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NORTH WALES POLICE
A safer North Wales

**WYLFA NEWYDD NUCLEAR POWER STATION PROJECT DEVELOPMENT CONSENT
ORDER APPLICATION
PLANNING INSPECTORATE REFERENCE: EN010007**

**Deadline 5 Submission: Response to Examining Authorities Further Written
Questions
ON BEHALF OF NORTH WALES POLICE**

**Doc Ref: WN-NWP-FWQDL5 v1
12th February 2019**

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1 INTRODUCTION

- 1.1 In line with the Examining Authority's (ExA) timetable for the Examination in accordance with Rule 8 of the Infrastructure Planning (Examination Procedure) Rules 2010, this statement sets out the submission, on behalf of North Wales Police, for Deadline 5.
- 1.2 North Wales Police (NWP) is registered as an interested party and is participating in the Examination. NWP is responsible for the provision of policing for and in the vicinity of the Wylfa Newydd Nuclear Power Station and, if consented, the construction and operation of the nuclear power station will have a significant impact on police demand.
- 1.3 The statement comprises NWP's response to the Examining Authority's Further Written Questions.

2 NORTH WALES POLICE: RESPONSE TO THE EXAMINING AUTHORITY’S FURTHER WRITTEN QUESTIONS

Reference	Respondent	Question	Response to question
4 Development Consent Order			
Q2.4.12	The Applicant, IACC, WG, NRW AND NWP.	<p>PW2 - Wylfa Newydd CoCP Many IPs have raised concerns that should the detail of the CoCP not be agreed prior to the end of examination, than existing CoCPs and sub codes are treated as statements of principle/parameters and that further detail would need to be approved by IACC using pre-commencement requirements.</p> <p>1) Could this approach create the possibility of an uncertain scheme which hasn't been properly assessed? 2) Would this approach to requirements be lawful, given Rochdale principles, and is reasonably intended to fix 'finalised aspects' at a later date?</p> <p>In responding to this question, attention is drawn to paras 103 and 104 of pre-application guidance.</p>	<p>North Wales Police (NWP) share the concerns raised by many IPs in respect of the lack of detail provided within the CoCP. Within our Deadline 4 submissions (REP4-043), we made reference to a number of confirmed DCOs where an 'outline' CoCP was agreed during the Examination process, with a detailed version to be submitted and approved by the relevant authority prior to the commencement of development.</p> <p>The mitigation identified within the CoCP (and the sub-CoCPs) has been defined by the Environmental Impact Assessment undertaken by the applicant. The ES will be a certified document and the CoCP, the sub-CoCPs, and the plans and strategies within them, would then be secured by requirement. NWP endorses this approach given the lack of information currently available. DCO precedent for this approach has been set by the Glyn Rhonwy Pumped Storage Generating Station Order 2017 under Article 30: Certification of plans etc, Requirement 6: Code of Construction Practice, and Requirement 8: Compliance with Outline Plans. This is considered to be in line with the approach set out in paras 103 and 104 of "Planning Act 2008: Guidance on the pre-application process".</p> <p>Furthermore, NWP does not consider that the CoCP contains, as a document, the necessary rigour in relation to change management, in order to ensure that amendments that may be made to it carry necessary scrutiny. Put another way, the draft Order currently allows that such a document may be amended by way of agreement, provided that materially new or different environmental effects do not arise. Given the level of control - and importance - imbued within this document, NWP considers that securing it by way of</p>

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			requirement is necessary and that amendments that need to be made to it require a formal approval process.
Q2.4.17	The Applicant, IACC, WG and NWP.	<p>PW8 – Code of Conduct IACC, WG, NWP, and others want this to be part of DCO and not 'for information'. WG states "Fundamental importance that the DCO requires all mitigation strategies and control documents to be submitted for approval by the relevant body in consultation with any other relevant body specified so that it covers the right detail to secure mitigation and to be implemented and enforced." It proposes that approval should be via IACC in consultation with GCC and CCBC on basis that some of the mitigation will fall within responsibility of those authorities in addition to IACC. The Applicants position is that this would be prepared in accordance with the Workforce Management Strategy which would be a certified document.</p> <p>1) Why does this approach not satisfy IACC, WG, NWP and others? 2) Or should PW8 provide details of how the Code of Conduct should be approved, monitored and enforced including in consultation with North Wales Police?</p>	<p>Requirement PW8 does not provide for any body to approve this document as drafted. The Applicant has responded to say that the principles are set out in the Workforce Management Strategy, which is a certified document and therefore the Code of Conduct does not need further approval.</p> <p>NWP do not agree with this submission, as the document must be reviewed to ensure it is in accordance with the principles in the Workforce Management Strategy and NWP need to have the ability to review and comment on the content as the document relates to safety and security. NWP therefore ask that the requirement is amended so that IACC approve this document, subject to agreement from the Emergency Services Engagement Group (which HNP has confirmed will be formally defined through the draft DCO s106 to be submitted at Deadline 5).</p>
Q2.4.19	IACC and NWP	<p>PW11 – Community Safety Management Strategy (CSMS) NWP proposes an amendment to the requirement so that NWP is the body who approves the document and that this needs to be done within 2 months of receiving the draft document.</p>	<p>NWP would not resist this proposal. Dialogue with HNP since Deadline 4 has identified an approach which will involve the emergency Services Engagement Group in the preparation and approval of the CSMS.</p> <p>It is understood (through verbal advice provided to NWP by HNP) that further detail on this proposed approach will be submitted to the Examination by</p>

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		<p>An alternative approach would be that IACC approves the document in consultation with NWP.</p> <p>1) Would IACC and NWP resist this proposal? 2) Should the CSMS be included as a Certified document under Schedule 18?</p>	<p>HNP at Deadline 5.</p> <p>The CSMS, which at present contain a number of principles, should be included as an outline document for Deadline 5, the detail to then be agreed by way of requirement.</p>
Q2.4.20	The Applicant, NWP and IACC	<p>In light of the comments made by IPs with respect to the dDCO s.106, particularly IACC's strong opposition to the current allocation structure for contingency funds, the Applicant stated at the second DCO hearing that the dDCO may require amendments to establish the necessary allocation body to allocate contingency funds provided for in the dDCO s.106.</p> <p>NWP request the inclusion of a new Article which would define the structure, governance and role of the WNMPOP (if it is to apply and exist).</p> <p>It refers to Article 66 of the Silvertown Tunnel made Order as providing precedent for this approach.</p> <p>1) Can the Applicant provide an update as to whether it is proposing amendments to the dDCO to establish an 'allocation body' 2) What are the Applicants comments in respect of the proposal made by NWP?</p>	<p>NWP acknowledges and understands that the WNMPOP is no longer to apply. NWP does not disagree with the disbandment of this in principle, however it is imperative that the structure and format of the Emergency Services Engagement Group is properly defined in the DCO s106. This detail is currently lacking.</p>

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		3) Does IACC or any other party wish to comment?	
Q2.4.27	The Applicant and NWP	SPC12- Access NWP expressed concern that 8 meters set back may not be sufficient to allow safe access to main site [REP2-345 para7.12 vii]. Are discussions now concluded between the two parties and has agreement been reached? If so, please signpost where in the documentation	NWP has not had a specific response from HNP in relation to this specific point, in order to provide the necessary comfort that agreement can be reached. NWP welcome a response from HNP.
Q2.4.30	The Applicant and NWP	NWP requests a new requirement for an Operational Travel Strategy (currently secured by forming part of the CoOP) and that this should be prepared prior to 'operation of the power station' but which accords with the CoOP. What are the Applicant's views?	NWP awaits the Applicant's views on this question at Deadline 5 and will provide further comment as deemed necessary in response at Deadline 6. At present no requirement for an Operational Travel Strategy exists.
Q2.4.46	The Applicant , NWP and NWFR	Several IPs have expressed support for an Emergency Services Engagement Group. Do IPs wish to comment? If such a group were to be formed, how could this be secured in the DCO?	North Wales Police (NWP), North Wales Fire and Rescue Service (NWFRS) and Welsh Ambulance Service NHS Trust are all in supportive of the formation of the Emergency Services Engagement. NWP has elaborated on this as part of our Deadline 4 submission (REP4-043) and HNP has confirmed that such a group will be established. The DCO S106 latest draft confirms the establishment of this group, however its governance is at present lacking in detail in the drafting of the Schedule.
4	Part 1 - Section 106		
Reference	Respondent	Question	Response to question
Q2.4.51	IACC, GCC, WG, BCUHB, NWP, NWFR and PHW	In the long term there would be an increase in revenue from Council and Business Tax should the DCO be consented. Would this be used to fund additional services required as a result of the development? At the ISH on the 7 January it was indicated that this would be reflected in the S106 as a number	<u>Business Tax</u> There is no direct correlation between Business Tax paid by organisations such as Non Domestic Business Rates and the funding the force receives from the Home Office. The Home Office Police Grant funding includes:

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		<p>of the contributions sought would be for short term and/or interim measures to cover any shortfall in service provision that might arise before the increase in revenue could be delivered. Indicate which contributions this would apply to. Where a contribution is being sought to cover an existing service long term, why would this be necessary?</p>	<ul style="list-style-type: none"> ▪ Allocation of Police Core Settlement ▪ Allocation under Additional Rule 1 ▪ Allocation of DCLG Formula Funding <p>The Home Secretary continue to apply damping in a way that ensures every local policing body receives the same share of the totality of formula funding as in 2013/14. Thus during the period of austerity each of the force has received the same % reduction in its funding which demonstrates that there is no direct correlation between business tax paid locally by businesses/organisations and funding received from the Home Office. Any business rates/tax will thus not be directly received by the force as mitigation.</p> <p><u>Council Tax</u> NWP is unable to model what, if any, additionality of funding would be received from Council Tax. To be able to calculate what if any impact it would need to identify the number of band D equivalent dwellings in the area.</p> <p>Factors to consider would include:</p> <ul style="list-style-type: none"> ▪ Whether the Temporary Accommodation on Site would be subject to Council Tax. If so, there is a need to understand: <ul style="list-style-type: none"> ▪ How many accommodation units would be provided; ▪ Occupancy rates across the duration of the build; ▪ Banding rate of the accommodation – Band A, B, C, etc; ▪ Number of people entitled to single person discounts ▪ Transient nature of workforce and impact on Council Tax ▪ What proportion of staff would stay in Bed & Breakfast accommodation, in such a situation they would not be liable to Council Tax; ▪ What proportion of staff would be staying in rented accommodation, and would this be new accommodation or from existing housing stock? If from existing housing stock, there would be no additional Council Tax as in essence no increase in terms of band D equivalent dwelling; ▪ Any other accommodation options such as caravans, in such instance no additional Council Tax as short term in nature.

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			Without the above detail, it is impossible for NWP to model what, if any, additional funding would be received from Council Tax. The above also does not recognise the requirement for NWP to commence recruitment, appointment and training of officers up to eighteen months to two years prior to the construction workforce arriving and any associated cost in reducing NWP workforce as number of construction workers reduce.
10 Socio-Economic			
Reference	Respondent	Question	Response to question
Q2.10.14	Applicant, IACC, GCC, NWP and WG	At the ISH on 7 January 2019 it was suggested that a portal monitoring where workers lived would be needed. Can you provide further detail of how this would operate, how often it would need to be updated, how it could be secured and what it would enable?	At present, the drafting contained within the DCO S106 requires that a Workers' Accommodation Portal will be set up, and utilised, however no formal requirement for workers to register with this portal exists. In addition, the drafting does not confirm exactly what the portal will be used for. Neither is there any formal requirement to send this information to NWP. As such, it is not fit for purpose in its current format.
11 Traffic and Transport			
Reference	Respondent	Question	Response to question
Q2.11.5	Applicant, WG and NWP	1) Are Abnormal Indivisible Loads (AILs) required by law to be escorted by Police in Wales? 2) If they are not, is the Applicant proposing to use the Police or another organisation to escort the AILs? 3) Would an AIL management plan be required? 4) How would AILs be managed prior to the opening of the MOLF and the improvements to the A5025?	The following is from the National Police Chiefs Council (NPCC) GUIDANCE/PRACTICE ADVICE ON THE MOVEMENT OF ABNORMAL INDIVISIBLE LOADS (2010) document. The legislation that permits Abnormal Indivisible Load movements is: • The Motor Vehicle (Construction and Use Regulations) (C & U); • The Motor Vehicles (Authorisation of Special Type) General Order (STGO). An escort or escort vehicle is not defined in legislation and there is no legal requirement for any abnormal loads to be escorted. There is however a requirement for loads of certain dimensions to have an attendant. STGO 2003 permits the attendant to be in an accompanying vehicle, which may for practical purposes be considered as an 'Escort Vehicle', providing that it remains with the Abnormal Load throughout the whole journey. The practice of the police escorting abnormal loads is a self-imposed duty,

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			<p>established many years ago and was initially undertaken for purposes of road safety. However, changes in vehicle and road engineering have radically altered the manner in which abnormal loads travel. The escort criteria adopted by Police has been progressively raised over time, in line with the national NPCC guidelines. However, following incidents where members of the public have been involved in incidents with Abnormal loads, both under escort and without, it is necessary to again state the overriding factor in these guidelines is the safety of the public and those involved in the movement and/or escorting of any Abnormal Indivisible Load.</p> <p>A private escort is not permitted to control traffic; its sole purpose is to warn the driver of the abnormal load or any other person, of any danger likely to be caused by the presence on the road of that vehicle. The Highways Agency offers codes of practice relating to self-escorting of abnormal loads. Responsibility for the safety of the move and ensuring a route is appropriate rests with the operator and driver.</p> <p>In North Wales road safety is a shared responsibility between Welsh Government, the Unitary Authorities, Fire/ Rescue Service and Police. Abnormal loads present an increased risk due to their size and/or weight. Private escort companies cannot stop and direct traffic and where a load is of an exceptional dimension, or the route poses greater risk to other road users, police escorts may be provided.</p> <p>In North Wales it has been recognised by NWP, the Welsh Assembly Government and private industry, including the energy sector, that it is an established practice for AILs to be escorted by the Police.</p>
Q2.11.6	Applicant, IACC, GCC, WG and NWP	Would an early year's strategy for highways movements, including any necessary arrangements that may arise if the MOLF or highways works were delayed, be required? If yes could this be delivered by a suitably worded requirement?	NWP would welcome an early years strategy for highways movements, particularly if it would provide contingency provisions for any delays to the MOLF or highways works. NWP considers this could be secured by a suitably worded requirement.