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Written summaries of oral statements made at Issue
Specific Hearings 12 and 14
Suffolk Constabulary

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1 INTRODUCTION

- 1.1.1 This submission provides written summaries of the oral cases made by Suffolk Constabulary (“the Constabulary”) at the Issue Specific Hearings (“ISH”) held on 15 September 2021 to 17 September 2021 and provides an update on discussions between the Constabulary and the Applicant since the ISH.
- 1.1.2 This submission should be read in conjunction with the Constabulary’s *Written Summaries of Oral Statements made at Issue Specific Hearings 1 to 4* [REP5-168], the points of which are not repeated here, although cross-references to the summaries are made in this submission, to highlight that the oral submissions made at the ISH were not new issues, but were repeating submissions previously made, and not adequately responded to by the Applicant.

2 WRITTEN SUMMARY OF ORAL SUBMISSIONS FOR ISSUE SPECIFIC HEARING 12

2.1 Overview

- 2.1.1 This section provides a written summary of the oral case made by Suffolk Constabulary (“the Constabulary”) at Issue Specific Hearing 12 (“ISH12”) on community matters held on 15 September 2021.
- 2.1.2 The structure of this section follows the order of items as set out in the agenda for ISH12, published by the Examining Authority (“ExA”) on 8 September 2021 (“the Agenda”). Numbered agenda items referred to in this section are references to the bulleted items in the Agenda. The Constabulary’s substantive participation commenced from Agenda Item 2 and as such, this section does not cover Agenda Items 1, 3, 4, 5 and 7. The ExA requested comments on Agenda Item 6 to be made in writing.
- 2.1.3 A number of the Constabulary’s comments, in particular those relating to monitoring and controls echoed submissions made by the Constabulary at ISH1, ISH2, ISH3 and ISH4. For convenience and to assist the ExA and Applicant, the Constabulary has included at relevant parts of this document, cross-references to its written submissions of oral statements made at ISH1, ISH2, ISH3 and ISH4 [REP5-168].
- 2.1.4 Where appropriate, this submission includes a brief update of relevant discussions between the Applicant and the Constabulary following ISH12 and ISH14. These updates are shown in red text.
- 2.1.5 At ISH12, the Constabulary’s submissions were made by Ben Stansfield (Solicitor at Gowling WLG (UK) LLP) and Detective Chief Superintendent David Cutler (Suffolk Constabulary).

2.2 Written summary of the Suffolk Constabulary's oral submissions for ISH12

Agenda Item	Suffolk Constabulary's response
2. Community, Amenity, and Recreational Impacts	
2.1: Community Safety - Policing of development through construction and operation of the proposed development.	In response to the Constabulary's Deadline 7 Submission [REP7-155], the ExA requested clarification from the Constabulary about their concerns regarding community safety and whether their position has changed and if matters are likely to be resolved. The Constabulary's Position The Constabulary's Deadline 7 Submission [REP7-155] summarised four interlinked principles which all need to be addressed to adequately mitigate and monitor community safety impacts. In response to the ExA's questions, Mr Cutler confirmed that since Deadline 7 the Constabulary has continued to engage with the Applicant and there has been positive progress made on some of these areas. The Constabulary appreciates the recent momentum in addressing many of the outstanding issues. Mr Cutler added that whilst there are areas of agreement between the Applicant and the Constabulary, there are still key areas of disagreement. The Constabulary welcomes continued engagement with the Applicant. <u>Funding</u> In terms of resource funding for Local Policing, Mr Cutler confirmed that the Constabulary has now agreed with the Applicant the quantum of funding to cover the 12-year build period. The Constabulary and the Applicant are working together to profile payments across the build period, however, at this time, there has been limited discussion on the pre-commencement period or Year 0 when community safety issues for policing will start to increase. Mr Cutler added that there has also been limited discussion on how the Constabulary would be able to build reserves for funding security. The Constabulary would welcome discussions and subsequent agreement in respect of suitable arrangements for multi-year expenditure and to accommodate fluctuations in policing demand.

Agenda Item	Suffolk Constabulary's response
	Since ISH12, the parties have discussed the re-profiling of the funds payable annually by the Applicant to the Constabulary. The Applicant has been unable to confirm whether funding will be available in relation to the period during which Preparatory Works will be undertaken (i.e. prior to Commencement), but has committed to consider this at its next Board meeting in early October. <u>Reserve Funding & Contingency</u> In addition to funding for an agreed quantum of base resourcing, Mr Cutler confirmed that an additional fund (referred to by the Constabulary as the Police Reserves Fund) of £1.5 million has been agreed between the parties to cover the difference between agreed base resourcing and the higher level of resourcing which the Constabulary has modelled is likely to be required. The Reserves Fund needs to be readily accessible and within the Constabulary's control. Mr Cutler noted that the mechanism for how the Police Reserves Fund is accessed has yet to be agreed by both parties. Mr Cutler added that the Police Reserves Fund should not be viewed as a 'contingency' as it would not cover any potential additional community safety and policing impacts which are presently unforeseen and therefore not reflected within the Constabulary's modelling. The Police Reserves Fund needs to be treated differently to additional contingency funding accessible through the Community Safety Working Group. Since ISH12, progress has been made on these matters and an update will be provided to the ExA following the Applicant's Board meeting in early October. <u>AILs</u> Discussions with the Applicant on Abnormal Indivisible Loads (AILs) are ongoing, and the Constabulary has provided to the Applicant details of the cost of resources required to escort AILs. Mr Cutler confirmed that the Applicant has agreed the requirement for four AIL escort teams and the costing model outlined in Appendix A of the Constabulary's Deadline 7 submission [REP7-155]. Mr Cutler added that the Constabulary has made it clear that there is a significant lead-in time

Agenda Item	Suffolk Constabulary's response
	required to deliver these resources due to training and recruitment to ensure there is not a gap in front line resources across the Constabulary. Since ISH12, the Applicant and the Constabulary have agreed the current annual costs of providing the four AIL escort teams, based on agreed 'pick-up' locations and the agreed AIL Matrix, to be appended to the Construction Traffic Management Plan. The parties have also agreed that a minimum 18 months would be needed to train and deliver officers capable of escorting AILs. The Constabulary and Applicant have agreed that the Deed of Obligation must also contain appropriate review and wind down periods agreed should a reduction of support be deemed necessary. Following agreement on commercial principles, the parties will seek to agree appropriate drafting for inclusion within the Deed of Obligation. <u>Audit</u> Base funding received by the Constabulary will be used to provide a dedicated resource but will also be used more diffusely across the organisation to provide support from a number of teams and disciplines. Mr Cutler explained to ExA that the proposed 'template' Deed of Covenant, to be appended to the Deed of Obligation (the mechanism by which third parties would receive financial contributions from the Applicant) included provisions relating to the auditing of such funds by the Applicant. Mr Cutler explained that providing the detailed information potentially required by the Deed of Covenant for the Applicant's audit would be difficult in practice and that the parties would therefore need to agree a more practical solution Since ISH12 the Constabulary and the Applicant have agreed appropriate arrangements in relation auditing and following agreement on commercial principles, the parties will seek to agree appropriate drafting for inclusion within the Deed of Obligation.

Agenda Item	Suffolk Constabulary's response
	<u>Governance</u> Mr Cutler reiterated that the Constabulary's concerns raised previously in respect of the governance arrangements and the control that the Applicant has in both the Community Safety Working Group (CSWG) and Transport Review Group (TRG) still remain (see also REP5-168 section 2.2 at page 8) Issues in relation to governance of the TRG and CSWG are addressed in Constabulary's written summaries of the oral submissions made at ISH14 (see elsewhere in this document). The ExA then asked Mr Cutler to confirm the lead-in times for training staff escorting AILs and whether the Constabulary is in the position to have an appropriate team in place in time to meet the Applicant's start time. The ExA also queried the Constabulary's concerns surrounding the governance of the CSWG and TRG and highlighted the opportunity to discuss governance matters further at ISH14 on 17 September 2021 (refer to separate ISH14 summary below). Mr Cutler explained that the Constabulary is experienced in moving AILs but does not currently have a dedicated AILs team. The Constabulary therefore relies on trained officers working overtime or outside of their usual duties to assist those operators requiring AILs escorts. The escorting of AILs is resource intensive for the Constabulary. Mr Cutler noted that the Constabulary will need to recruit officers to be on the frontline to replace experienced officers responsible for escorting AILs for the Project. In terms of the Constabulary's recruitment and training periods, Mr Cutler confirmed that the Constabulary would require an 18-month period to backfill positions. Since ISH12, the Applicant has acknowledged that a minimum of 18 months would be needed for the Constabulary to train and deliver officers capable of escorting AILs and has agreed that an appropriate review and wind down period is required should a reduction of support be deemed necessary. The parties will seek to agree appropriate drafting for inclusion within the Deed of Obligation

Agenda Item	Suffolk Constabulary's response
	In response to the ExA's query regarding the governance of the working groups, Mr Cutler explained that the Constabulary is concerned that the Applicant has 50% of the voting rights on these groups and the Applicant's over-riding control of on fundamental mitigation documents. Issues in relation to governance of the TRG and CSWG are addressed in Constabulary's written summaries of the oral submissions made at ISH14 (see elsewhere in this document).
2.2: Progress on Community Cohesion and Community Safety identified in the Local Impact Report and Statement of Common Ground	See comments at Agenda Item 2.1 above.
2.3: Timing of provision of accommodation campus, associated health and welfare facilities and caravan park	No comments.
2.4: Assessment of displacement of visitors and additional visitors to amenity and recreational areas including the AONB	No comments.

Agenda Item	Suffolk Constabulary's response
2.5: Assessment of amenity and recreational effects on the AONB	No comments.
6. Monitoring and Controls	
6.1: Latest position on Community Fund, Public Services Resilience Fund and Natural Environment Funds	See comments in Section 3 of this document.

3 WRITTEN SUMMARY OF ORAL SUBMISSIONS FOR ISSUE SPECIFIC HEARING 14

3.1 Overview

- 3.1.1 This section provides a written summary of the oral case made by Suffolk Constabulary (“the Constabulary”) at Issue Specific Hearing 14 (ISH14”) on the Development Consent Order (DCO), Deed of Obligation and allied documents held on 17 September 2021.
- 3.1.2 The structure of this section follows the order of items as set out in the updated agenda for ISH14 published by the Examining Authority (“ExA”) on 16 September 2021 (“the Agenda”). Numbered agenda items referred to in this section are references to the bulleted items in the Agenda. The Constabulary’s substantive participation was at Agenda Item 5 and as such this section does not cover the other Agenda Items.
- 3.1.3 A number of the Constabulary’s comments echoed submissions made by the Constabulary at ISH1, ISH2, ISH3 and ISH4. For convenience and to assist the ExA and Applicant, the Constabulary has included at relevant parts of this document, cross-references to its written submissions of oral statements made at ISH1, ISH2, ISH3, and ISH4 [REP5-168].
- 3.1.4 Where appropriate, this submission includes a brief update of relevant discussions between the Applicant and the Constabulary following ISH12 and ISH14. These updates are shown in red text.
- 3.1.5 At ISH14, the Constabulary’s submissions were made by Ben Stansfield (Solicitor at Gowling WLG (UK) LLP) and Detective Chief Superintendent David Cutler (Suffolk Constabulary).

3.2 Written summary of the Suffolk Constabulary's oral submissions for ISH14

Agenda Item	Suffolk Constabulary's response
6. Other issues arising from responses to the Examining Authority's commentary on the DCO [PD-038]	
6.0	The Draft Deed of Obligation (revision 7) [REP7-040] refers to the establishment of several working groups. The Constabulary supports the establishment of these groups and welcomes being included as a full member, with voting rights, on the Transport Review Group (TRG) and the Community Safety Working Group (CSWG). As explained at ISH1 [REP5-168 section 2.2, page 8], the Constabulary is of the view that the governance of the TRG and the CSWG needs to be reviewed. Mr Stansfield explained that the Constabulary is still dissatisfied that if the Applicant or a member representing the Applicant did not attend meetings of either the TRG or the CSWG then the relevant working group would not be able to conduct its business [see also REP5-168 section 2.2, page 8] The Constabulary noted the positive comments made by Mr Rhodes for the Applicant at ISH14, responding to the Constabulary's concerns, that the Deed of Obligation would be amended to ensure that the Applicant participated in the relevant working groups <u>Transport Review Group</u> The Constabulary welcomes the recent amendment in Draft Deed of Obligation that confirms the Constabulary is a member of the TRG and will have voting rights, however, remains concerned that the Applicant continues to have 50% of the TRG voting rights, which has the potential to cause deadlock. Mr Stansfield noted that it was unusual for the Applicant to have such influence on fundamental documents which provide key transport and traffic mitigation – for example the Applicant could both propose amendments to the Construction Traffic Management Plan (CTMP) and <u>vote</u> to approve those amendments. At ISH3 (see page 16 of REP5-168) and as reiterated at ISH14, Mr Stansfield explained that the voting rights are important because not only must the TRG vote on matters brought to it by the Applicant, including potential changes to documents such as the CTMP, but the Applicant can also block majority votes giving it an effective right of veto that others feel are of critical importance.

Agenda Item	Suffolk Constabulary's response
	The Constabulary noted the positive comments made by Mr Rhodes for the Applicant at ISH14, responding to the Constabulary's concerns, that the Deed of Obligation would be amended to ensure that the Applicant would not seek to gain any voting advantage in the event that another member of either the CSWG or the TRG did not vote. Mr Stansfield highlighted that one of the Constabulary's key concerns is that the CTMP includes the agreed AILs matrix (the document which essentially sets out which loads would require a police escort), accordingly if changes were proposed to the AILs matrix, this would have the potential to have significant and unexpected adverse impacts on resourcing for the Constabulary. The Constabulary therefore proposes that a mechanism is included within the Deed of Obligation to prevent amendments to the AILs matrix being approved by the TRG without mitigation being first agreed with the Constabulary [see also REP5-168 section 4.2-page 15/16/17]. Mr Stansfield reiterated the Constabulary's points made at ISH3 that the TRG and CTMP should be in place and functioning in relation to the Preparatory Works, rather than from Commencement [see also REP5-168 section 5.2 pages 17 and 26]. Since ISH14 the Constabulary is pleased to report that progress has been made on AIL matters. Both parties have agreed the funding that is required to enable four AILs teams to be established (subject to the assumptions provided in the AILs matrix). Furthermore, the Applicant has confirmed that a mechanism can be included within the Deed of Obligation restricting changes to the AILs matrix within the CTMP unless appropriate mitigation has been first agreed with the Constabulary. The Applicant has confirmed that the Deed of Obligation will be updated to reflect this, and the Constabulary looks forward to reviewing the proposed drafting.

Agenda Item	Suffolk Constabulary's response
	<u>Community Safety Working Group</u> As currently drafted, the Constabulary's view is that the arrangements for the CSWG and SRG are not adequate. The Constabulary welcomes the 'imbalance' of the CWSG, whereby the Applicant has less than half of the voting rights on the CSWG. Mr Stansfield added that the Constabulary notes the inclusion of the 'urgency process' in the Draft Deed of Obligation which enables matters to be referred to the Social Review Group (SRG), if required, for urgent resolution. However, the Constabulary are concerned that the Applicant has 50% of the SRG voting rights, meaning that deadlock may arise [see also REP5-168 section 5.2 page 26]. Mr Stansfield noted that the Terms of Reference for the CSWG have been removed from the current draft Deed of Obligation and sought an explanation from the Applicant [see also REP5-168 section 2.2 page 8]. The Constabulary considers that the CSWG must have clear terms of reference to confirm the remit of the group includes reviewing workforce monitoring data at key milestones, agreeing actions and making recommendations where required, rather than simply reporting evidenced effects and reviewing the effectiveness of deployed mitigation without any ability to address impacts through decision making. The Deed of Obligation or an appropriate annexe (such as Terms of Reference) also needs to set out suitable metrics to monitor actual impacts relative to predicted impacts from the NHB workforce, with this monitoring used in connection with the agreed Police Reserve Fund. To assist, a suite of suitable metrics and key performance indicators (KPIs) linked directly to Suffolk Constabulary's datasets was submitted to the ExA at D6 (REP6-047). Since ISH14 progress has been made in relation to these matters and the Constabulary welcomes clarifications received from the Applicant. Without prejudice to reviewing the updated Deed of Obligation once submitted, the Constabulary understands that the policing KPIs submitted to the ExA at D6 will be included in a new annexe to the Deed and this will confirm the metrics are to be used in connection with monitoring deployed mitigation and accessing the agreed Police Reserve Fund when required. The Constabulary further

Agenda Item	Suffolk Constabulary's response
	understands Schedule 4 of the Deed of Obligation will be expanded to include additional clauses to clarify the remit of the CSWG in line with the Constabulary's expectations. At ISH4, Mr Stansfield explained that the current Draft Deed of Obligation provides that the CSWG would be established from Commencement, however the Constabulary's view is that the CSWG should exist during Preparatory Works. This view still remains and the Constabulary welcomes clarification from the Applicant on why the CSWG would be established from Commencement [see also REP5-168 section 5.2 pages 17 and 26] <u>Liaison matters</u> Schedule 4 of the Draft Deed of Obligation requires the appointment of an 'emergency coordinator' and a 'transport coordinator'. Furthermore, as currently drafted, Schedule 4 of Draft Deed of Obligation also makes reference to a 'community liaison service' but there is no obligation to appoint a community liaison officer. It is the Constabulary's view that a community liaison officer should be appointed to act as a primary point of contact for the Applicant in relation to the project. The Constabulary considers that there are lessons to be learnt from Hinkley Point C and the Constabulary is in the position to review the approaches Avon and Somerset Police have taken and the challenges faced. Based on discussions with Avon and Somerset Police, the Constabulary understand that a community liaison officer was not appointed for Hinkley Point C but if the post had been filled it would have supported addressing safety and community related issues early, for example, issues relating to the Code of Conduct enforcement, proactive management regarding public concerns relating to EDF workforce and the night time economy, antisocial behaviour at bus stops, and fly parking. The Constabulary feel this role is a vital one that provides the Constabulary with a single point of contact which would help identify and address community issues at the earliest opportunity, and would therefore welcome a commitment in the Draft Deed of Obligation that a community liaison officer shall be appointed by the Applicant, ideally prior to the Preparatory Works. Mr Stansfield noted that despite an obligation in the Draft Deed of Obligation to appoint an 'emergency coordinator' and a 'transport coordinator', the Constabulary is concerned that these roles may not be filled.

Agenda Item	Suffolk Constabulary's response
	The Constabulary would therefore welcome a commitment that these roles are appointed prior to the Preparatory Works. <u>Community Safety Management Plan</u> The Community Safety Management Plan (CSMP) [APP-635] contains key mitigation, including a commitment to police resource funding. However as mentioned at ISH1 (see page 8 of REP5-168), the CSMP is not secured in the Development Consent Order or Deed of Obligation (although the Constabulary noted the Applicant's comments at ISH14, that the CSMP is not intended to be secured in this manner, and that instead the contents of the CSMP would be separately secured). The Constabulary welcomes this clarification as the latest submitted Mitigation Routemap (REP7-039) indicated the CSMP (and all measures therein) may constitute required mitigation. Mr Stansfield noted that the Deed of Obligation (Schedule 4 paragraph 2.1) only required "suitably qualified and experienced" On Site Security to be provided from Commencement. The CSMP notes that security would be provided 24/7 at the main development site and at associated development sites. The Constabulary proposes that the Deed of Obligation should be expanded to reflect more accurately the commitments of the CSMP. In addition, the Constabulary notes that the CSMP refers to 'Operation Spire', but the Constabulary has been unable to find any information on this matter. The Constabulary also notes that the CSMP refers to security vetting, but the Constabulary cannot understand how this important mitigation is secured. The Constabulary welcomes clarification from the Applicant on these matters. <u>Deed of Covenant</u> Mr Stansfield noted that the Constabulary had raised its concerns with the Deed of Covenant mechanism (whereby third parties not party to the Deed of Covenant but nevertheless identified within it as recipients of financial contributions) with the Applicant and that there had been positive engagement. The Deed of Covenant is a standard form document and provides potentially extensive auditing rights for the Applicant in relation to the Constabulary's expenditure of funding received; which in practice would not be appropriate given the Constabulary's functions. In addition, the Deed of Covenant contains certain provisions relating to

Agenda Item	Suffolk Constabulary's response
	the publicity and communications associated with payments to third parties, including the Constabulary. Again, given the nature of the functions that the Constabulary undertakes, a bespoke solution needs to be found. <u>The Draft Development Consent Order</u> The Constabulary noted the inclusion of Requirement 5A (Project Wide: Emergency Planning) in Revision 4 of the Draft DCO [REP2-014]. As currently drafted, Requirement 5A of the Draft DCO only refers to the Fire and Rescue Authority and does not require other key emergency service stakeholders to be involved in the drafting and approval of the Construction Emergency Plan. Mr Stansfield added that there is no requirement to consult key emergency service stakeholders in developing or updating the Construction Emergency Plan. It is expected that emergency planning arrangements specified in the Construction Emergency Plan, would be developed and agreed in consultation with key emergency service stakeholders, including the Constabulary as they provide important co-ordination and incident response capabilities [see also REP5-168 section 2.2-page 9/10]. <u>Other observations</u> It should be noted that the Constabulary supports the points raised by Michael Bedford QC, on behalf of Suffolk County Council, in relation to the governance and decision making of the TRG. The Constabulary agrees with Suffolk County Council's views that there should either be an uneven number of representatives with a public sector majority on the TRG or the County Council should have the casting vote to prevent a deadlock.

