP's view that it is critical that the CoCP itself is subject to approval by IACC, in consultation with NWP / ESEG prior to the commencement of development. The document in its current submitted form is simply not detailed enough. Equally, the requirement needs to be clearer on the consultation and approval process should any changes be proposed to the CoCP post-commencement of construction.</p> <p>A critical point for NWP relates to the quality of the traffic monitoring data provided to ESEG. Such data at present is not the raw data, it is simply an analysis or interpretation of the data – put another way, it is secondary information based on the data provided. This is simply unacceptable. NWP require the data to be presented in unbiased and proper format for analysis. This needs to be made explicitly clear on the face of the CoCP.</p> <p>NWP understands that a further revised CoCP is due to be submitted at Deadline 7 and reserves its position to comment further until that point.</p> <p>It is NWP's position that the DCO S106 should address ESEG's role in being consulted upon, and providing into any changes to the CoCP. NWP has therefore provided more detailed drafting to HNP which sets out a mechanism for NWP to approve certain plans including the CoCP. A response is yet to be received on this drafting.</p>

Plan/Strategy	Current Position as Drafted in the DCO and S106 (based on DL5 draft DCO – REP5-003 and Section 106 agreement DL6 draft REP6-004)	1 st March Update from NWP
Wylfa Newydd Code of Operational Practice (CoOP)	<p>DCO This will be a certified document and compliance is secured through requirement WN10. Any changes to the CoCP must be approved by IACC.</p> <p>S106 n/a</p>	NWP has no further comments to make at this time.
Sub codes of Construction Practice for associated developments (sub-CoCPs)	<p>DCO This will be certified documents and compliance is secured through requirements WN1, WN17, WN24, OPSF1, PR1, LC1 and OH1. Any changes to the sub-CoCPs must be approved by IACC (or NRW for the marine sub-CoCP).</p> <p>S106 n/a</p>	NWP understands that further revised sub- CoCPs are due to be submitted at Deadline 7 and reserves its position to comment further until that point.
Workforce Management Strategy	<p>DCO Requirement PW8 secures compliance with the Workforce Management Strategy and any changes to the Workforce Management Strategy must be approved by IACC in consultation with NWP.</p> <p>S106 n/a</p>	<p>NWP is generally agreeable to the Workforce Management Strategy submitted at DL5 and has no further comments to make on its content.</p> <p>NWP welcomes the revisions to PW8: Workforce Behaviour, which require any post-consent changes to the WMS to be agreed in writing with IACC, in consultation with NWP.</p> <p>Please see NWP's comments made in relation to the Code of Conduct, which apply here.</p>
Operational Travel Strategy	<p>DCO No standalone strategy is proposed. This strategy forms part of the CoOP and therefore compliance is secured through requirement WN10.</p> <p>S106 n/a</p>	NWP maintains its position as set out at DL4 that the detail set out in the CoOP is too high level and a separate detailed Operational Travel Strategy should be prepared in accordance with the principles in the CoOP prior to the start of the operational period. There should be a requirement in the DCO to submit a standalone strategy and to secure compliance with the strategy.
Construction Traffic Management Strategy	<p>DCO No standalone strategy is proposed. This strategy forms part of the CoCP and sub-CoCPs and therefore compliance is secured through requirement PW7, WN1, WN17, WN24, OPSF1, PR1, LC1 and OH1.</p> <p>S106 n/a</p>	NWP maintains its position as set out at DL4 that there should be a requirement in the DCO to submit a standalone Construction Traffic Management Strategy, which accords with the principles in the CoCP prior to commencement of development. There is not enough detail within that document at present for a development of this size and scale.
Workforce Accommodation Strategy	<p>DCO No standalone strategy is proposed.</p> <p>S106 The obligations have been translated into legal commitments in the DCO S016.</p>	NWP note that the DCO S106 still refers to a Workforce Accommodation Strategy in Schedule 5 paragraph 3.3. If a standalone strategy is not being prepared, this reference needs removing. If it is being prepared, NWP maintains its position as set out at DL4 that the DCO S106 does not expressly secure compliance with the Workforce Accommodation Strategy. It needs to be properly defined and also secured by way of a requirement in the DCO.
Workers Accommodation Portal	<p>DCO n/a</p>	This is included within the DCO S106 drafting, however, as NWP has submitted previously, registration on the portal must be mandatory for all workers. The DOC S106 drafting does not currently secure this. It simply secures registration with the Workforce Accommodation Management Service. This has no guarantee that the data will then be utilised in any way

Plan/Strategy	Current Position as Drafted in the DCO and S106 (based on DL5 draft DCO – REP5-003 and Section 106 agreement DL6 draft REP6-004)	1 st March Update from NWP
	<p>S106</p> <p>This is to be operated by the Workforce Accommodation Management Service, which is to be secured as a section 106 obligation</p>	<p>that is meaningful.</p> <p>HNP's methodology for calculating the NWP contribution is directly linked to the number of non-home based workers. If registration is not mandatory HNP will not have an accurate and robust evidence base of the non-home based workers travelling to and from the various parts of the Project sites. In addition, the portal must include data that shows when workers have left the Island. If this is not to be provided here then it must be provided and secured elsewhere.</p> <p>In addition, HNP need to ensure that the monitoring data provided is accurate, up to date, reviewed regularly and fit for purpose.</p>
Site Security Plan (Off-site)	<p>DCO</p> <p>No standalone plan is proposed.</p> <p>S106</p> <p>n/a</p>	<p>NWP maintains its position of the need for a Site Security Plan (Off-site). HNP have not provided any adequate response explaining why this is not necessary.</p>
MOLF Operational Plan	<p>DCO</p> <p>No standalone plan is proposed.</p> <p>S106</p> <p>n/a</p>	<p>NWP maintains its position on the need for a MOLF Operational Plan to be secured by requirement for approval by IACC, in consultation with ESEG, prior to the commencement of MOLF construction. HNP have not provided any adequate response explaining why this is not necessary.</p>
Abnormal Indivisible Loads Management Plan	<p>DCO</p> <p>This plan is now secured by WN1.</p> <p>HNP must submit this strategy to IACC for approval prior to commencing development.</p> <p>The strategy must be approved by IACC in consultation with NWP and construction must be in compliance with this strategy unless otherwise approved by IACC in consultation with NWP.</p> <p>S106</p> <p>Schedule 9 paragraph 4.4.2 states that the ESEG will work with the Developer to develop the Abnormal Indivisible Loads Management Plan as defined by the DCO and required in accordance with the DCO requirement.</p>	<p>WN1(3) states that the strategy "must be submitted to the discharging authority identified in Part 2 of Schedule 21 for approval", however, Part 2 of Schedule 21 lists the relevant consultees not the discharging authority. This sentence is unclear at present and should be reworded to state "the scheme identified in Part 2 of Schedule 21 must be submitted to the discharging authority for approval".</p> <p>NWP submits that the appropriate consultee would be the ESEG and not simply NWP, subject to the constitution of ESEG (this is dealt with further in Annex One: Summary comments on the revised DCO s106 agreement).</p> <p>NWP also notes the inclusion of wording within the DCO S106 at paragraph 4.4.2 or Schedule 9, which clarifies the ESEG will "work with" HNP to develop the Abnormal Indivisible Loads Management Plan. Whilst engagement on this issue is welcomed, as clearly stated in previous submissions, NWP require a form of approval of principles, not simply consultation, on such an important document. NWP has, in that regard, previously provided more detailed drafting to HNP, which sets out a mechanism for NWP to approve certain plans prior to their being discharged by the relevant planning authority, including the Abnormal Indivisible Loads Management Plan. This wording needs to be incorporated and incorporated within the Section 106 Agreement and corresponding Deed of Covenant. The wording provided to HNP is contained within Annex One.</p> <p>Finally, in relation to future change management, it is imperative that the role of ESEG is properly defined within the DCO S106 and documented, in order to ensure that there is a firm commitment to have regard to, and implement where reasonable, the recommendations of ESEG as to future changes made to documentation, only to the extent that they affect the future.</p>



Annex 1: Comments on the revised DCO S106 Agreement and Deed of Covenant



WYLFA NEWYDD NUCLEAR POWER STATION (PROJECT)

NORTH WALES POLICE (NWP) RESPONSE ON DEED OF COVENANT AND DCO S106 AGREEMENT: 1 MARCH 2019

SUMMARY COMMENTS AND SPECIFIC RESPONSES TO COMMENTS MADE BY HORIZON NUCLEAR POWER

1. DEED OF COVENANT

- 1.1 NWP has three key areas of concern regarding the Deed of Covenant, which are set out below, alongside some additional concerns raised with IACC. Detailed comments have now been provided to IACC on the Deed of Covenant and NWP are awaiting a response.

1.2 Bespoke Deed of Covenant Draft

- 1.3 The current draft is unacceptable to NWP and it would not be prepared to sign it in its current form. The drafting in the DCO S106 to use reasonable endeavours to enter into a Deed of Covenant in its current form is also unacceptable and NWP maintain that a bespoke Deed of Covenant between NWP, HNP and IACC needs to be agreed and either signed before the end of the Examination or the agreed version appended to the DCO S106. . NWP require a number of bespoke provisions to be included within the Deed of Covenant. This in itself requires the negotiation of a document that includes specific provisions within it, not a template document which will be entered into by all third parties.

1.4 Parties to the deed of covenant

- 1.5 As NWP has submitted previously, and discussed with both Horizon Nuclear Power's (**HNP**) and the Isle and Anglesey County Council's (**IACC**) legal teams, HNP must be included as a party to the Deed of Covenant as the "Developer". This has been previously discussed with IACC and HNP and NWP had been led to understand this was acceptable. It is noted that HNP agree with this proposal, however, NWP has been presented with a generic bipartite Deed of Covenant between NWP and IACC for review.
- 1.6 NWP submitted its proposed Heads of Terms and position regarding being a signatory at Deadline 2. It also made submissions on this point at the DCO ISH and at Deadline 4. As stated previously, it is vital that NWP are able to enforce certain provisions in the DCO S106 against IACC and HNP, so there needs to be a direct contractual relationship between NWP and HNP. IACC has refused to allow NWP to be a signatory to the DCO S106 and NWP are willing to accept this position, but this is only on the basis that there is an acceptable tripartite Deed of Covenant in place between IACC, NWP and HNP, which allows for the making of a number of reciprocal obligations that are not currently present within the DCO S106.
- 1.7 Ultimately, NWP has two key reasons for requiring a bespoke tripartite Deed of Covenant:
- 1.7.1 NWP needs to be able to enforce against HNP directly if it fails to comply with the obligations set out in Schedule 9 of the DCO S106; and
 - 1.7.2 NWP needs to be able to enforce against IACC directly if it fails to pay the police contributions onto NWP – as drafted there is no reciprocal obligation given by IACC to HNP to pay the contributions to the relevant third party.



- 1.8 IACC has a discretion whether to take enforcement action and if it decides not to take action against a breach of paragraph 3 or 4 of Schedule 9 of the DCO S106, NWP must be able to take action directly.

1.9 Payment of the contributions

- 1.10 NWP has previously submitted that the contributions should be paid directly from HNP to NWP. This position is still maintained. The payment trigger being offered by HNP in the DCO S106 is later than the trigger identified by NWP, therefore any further delays will have a significant impact on NWP's ability to recruit and train up the additional resource required before the workforce start being hired.
- 1.11 This was raised with IACC's solicitors and NWP have discussed drafting to ensure payments are made immediately to NWP from IACC upon receipt from HNP; however a mechanism that would suit both parties has not been included in the draft Deed of Covenant provided to NWP for review.
- 1.12 Clause 3 as drafted provides that the money will be paid from IACC to NWP within ten working days, which is an unacceptably long period of time for IACC to hold the funds. NWP expect the Deed of Covenant to provide for immediate payment.

1.13 Additional concerns

- 1.14 The Deed of Covenant should be negotiated, agreed and signed alongside the DCO S106 Agreement (**DCO S106**). NWP sees no reason why this is not possible or practicable and this is clearly in the best interests of all parties involved. It is unacceptable to only utilise "reasonable endeavours" to enter into such an important document post signing of the section 106 obligation.
- 1.15 The DCO S106 Schedule 9 purposes are not robust, fit for purpose or adequate. As such NWP does not agree that the Deed of Covenant can reference such obligations in their current form. Regardless of whether the DCO S106 is agreed or not, NWP require that the drafting is updated to reflect the proper purpose for which the sums should be spent.
- 1.16 There is a need to ensure that the Deed of Covenant allows for a form of review mechanism for the quantum of mitigation delivered overall to mirror the provisions in the DCO S106.

2. DCO SECTION 106 AGREEMENT

- 2.1 NWP has set out its responses to the comments received from HNP on 20 February in relation to each provision below. NWP do have more specific drafting points in addition to the key points listed below and a mark-up of the DCO Section 106 Agreement (**DCO S106**) will be sent to HNP in due course and as soon as is reasonably possible.
- 2.2 Currently, the key areas of disagreement are:
- 2.2.1 **Quantum of the contribution payable to NWP:** NWP fundamentally do not agree with, and are unclear as to how, Gore Associates on behalf of HNP has produced the figures it has proposed. No robust methodology assessment has been provided or justified. Therefore neither the methodology nor the quantum has been agreed between the parties. NWP cannot maintain the service it currently provides if the



population increases by 7,000 people with the quantum of mitigation being proposed by HNP currently. This will have a detrimental impact on the community, will prevent NWP being able to properly implement its core duties, and that is fundamentally unacceptable to NWP.

2.2.2 **The purposes for which the contribution should be used:** NWP do not agree with the current drafting of Schedule 9 paragraph 3.7 and do not agree that the money will be spent in this way. NWP has spent a long time preparing the Police Impact Assessment which clearly sets out how and when funds will be applied to mitigate the impacts of the Project. These are the purposes for which the contribution will be used.

2.2.3 **The Emergency Services Engagement Group's (ESEG) involvement in approving plans:** the DCO has been updated significantly to reflect NWP's requests to be consulted on certain plans, which is welcomed and the DCO S106 now contains specific provisions for the development of the AIL Management Scheme, Traffic Incident Management Scheme, Protest Management Scheme and the Community Safety Management Strategy. However, the documents still do not contain an approval mechanism. NWP sent some proposed wording to HNP which set out an approval mechanism for ESEG to approve certain plans. NWP has received no comments on this wording. The wording has been provided once again to ensure that it is properly discussed and a version of it is included within the DCO S106. This has been set out in Appendix One for ease of reference, to be incorporated into Schedule 9.

2.2.4 **The Emergency Services Engagement Group's (ESEG) involvement in change management:** Although the DCO S106 now contains specific provisions for the change management of the AIL Management Scheme, Traffic Incident Management Scheme, Protest Management Scheme and the Community Safety Management Strategy, ESEG's role in change management of the other plans upon which submissions have been made, including the CoCP, sub-CoCPs and CoOP has still not been addressed.

		NWP Position at DL5	CC comments 20/2	Proposed drafting	NWP Response 27/02
1.	Notification of commencement	<p>NWP welcome being notified of Commencement and Implementation.</p> <p>However, NWP has requested two years' notice to allow the appropriate resources to be recruited and trained up. It is conceivable HNP will have at least a two year lead in time and seems reasonable for HNP to give this notice, especially given the scale of the project and the scope of</p>	<p>Proposed position: Notification 6 months prior to anticipated Commencement and maintain the post Commencement notification.</p> <p>Reason: 6 months is reasonable time period in which the Developer would be able to say with a high degree of confidence that Commencement is going to occur. With 12 months or longer, there is a real possibility that the date is</p>	<p>3. <i>Date of Deed Coming Into Force</i></p> <p>3.1 <i>The Developer shall serve written notice upon the Council advising it of:</i></p> <p>3.1.1 <i>the intention to Commence Development 6 months prior to anticipated Commencement;</i></p> <p>3.1.2 <i>the Commencement Date within seven days of the occurrence of the same</i></p>	<p>NWP note HNP's comments regarding certainty and welcome being notified six months prior to Commencement.</p> <p>This drafting is now agreed.</p>



		NWP Position at DL5	CC comments 20/2	Proposed drafting	NWP Response 27/02
		<p>works which are excluded from "Implementation" in the current draft.</p> <p>No agreement has been reached on this specific trigger as yet between the parties, however NWP is considering ways that certain obligations and commitments could be met via alternative section 106 obligation drafting and appropriate wording within the Community Safety Management Strategy (CSMS).</p>	<p>further delayed and therefore less meaningful.</p> <p>Further, that gives sufficient time for training prior to the workforce ramping up to a level where there is any justification for additional police presence. With this timing, training would be completed by the end of construction year 1. This this point, there are only 500 workers, the majority if not all are anticipated to be home based (ie already local (Figure C1-6 APP-088)). In fact, this low number of workers endures through to year 2 Q4 (Figure C1-6). Therefore officer training would be completed 12 months before numbers begin to rise above 1000 workers. (And even at hat state the workers are anticipated to be largely home-based for a further year)</p>	<p><i>PROVIDED THAT for the avoidance of doubt nothing in this Deed shall prevent Commencement from having been lawfully carried out in the event that the Developer fails to serve notice under this clause; and</i></p> <p><i>3.1.3 the Implementation Date within seven days of the occurrence of the same;</i></p> <p><i>3.1.4 whether the SPC Works are commenced under the DCO or under the SPC Permission within seven days of the occurrence of the same; and</i></p> <p><i>3.1.5 the start of works on the Sites;</i></p> <p><i>3.1.6 the start of the Operational Period;</i></p> <p><i>3.2 The notices given at 3.1.1, 3.1.2 and 3.1.3 shall be copied, by the Developer, to the Welsh Government, Betsi Cadwaladr University Health Board, North Wales Police, Welsh Ambulance Service Trust, and North Wales Fire and Rescue Service.</i></p>	



		NWP Position at DL5	CC comments 20/2	Proposed drafting	NWP Response 27/02
2.	Police Construction Contribution	<p>NWP disagrees with HNP's assessment of quantum.</p> <p>NWP and HNP met on 24 January with HNP's consultants and HNP has responded with a suggested quantum for the contribution.</p> <p>However the evidence basis for the assessment has not been provided and, in any event, NWP do not consider that the qualitative assessment undertaken by HNP is robust or fit for purpose.</p> <p>NWP also require a two year lead in time to recruit and train the necessary personnel – therefore receiving the first payment upon implementation does not adequately mitigate the impact of the development.</p> <p>As explained above, NWP note the difficulties associated with the payment of sums before "Commencement" within the DCO S106. Different mechanisms are therefore required in order to ensure that NWP's resources can be appropriately managed and that some form</p>	<p>Quantum:</p> <p>Remains disagreed. Horizon considers its expert and peer reviewed report is a robust offer.</p> <p>Timing of payments:</p> <p>Current position: The D6 version combined the first two payments, so that they were paid on Implementation.</p> <p>Proposed Position: While Horizon considers that that timing more accurately reflects when effects may arise (as it is only after implementation that worker numbers begin to materially increase), it is prepared to revert to the D5 position of making the first payment on Commencement to move this forward.</p> <p>Reasons: This still means that funding is coming in two years before worker numbers increase above 1000 and are not largely home-based workers.</p>	<p>3.1 <i>The Public Services (Police) Contribution shall be paid by the Developer to the Council for onward payment to North Wales Police in the following instalments:</i></p> <p>3.1.1 <i>a payment of £361,184 (Three Hundred and Sixty One Thousand One Hundred and Eighty Four Pounds) prior to Commencement;</i></p> <p>3.1.2 <i>a payment of ££361,184 (Three Hundred and Sixty One Thousand One Hundred and Eighty Four Pounds) prior to Implementation;</i></p> <p>[...]</p> <p><i>and the Developer shall not Commence the Wylfa Newydd DCO Project until it has made the first payment to the Council.</i></p>	<p>Quantum</p> <p>As HWP has stated the Quantum is not yet agreed and discussions are ongoing between HNP and NWP.</p> <p>NWP has prepared a detailed analysis of the funds it requires to maintain adequate police resources to deal with the additional 7000 workers who will be living and working on the Isle of Anglesey as a result of the Project.</p> <p>Ultimately, if this is not provided NWP will not be able to maintain the low levels of crime on the Isle of Anglesey and there will be adverse effects as a direct result of the Project.</p> <p>Timing of payments:</p> <p>NWP appreciate that this cannot be any earlier due to the conditionality of the DCO S106 Agreement and accept HNP's reasoning for the proposed trigger.</p> <p>This specific element of the drafting is now agreed but there is a fundamental</p>



		NWP Position at DL5	CC comments 20/2	Proposed drafting	NWP Response 27/02
		of mitigation is in place prior to that date.			disagreement as to the way the quantum has been proposed in the DCO S106 and calculated.
3.	Police Contribution report	NWP is agreeable to this proposal, subject to agreeing detailed wording within a specific DoC for NWP.	<p>Current Position and reasons:</p> <p>IACC has prepared a form of deed of covenant which is being circulated by IACC which establishes the criteria IACC are prepared to accept including as regards reporting and repayment.</p> <p>There is no provision for 10% uplifts for overspend and this is not agreed as required, or a realistic proposition. IACC has not sought this.</p> <p>That form of DoC will be appended to the s106 agreement</p>	-	<p>The principle of including the annual report in the DoC is agreed. However, as NWP has submitted previously, it is not acceptable to have a generic DoC appended to the DCO S106 Agreement which is to be used by all third parties.</p> <p>NWP have made separate representations to IACC on the drafting of the DoC, but ultimately, NWP expect both HNP and IACC to work together with NWP to agree on a final form of DoC which can be completed prior to the end of the examination.</p>
4.	Ceasing construction	This provision was included in light of the delays in the construction programme at Hinkley. This provision is for the benefit of HNP; therefore NWP is content for it to be removed from the proposed Heads of Terms.	<p>Current Position and reasons: Horizon's position has in fact been that the holding construction costs of "pausing" construction once Implementation has occurred would be materially significant and therefore that is considered unlikely. If that did occur, there would need to be</p>	<p>None at this stage.</p> <p>Further drafting will be discussed with IACC to agree whether further amendment to Clause 14 is required.</p>	-



		NWP Position at DL5	CC comments 20/2	Proposed drafting	NWP Response 27/02
			<p>a holistic discussion with IACC as to managing payments under s106 as a whole.</p> <p>Clause 14 provides that this can occur.</p>		
5.	Delay in construction programme	<p>This provision is vital for NWP as some sort of delay in the construction programme may have a significant impact on the mitigation required as the impact assessment carried out is based on the proposed construction programme.</p> <p>Given the uncertainty surrounding the delivery of the development and the proposed commencement date, NWP consider it vital that this provision is included.</p>	<p>Current Position and reasons: Any delay to construction -particularly not as short as 1 month would not affect the base of the NWP concern namely the influx of workers – which is limited. Therefore there is no basis on which NWP should be able to unilaterally reassess impacts to demand more funding.</p> <p>Proposed Position: To move this forward Horizon will agree to a formula based increase in police funding (based on the Gore model) should the construction period extend beyond 9 years. this de facto addresses the issue of costs to NWP of a material delay to the project delay once it has been Implemented.</p>	<p>3. <i>Public Service (Police) Contribution</i></p> <p>[...]</p> <p><i>3.3 In the event that the Construction Period has not ended at the date of the payment set out in paragraph 3.1.11 the Developer shall be liable to make further contributions for payment to IACC for onward payment to North Wales Police on subsequent annual anniversaries of Implementation and where the contributions payable will be calculated in accordance with paragraph 3.4 and where relevant in accordance with Clause 6.2.</i></p> <p><i>3.4 A further annual contribution payable in accordance with paragraph 3.3 shall be calculated (to the nearest 500 workers) as</i></p>	<p>In principle NWP welcomes HNP's proposal to increase police funding if the construction period extends beyond the 9 years, this is imperative to ensure additional police resource remains in place to accommodate the increased population throughout the entirety of the construction period.</p> <p>However, the Gore model does not use an acceptable formula. Therefore, NWP would agree to a formula based approach to re-assessment but not based on the figures below. NWP are reviewing the most robust way to deal with a mechanism of this sort.</p>

		NWP Position at DL5				CC comments 20/2				Proposed drafting				NWP Response 27/02					
										follows: [see table below]									
Resourcing table																			
Total Workforce (to nearest 500)	500	1000	1500	2000	2500	3000	3500	4000	4500	5000	5500	6000	6500	7000	7500	8000	8500	9000	
Sergeant	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Constables	1	1	1	1	1	1	1	1	1	2	2	2	2	2	2	2	2	2	
PCSOs	1	1	1	2	2	2	2	2	2	3	3	3	3	3	3	3	3	3	
Operational Planning	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
Detective/ Intel	1	1	1	1.2 5	1.2 5	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.2 5	1.2 5	1.25	1.25	1.25	
Roads Policing	0	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	
Total	5	7	7.25	8.2 5	8.2 5	8.25	8.25	8.25	8.25	10.2 5	10.2 5	10.2 5	10.2 5	10.25	10.25	10.25	10.2 5	10.2 5	



		NWP Position at DL5					CC comments 20/2					Proposed drafting					NWP Response 27/02			
	Contribution (Indexed) (£)	361,184	507,386	525,661	583,088	583,088	583,088	583,088	583,088	583,088	713,616	713,616	713,616	713,616	713,616	£7 13,616	713,616	£7 13,616	£7 13,616	
6.	Monitoring data	<p>This wording does not oblige the WAMS Oversight Board to share or distribute the data. NWP require an obligation placed directly on HNP to provide NWP with the accommodation monitoring data. In discussions with HNP, NWP understood that this was going to be provided to them directly and is disappointed that this has been agreed verbally, but is not properly reflected in the drafting.</p> <p>The obligation drafting currently states that data does not have to be provided to NWP, it is entirely discretionary.</p> <p>Furthermore, NWP requires an obligation placed directly on HNP to provide NWP with the accommodation monitoring data and for a definition of monitoring data</p>					<p>Current Position: Current wording not intended to signify discretionary provision but accept it can be read that way.</p> <p>The WAMS monitoring data will report on the location of where the Workforce is living can accommodation type (ie PRS, Site Campus). it is assumed only the former is relevant to the NWP</p> <p>As regards traffic monitoring, per the D6 s106 NWP will be invited so sit on the TEG, and monitoring is provided direct to TEG</p> <p>Proposed Position: Horizon will provide WAMS locational data direct as requested.</p>					<p>8.Accommodation Monitoring Data</p> <p>[...]</p> <p>8.2 The Developer shall from Implementation via the WAMS and the Worker Accommodation Portal for the Construction Period monitor the Workforces' accommodation choices including the location of the accommodation and the type of accommodation and shall provide such monitoring data to the WAMS Oversight Board and locational data to the North Wales Police on a [quarterly basis] or other such reasonable period agreed with the WAMS Oversight Board.</p>					<p>NWP agrees that it requires the WAMS monitoring data to show quantum of workers and the locations of each workers accommodation but not accommodation type. NWP submits that the data is shared with the ESEG, not just NWP.</p> <p>However, the drafting of the DCO S106 Agreement still does not address the content or quality of the monitoring data that must be provided by HNP.</p> <p>The DCO S106 Agreement must ensure that all workers are registered on the portal and that the monitoring data supplied to NWP is fit for purpose, especially if HNP are now proposing to link the mitigation quantum so closely to the worker force numbers.</p> <p>If registration on the portal is not mandatory, NWP needs</p>			



		NWP Position at DL5	CC comments 20/2	Proposed drafting	NWP Response 27/02
		to be clearly set out in the DCO S106.			<p>to understand how HNP intend to provide accurate numbers to NWP for the purposes of calculating the revised impact assessment (see row 7) and the delay in construction payments (see row 5). This needs to be properly secured and provided for.</p> <p>In terms of traffic monitoring NWP note the reference to section 5.10 of the CoCP in Schedule 7 paragraph 5.1 of the DCO S106 and confirm the data sets listed in paragraph 5.10.8 are broadly acceptable. NWP require the raw data, so where Schedule 7 paragraph 5.1 references "results of the traffic monitoring" it needs to be clarified that this is the raw data and not the results of the analysis carried out by HNP.</p>



		NWP Position at DL5	CC comments 20/2	Proposed drafting	NWP Response 27/02
7.	Revised impact assessment	<p>This is a vital provision for NWP given the uncertainty surrounding the delivery of the development and the proposed commencement date.</p> <p>In any event, if HNP is confident in its assessment, then there is no reason for the provision to be resisted.</p> <p>The assessment has been carried out using the proposed construction timetable and changes to this may have significant effects on the level of mitigation required – such changes could reduce the level of mitigation required, therefore should not act as a deterrent to prospective developers or funders.</p> <p>HNP has stated that any change that is outside of the parameters of the environmental assessment would require an application for a non-material change and NWP will be given opportunity to</p>	<p>Current Position: The socio-economic assessment does not assume actual dates but is on the basis of construction months, with activity assessed at peak. As the precise timing does not materially affect the ES conclusions. As such – and as above - the key change factor for NWP which could influence their assessment is Worker numbers. A worst case assessment on worker numbers i.e. 9000 was been undertaken in the ES. Therefore worker numbers have been assessed and controlled, and the worst case is - available now for the PIA. This will not change throughout the development. The traffic impacts flow from worker numbers and so have already been assessed on a worst case basis as above. Therefore there is no justification NWP's request.</p> <p>Any fundamental change to the Development would require an NMC or MC through which NWP would be notified. If the NMC or MC does not relate to the NWP</p>		<p>NWP maintain its position that this provision is vital. It is incredibly difficult to predict impacts over such a long period of time and NWP require certainty that if the impacts are different to those assessed in the Environmental Statement, it has the ability to recalculate the mitigation required.</p> <p>What NWP are seeking is an ability to reassess mitigation levels if the monitoring data provide by HNP shows that the adverse impacts caused by the Project differ from those assessed as a worst case scenario. This is a real possibility given the duration of the construction period. This does not necessarily mean that because there has been a different impact NWP would be automatically able to review those impacts, based on the drafting in its current form. Neither does it follow that just because there may be an exceedance, or change, that is one that carries with it a non-material change application or material change application.</p>



		NWP Position at DL5	CC comments 20/2	Proposed drafting	NWP Response 27/02
		<p>comment on the change. However, the non-material change may or may not relate to anything relating to the NWP assessment and, as such, simply relying on future non- material changes is inherently flawed.</p> <p>Therefore NWP must be notified of any changes and given an opportunity to revise its Impact Assessment, if appropriate.</p> <p>NWP also envisage that as the detailed design is finalised and more controls are finalised, NWP will be able to more accurately calculate the impact, therefore it is in the interest of both parties to have a review mechanism.</p> <p>Hinkley Point C has demonstrated the difficulty in predicting and monitoring workforce numbers and traffic impacts, therefore as stated above this provision is vital for NWP.</p>	<p>then there is no basis for that NMC or MC to trigger a change to the PIA.</p> <p>Input into change control for plans has been given to NWP- see below.</p> <p>The scope of reassessment sought by NWP is not based on any justified rationale and it is appropriate to decline to include such provisions which are not as required or reasonable, nor in place for any other contributions as sought by the Local planning Authority.</p> <p>Proposed position:</p> <p>In terms of an extended construction period, the position on this has been addressed per the changes proposed to item 5.</p> <p>New wording has now been included in the updated IACC draft which is set out I the next column.</p>		<p>In the event this happens during construction of this Project, NWP require the ability to reassess the impact assessment.</p> <p>We note additional wording has subsequently been provided by HNP in relation to a review mechanism (on 27/02/19), which addresses the ability to revise the contribution amount.</p> <p>Although this allows HNP to reassess the contribution, this is a one dimensional review mechanism linked solely to non-home based workforce numbers and does not take into account any change to traffic movements, which also form a substantial part of NWP's impact assessment.</p> <p>NWP also submit that this revised contribution mechanism is only suitable for use within the parameters of the Environmental Statement ie if the non-home based workers exceed 7,000 (the worst case) NWP must be afforded the opportunity to carry out a standalone revised assessment taking into account all of the</p>



		NWP Position at DL5	CC comments 20/2	Proposed drafting	NWP Response 27/02
					relevant variables.
8.	Decommissioning	NWP agree that this provision does not need to be included within the DCO S106.	Closed	-	-
9.	Contingency fund for emergency services	<p>NWP requires access to funding for intangible mitigation if necessary. Although this may not be referred to as a 'contingency fund', the DCO S106 must include a provision which provides NWP with access to funding for unforeseeable events.</p> <p>In light of Horizon's comment, NWP proposes to include similar provisions to those included in the Hinkley Point C (Nuclear Generating Station) Order 2013 DCO Section 106 Agreement, which will ensure that NWP can recover the cost of any unforeseen events which are caused as a direct result of the Wylfa Newydd DCO Project, like protests or evacuation events from HNP.</p>	<p>The protest funds available in the HPC s106 are payable to the councils not the police and relate to cleaning up.</p> <p>The HPC s106 provides for a potential payment to the Avon and Somerset Constabulary for a (traffic based) public safety initiative. This is already directly funded in the HNP DCO s106.</p> <p>Horizon will and must have its own site security teams.</p> <p>We note that the HPC ExA report specifically stated that the applicant should not have to bear the costs of policing protests and demonstrations : <i>"Nevertheless, we are not persuaded that the cost of policing protests and demonstrations should be met by the Applicant, rather than by the public purse."</i></p> <p>It goes on to state that <i>"In any event, the development</i></p>	-	<p>There are funds directly available to the police in the final HPC DCO S106 Agreement, albeit we appreciate this may have been a voluntary arrangement reached between the parties.</p> <p>NWP submit that this is a necessity in this case. If additional funding is not available for unforeseen incidents, NWP will not be able to provide adequate assistance to HNP in the events mentioned and HNP will be required to "police" these incidents on its own.</p> <p>NWP cannot maintain the service it currently provides if the population increases by 7000 people, especially not with the quantum of mitigation being proposed by HNP and it certainly will not have adequate resource to</p>



		NWP Position at DL5	CC comments 20/2	Proposed drafting	NWP Response 27/02
			<p><i>consent obligations result from negotiations between the Applicant and relevant local authorities</i></p> <p><i>and are entirely voluntary. The Applicant could not be required to</i></p> <p><i>make financial contributions to the police, to Stockland Bristol Parish Meeting or to anybody else as a condition of obtaining</i></p> <p><i>development consent. We do not consider that the absence of</i></p> <p><i>such financial contributions should tell against development consent being granted. "</i></p> <p>Finally it is noted that extensive contingency is in provided for transport effects, health effects, accommodation effects (as well as others) and there is also a community fund available, and large service level commitment available to the council which could be used to deal with specific issues.</p>		<p>deal with these types of unforeseen events without add funds.</p> <p>NWP note the points raised in relation to HPC but consider that the circumstances envisaged here qualify as unforeseen mitigation. The submissions in relation to police involvement constituted a "paid service" for protest taking place in certain situations is an entirely separate point. Unforeseen mitigation could include, by way of example, a large motorway pile up caused by an HGV or AIL.</p>



		NWP Position at DL5	CC comments 20/2	Proposed drafting	NWP Response 27/02
			Horizon is satisfied that the s106 is a robust package, albeit much funding is not being directed to the police but to the LPA and WG and health services.		
10.	Emergency Services Consultation Group	<p>NWP welcomes the inclusion of this new drafting, and are content with the change of name of the group.</p> <p>However, the drafting lacks detail. The powers and abilities of the ESEG must be set out in full in Schedule 9.</p> <p>NWP will propose detailed mechanisms that secure ESEG's role in relation to the approval of plans and change management.</p>	<p>ESEG:</p> <p>Horizon and IACC are in broad agreement over the role as defined in D6 s106.</p> <p>Comments on specific drafting can be considered with IACC if provided.</p> <p>In relation to plans the following updates need to be understood:</p> <p>General:</p> <ul style="list-style-type: none"> In the D5 version of the DCO Horizon identified NWP as a consultee on a number of plans. However, even where NWP is not specifically identified, IACC has wide powers to consult with any party it considers appropriate in the discharge of the requirement. 		<p>General</p> <p>NWP welcome being included in certain DCO requirements.</p> <p>However, as stated previously NWP expect detailed mechanisms that secure ESEG's role in relation to the approval of a wider list of plans and change management to be included in Schedule 9 of the DCO S106.</p> <p>NWP provided drafting to HNP over a month ago, however has not yet had any comments on the proposed mechanism for the approval of plans.</p>



		NWP Position at DL5	CC comments 20/2	Proposed drafting	NWP Response 27/02
			<ul style="list-style-type: none"> NWP has also been listed as a consultee where the WMS, CSMS, TIMP or AIL scheme is sought to be amended by Horizon through the tailpiece. 		
	Emergency Services Consultation Group		<p>In terms of specific plans</p> <ul style="list-style-type: none"> CSMS: <p>NWP have been given consultation rights in respect of the final CSMS under the DCO (PW7) (as well as having a role in its approval as part of the CoCP). Further, the s106 agreement provides ESEG input into the development of this plan</p> <ul style="list-style-type: none"> TIMP: <p>In the D5 DCO, Horizon included a new requirement to prepare a Traffic Incident Management Scheme (PW7) and submit to IACC for approval, in consultation with NWP and others. We note that this was not provided for in earlier drafts as NWP told HNP that it didn't need to produce one. Further, the s106 agreement provides ESEG input into the</p>	-	<p>Please see NWP's full comments on plans and their status in Annex One of these submissions.</p> <p>CSMS</p> <p>The DCO requirement (PW7) now states NWP must be consulted on any changes to this document.</p> <p>NWP welcome the drafting in the DCO, CoCP and DCO S106, but requires absolute certainty in the DCO S106 wording that ESEG must approve the CSMS. The proposed wording has been provided at Appendix One of this document.</p> <p>TIMP</p> <p>The DCO requirement (PW7) now states NWP must be consulted on any changes to this document.</p>



		NWP Position at DL5	CC comments 20/2	Proposed drafting	NWP Response 27/02
			<p>development of this plan</p> <ul style="list-style-type: none"> WMS: <p>NWP need to provide comments on the WMS now – rather than seeking approval rights over the CoC. The WMS is the controls over workers. The COC will be a high level document reflecting the WMS but is not for sign off.</p> <p>The draft DCO at D5 was amended to</p> <ul style="list-style-type: none"> require Horizon to comply with the WMS in addition to providing CoCs in accordance with that document. provide that if Horizon needs to change the WMS principles, it must seek approval of IACC who must consult with NWP See response to SWQ Q2.4.17 CoCPs/sub-CoCPs: <p>As approved documents, these need to be commented on NOW. Horizon has worked hard with stakeholders to</p>		<p>NWP welcome the new requirement and drafting in the DCO S106, but require an approval mechanism to be set out in the DCO S106.</p> <p>The proposed wording has been provided at Appendix One of this document.</p> <p>WMS</p> <p>NWP welcome the new wording in the requirement (PW8) to consult NWP and that NWP have a role in any change management. It should however be made clear that the Code of Conduct forms part of the WMS and is now a certified document.</p> <p>NWP would also expect to be sent any revised Code of Conduct and ask that PW8(4) is updated so that a revised Code of Conduct must be sent to NWP as well as IACC.</p> <p>CoCPs/sub-CoCPs</p> <p>NWP maintain that the content of the CoCP and sub-CoCPs is not sufficient to warrant their certification as</p>



		NWP Position at DL5	CC comments 20/2	Proposed drafting	NWP Response 27/02
			<p>agree the detail and where detail has not been agreed, Horizon has offered schemes for approval (relevant to NWP are the TIMP, AIL and CSMS – which it has consultee rights (or in the case of CSMS approval and consultee rights).</p> <p>If Horizon seeks to change these CoCPs through the tailpiece provisions, then it must seek approval from IACC and the changes cannot be outside the scope of the ES.</p> <p>IACC may consult anyone it chooses (this was made clear in Schedule 19 of the D5 DCO) and in any event they cannot approve material changes.</p> <ul style="list-style-type: none"> • WAS: <p>This is not a control document. The obligations from the WAS have been translated into legal commitments in the s106 agreement and are largely agreed with IACC.</p> <ul style="list-style-type: none"> • Health and Wellbeing Strategy: <p>There is no Health and Wellbeing Strategy. The</p>		<p>final approved documents, but will make more detailed submissions on the content of the plans separately.</p> <p>Change management is still not adequately addressed in the new requirement wording and NWP propose including a mechanism in Schedule 9 of the DCO S106 which secures ESEGS role in any changes proposed to the CoCP and sub-CoCPs.</p> <p>WAS</p> <p>NWP are content with this proposal provided adequate detail surrounding the content of the monitoring data is included in Schedule 5 of the DCO S106.</p> <p>NWP note that the WAS is referred to in paragraph 3.3 of the DCO S106, if a document is going to be prepared then this needs to be defined in the DCO S106 and compliance with the document needs to be secured within the DCO S106.</p> <p>Health and Wellbeing</p>



		NWP Position at DL5	CC comments 20/2	Proposed drafting	NWP Response 27/02
			<p>Health and Wellbeing controls are translated into legal commitments in the s106 agreement and are agreed with BCUHB.</p> <ul style="list-style-type: none"> <i>Operational Travel Strategy:</i> <p>Transport experts have advised that there is sufficient detail/controls within the CoOP to deal with transport matters. For this reason a separate strategy/scheme is not being provided by Horizon as the CoOP will control traffic.</p> <p>NWP should comment on these controls now if it has comments. If Horizon sought to change the CoOP, then it would need to seek IACC's approval who could consult NWP if appropriate.</p> <ul style="list-style-type: none"> <i>MOLF operational strategy:</i> <p>There is no "operational strategy" per se; MOLF security will be licensed through DfT and linked to the Marine Safety Case. Further controls are managed through the bylaws and Horizon's role as the Harbour Authority. A61</p>		<p>Strategy</p> <p>NWP are only concerned with safeguarding, as they play a key role in its implementation. The DCO S106 needs to ensure that either NWP or the North Wales Safeguarding Board are involved in any decisions regarding safeguarding. More detail on this is set out in the Additional Points Table below.</p> <p>Operational Travel Strategy</p> <p>NWP do not agree that there is sufficient detail/controls within the CoOP to deal with transport matters and require a standalone document to be prepared.</p> <p>MOLF operational strategy</p> <p>As NWP has submitted previously it expects to see a MOLF operational strategy to secure sufficient mitigation surrounding traffic so that the MOLF does not adversely impact the road network, which will in turn have an impact on road related incidents.</p>



		NWP Position at DL5	CC comments 20/2	Proposed drafting	NWP Response 27/02
			<p>of the DCO provides the list of matters which the byelaws will cover (including loading and unloading of vessels, entering onto vessels, directing vessels within the harbour etc. In addition, Horizon has a requirement that it must put 60% of materials through the MOLF during construction (to ensure that deliveries by road are as limited as possible).</p> <ul style="list-style-type: none"> <i>AIL Management Plan:</i> <p>In the D5 DCO, Horizon included a new requirement to prepare a AIL Management Scheme (PW7) and submit to IACC for approval, in consultation with NWP and others.</p> <ul style="list-style-type: none"> <i>Protest Mgmt scheme :</i> <p>In the D5 DCO, Horizon included a new requirement to prepare a Protest Management Scheme (WN1) and submit to IACC for approval, in consultation with NWP</p>		<p>AIL Management Plan</p> <p>NWP welcome the new drafting in requirement WN1 of the DCO.</p> <p>Protest Management scheme</p> <p>NWP welcome the new drafting in requirement WN1 of the DCO.</p>



		NWP Position at DL5	CC comments 20/2	Proposed drafting	NWP Response 27/02
11.	Approval of plans	<p>This is a vital role of the ESEG and must be reflected in the drafting in Schedule 9 paragraph 4.</p> <p>Wording has been proposed to HNP and NWP understand that an approval mechanism will be accepted</p>	<p>SEE ABOVE.</p> <p>Approval rights have been given in respect of the CSMS.</p> <p>Consultee rights in respect of the TIMP, AIL, CSMS (under requirement) and WMS</p>	-	See comments above.
12.	Community safety management strategy (CSMS)	<p>The drafting needs to contain more detail on the interaction of ESEG's role with IACC's role as discharging authority.</p> <p>This matter was discussed at the meeting between NWP and HNP on 24 January 2019 and several important principles for inclusion were established. A revised draft of the CoCP is going to be sent to NWP for review, however discussions are ongoing.</p>	<p>The ESEG must agree the detailed CSMS with Horizon prior to Horizon submitting this scheme to IACC in accordance with the Requirement (PW7).</p> <p>In determining whether to grant approval for the scheme, IACC is required to consult with NWP.</p> <p>While this is just a consultation function – we consider this is acceptable given that NWP is part of the ESECG that agrees the detail of the CSMS prior to submission. NWP therefore has two opportunities to</p>	-	<p>NWP are content with the proposed wording in the DCO regarding NWP's involvement as a consultee, but note that the North Wales Fire and Rescue Service should also be listed in addition to North Wales Police, Betsi Cadwaladr University Health Board and the Welsh Ambulance Trust.</p> <p>NWP also consider that Schedule 9 requires more detailed wording surrounding the role in approving the strategy that the ESEG has and the mechanism for how</p>



		NWP Position at DL5	CC comments 20/2	Proposed drafting	NWP Response 27/02
			influence/control the content of that scheme		this will work.
13.	Community Impact Fund	NWP is content with this principle, but may have some minor drafting amendments.	-	-	-
14.	Temporary Police Facility	<p>To adequately mitigate the impacts of the development, NWP will need additional space to accommodate the additional resource. The most appropriate and cost effective option is using land which already forms part of the NWP estate to build a temporary police station.</p> <p>NWP understands from dialogue with HNP that there may be alternative options based around the provision of a temporary facility by HNP closer to the development site. However, as yet, no formal alternative proposal has been provided by HNP.</p>	<p>Current position: silent</p> <p>Revised position: HNP can include an obligation to make space available within the Site although it is not agreed that this is necessary or required to make the development acceptable in planning terms</p>	<p><i>3.5 From Implementation the Developer shall provide sufficient space to accommodate the additional policing resource associated with the Wylfa Newydd DCO Project and where such accommodation will:</i></p> <p><i>3.5.1 be based alongside the Developer's onsite security team; and</i></p> <p><i>3.5.2 May include temporary accommodation in the early years of development prior to development of security buildings.</i></p>	NWP are willing to accept the provision of site on space rather than a contribution. However, there needs to be more detailed drafting defining the size and specification of the space required to deliver a new police facility.
15.	Police arbitration/mediatio	HNP has used a basic version of an arbitration clause, which is not fit for purpose. The DCO S106	Amendments have been made by IACC who have now	-	This drafting is now agreed.



		NWP Position at DL5	CC comments 20/2	Proposed drafting	NWP Response 27/02
	n clause	deals with payments of money which benefit NWP and therefore it is in NWP's interest that the clause is fit for purpose and its comments on the operation of the arbitration clause should be reviewed. The amendments proposed ensure that the arbitration mechanism works in a timely manner and disputes do not get held in abeyance for indefinite periods of time.	agreed this clause.		
16.	Professional fees	NWP expects this provision to be included in the Deed of Covenant.	This is not a matter which is appropriate for the s106 or DOC and we understand separate arrangements are in place.	-	-
17.	Indexation	Mark Gore Associates as part of their counter proposal for policing resources proposed that cost recovery should be on the basis of the NPCC Guideline on Charging for Police Services methodology on a Full Economic Cost recovery basis. In response to Mark Gore	Discussion required. Not clear what is being proposed.	-	Further discussions are required between NWP and HNP. A meeting is scheduled for 4 March 2019.



		NWP Position at DL5	CC comments 20/2	Proposed drafting	NWP Response 27/02
		<p>Associates NWP fed back that “<i>Having reviewed our original submission and with the benefit of hindsight such an approach simplifies both the methodology and ensures a consistency of approach between ourselves</i>”.</p> <p>Given the above it is proposed that rather than basing the indexation on RPI/CPI it be based on the “NPCC Guideline on Charging for Police Services methodology on a Full Economic Cost recovery basis” which is updated annually and is basis for cost recovery for any functions/resources over and above “Core Policing Duties” in keeping with Section 25 of the 1996 Police Act.</p>			

ADDITIONAL POINTS OUTWITH COMMENTS FROM HNP

		NWP comments
18	Deed of Covenant	NWP do not agree with the wording of Clause 7. As stated above, to use "reasonable endeavours" is not appropriate and NWP expect a bespoke deed of covenant to be agreed and executed before the close of the examination. If it is not, there must be a requirement for IACC, HNP and NWP to enter into a bespoke deed of covenant (mandatory terms to be included in clause 7) before



		development may commence.
19	ESEG members	NWP do not agree with the drafting of Schedule 9 paragraph 4.2. It is not appropriate for there to be any other members of the ESEG than North Wales Police, North Wales Fire and Rescue Service and the Welsh Ambulance Service Trust. There is no need for the Welsh Government or IACC to be involved with the ESEG and it is certainly not appropriate for HNP to participate in approving its own plans.
20	Rights of Third Parties	On the basis IACC will not agree to NWP being a signatory to the DCO S106 and given the issues surrounding the current draft Deed of Covenant, NWP require wording to be included in Clause 22 (Rights of Third Parties) which allow NWP to enforce the provisions in Schedule 9 paragraphs 3 and 4, despite not being party to the agreement.
21	Safeguarding	Implementation of safeguarding is a multi-agency approach and NWP play a key role in safeguarding. NWP suggest that wording is included in the DCO S106 so that any safeguarding issues are referred to the North Wales Safeguarding Board (NWSB) to review. The NWSB may provide reasonable recommendations and provide advice on the release of any funds. In the event that it is not agreed that the NWSB are the appropriate body (albeit NWP would not support this view), then a mechanism is required to ensure that NWP are referred to and consulted as advisor on matters pertaining to safeguarding where it arises in the DCO S106.



APPENDIX ONE: ESEG APPROVAL DRAFTING FOR THE DCO S106

4.3 The Parties agree that the duties and responsibilities of the Emergency Services Engagement Group are:

.....

4.3.4 To agree relevant principles in each of the following plans in accordance with the process set out in paragraph 4.5, prior to the plans being approved by the Council:

Plan	Relevant Principles

4.5 The Developer must:

4.5.1 prior to requesting formal approval of each of the plans listed in the table in 4.3.4 from the Council, send a first draft of the plan to the Emergency Services Engagement Group and engage proactively with the Emergency Services Engagement Group in an attempt to reach an agreement on the Relevant Principles listed in the table at paragraph 4.3.4 within a period of 21 days from the date the Emergency Services Engagement Group receive the plan;

4.5.2 if the Relevant Principles have not been agreed by the Emergency Services Engagement Group at the end of the 21 day period, submit a revised draft of the plan taking into account any changes to the Relevant Principles recommended by the Emergency Services Engagement Group; and

4.5.3 engage proactively with the Emergency Services Engagement Group to reach an agreement on the Relevant Principles listed in the table at paragraph 4.3.4 within a further period of 14 days from the date the Emergency Services Engagement Group receive the revised plan.

4.5.4 If no agreement is reached between the Developer and the Emergency Services Engagement Group, the revised plan is deemed agreed at the end of the 14 day period and may be submitted to the Council for formal approval.

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/010319
1st March 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: ENo10007)

Progress Update in advance of March Hearing Sessions

Further to the submissions made at Deadlines 5 and 6, we write on behalf of our clients, North Wales Police (NWP), to provide an update on progress with respect to the negotiations between NWP and the Applicant and to provide a response to the submissions made by the Applicant at Deadlines 5 and 6.

As we stated in our letter of 19th February 2019 (submitted at Deadline 6), given the short timescales between the Deadline 5 documents being uploaded onto the National Planning Infrastructure website and Deadline 6, NWP did not have sufficient time to fully review and provide comments on all the information submitted, particularly as the Applicant made a significantly alteration to its approach to the Wylfa Newydd engagement framework and the operation of the engagement groups. We trust, therefore, that this update is of assistance to the Examining Authority and we will elaborate further on the comments made during the Issue Specific Hearing for the DCO and section 106 on Wednesday 6th March 2019.

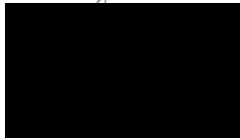
The annexes to this letter include NWP's responses as follows:

- Annex 1: Summary comments on the revised DCO s106 agreement and its accompanying status note, responding specifically to the comments raised by Horizon Nuclear Power following NWP's previous submissions;
- Annex 2: Updated Schedule of Plans & Strategies requiring NWP / ESEG involvement; and
- Annex 3: Comparative analysis of Police Impact Assessments by North Wales Police and Gore

Associates (submitted at Deadline 5 on behalf of Horizon Nuclear Power Ltd);

As stated earlier, NWP will be in a position to provide a full and substantive response on the revised documents prepared by HNP by Deadline 7.

Yours sincerely,



Ben Lewis

Infrastructure & Energy Director