

Your Ref: EN010012 Our Ref: 20026016

06 August 2021

Wendy McKay
The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

#### BY EMAIL ONLY

Dear Wendy,

# SIZEWELL C PROJECT RESPONSE TO EXAMINATION DEADLINE 6

Stantec acts for Suffolk Constabulary ("the Constabulary") in relation to the application for the Sizewell C Development Consent Order.

On behalf of the Constabulary, I am pleased to submit a response to Examination Deadline 6. The Constabulary's submission comprises the following:

- i. This covering letter, which sets out the Constabulary's current position
- ii. Appendix A: Comments on the draft Deed of Obligation (Revision 6) and the draft Development Consent Order (Revision 5) (tracked changes)
- iii. Appendix B: Proposed Key Performance Indicators for use in monitoring community safety and policing impacts

### The Constabulary's Position

At the outset, and as reiterated in its Examination submissions, the Constabulary holds no views as to the virtues of nuclear energy or the planning merits of the proposed scheme. The Constabulary, as the territorial police force responsible for the county of Suffolk, is solely concerned with ensuing that all likely significant impacts on community safety and policing arising from the proposed scheme are fully identified, assessed and adequately mitigated.

The Constabulary has raised concerns with the Applicant about the adequacy of consideration afforded to community safety and policing matters. As stated at Issue Specific Hearings ("ISH") 1 to 4 (REP5-168) and within its Written Representation (REP2-519), the Constabulary's key concerns are:



- Narrow scope of assessment: the singular focus on the reporting of 'recorded' (i.e. Home Office notifiable) crimes, rather than considering wider community safety impacts likely to require police involvement.
- Limited consideration of demographic factors: the assessment of population dynamics undertaken in Chapter 9 (Socio-economics) of the Environmental Statement (ES) (APP-195) have not been factored into the assessment of resulting community safety impacts.
- Insufficient information regarding the range of potential transport impacts likely to require a net additional police response.
- Over reliance by the Applicant upon the perceived experience of the construction of Hinkley Point C ('HPC') project within the Avon and Somerset Police area to seek to predict community safety and policing impacts from the proposed scheme.

The Constabulary has reviewed the Applicant's Deadline 5 submission and does not consider that its concerns raised in the ISH 1 to 4 (REP5-168) have been adequately addressed. Whilst there are areas of agreement between the Applicant and the Constabulary, it is disappointing that there are still areas of significant disagreement at this stage in the Examination process.

In its review of the Applicant's response to actions arising from ISH4 (9.51 Written Submissions Responding to Actions Arising from ISH4: Socio-economic and Community Issues (REP5-116), the Constabulary does not agree with the statement at 1.2.3 that that changes to the construction programme result in "no material change to the workforce profile...". Extending the construction programme is a major change to the Project and it is self-evident that the duration over which the construction workforce (including non-home-based element) will be required and thus the associated duration of community safety impacts occur will be extended. In consequence, the required duration (including lead-in time), quantum and delivery of public and emergency services resourcing to help mitigate likely community safety impacts will need to be adjusted. Further information needs to be provided by the Applicant to facilitate this.

Furthermore, the statement at 1.2.4 within REP5-116 that the construction programme change would "effectively reduce the average on-site workforce in that period" fails to recognise the importance of in-year (monthly) changes in workforce levels for policing demand and potential impacts from bringing forward additional construction activity in the period before the Accommodation Campus may be delivered. The need for the Constabulary to assess impacts on a monthly rather than annual average basis in order to ensure sufficient resourcing capacity to meet predicted peak periods of policing demand has previously been discussed with the Applicant, so it is surprising and disappointing that the Applicant's latest submission refers only to annual averages.

The Constabulary therefore considers that the changes to the construction programme and consequential changes to the workforce profile are material changes and further information is required to enable associated community safety impacts to be properly



assessed. The Applicant is respectfully requested to provide an updated Implementation Plan, updated construction programme and updated monthly breakdown of the predicted SZC workforce (home-based and non-home-based).

Discussions with the Applicant are ongoing but given the significant differences between both parties, the Constabulary wishes to see quicker progress and for those discussions to be increasingly productive. The Constabulary notes that the Applicant's Deadline 5 submission is silent on the substantive points made by the Constabulary in the ISH 1 to 4 (REP5-168). At ISH4, the Constabulary called for a timetable to conclude an agreement regarding the quantum and structure of policing mitigation.

The Constabulary has re-affirmed to the Applicant its willingness to commit to more intensive engagement to seek to agree matters, but at the time of writing no meaningful discussions have taken place following ISH4. In light of this, the Constabulary therefore asks that the ExA holds a further Issue Specific Hearing on community safety matters during the dates reserved in September.

Comments on the draft Deed of Obligation (Revision 6) and the draft Development Consent Order (Revision 5)

The Constabulary's comments on the draft Deed of Obligation (Revision 6) and the draft Development Consent Order (Revision 5) are enclosed with Appendix A of this letter – we have updated the table which the Constabulary previously submitted (REP2-519) in order to clearly show the Constabulary's latest views (shown in tracked changes). In addition to this, Appendix B sets out the Constabulary's proposed key performance indictors (KPIs) for use in monitoring community safety and policing impacts arising from the proposed scheme.

If you have any questions or clarifications, please do not hesitate to contact me or Emma-Mai Eshelby ( stantec.com).

Yours sincerely,



Natalie Maletras Director on behalf of Stantec UK Ltd



# **Enclosures:**

- i. Appendix A: Comments on draft Deed of Obligation (Revision 6) and the draft Development Consent Order (Revision 5)
- ii. Appendix B: Proposed Key Performance Indicators for use in monitoring community safety and policing impacts

# Appendix A

# SUFFOLK CONSTABULARY SIZEWELL C PROJECT

### COMMENTS ON DRAFT DEED OF OBLIGATION - REVISION 46.0

AND THE DRAFT DEVELOPMENT CONSENT ORDER - REVISION 5

#### 1 GENERALLY

This table provides comments on the draft deed of obligation (the "Deed"), and the draft Development Consent Order ("DCO") submitted to the Examining Authority at Deadline 5, highlighting initial key concerns and observations from the Suffolk Constabulary. It does not provide detail as to expected quantum of contributions etc to be contained in the Deed.

This table does not provide detailed drafting, which will naturally follow once the principles have been agreed.

#### 2 DCO

- 2.1 Requirement 5A relates to Emergency Planning and as drafted, the emergency plan is only required to be submitted to Suffolk County Council as Fire and Rescue Authority. Suffolk Constabulary considers that the emergency plan should be provided by the Undertaker to the Constabulary in draft and thereafter amended to reflect the Constabulary's comments upon it. Limb "c" of the requirement requires to the implementation of the emergency plan "as approved" however it is not clear which party should be approving it.
- 2.2 The DCO does not require key mitigation such as the Construction Traffic Management Plan, which the Constabulary considers to be a significant weakness.

# 23 FINANCIAL CONTRIBUTIONS DEED

- 2.13.1 Although outside the scope of this commentary, Sthe Constabulary highlights that the financial contributions will need to be able to 'flex' year on year to allow for greater than anticipated contributions to be paid. An appropriate mechanism is required in the Ddeed of obligations. SThe Constabulary notes that the mechanism agreed between Horizon Nuclear Power and the North Wales Police in the relation to the Wylfa Newydd Nuclear Power Station would appear to be a useful precedent in this respect
- 2.23.2 In addition, financial contributions will need to be extended if the construction period exceeds the predicted/modelled time period.

2.33.3 The Transport provisions of the Deleed do not address financial contributions to Sthe Constabulary re AILS and agreement in this respect will be required

### 3 ACCOMMODATION

3.43.4 The Deed is silent as to onsite accommodation provision for the Constabulary's Officers. When onsite, the Constabulary will require appropriately sized and serviced accommodation, delivered to a specification to be agreed and included in the Delevant SZC's cost.

Topic	Obligation/Issue	Commentary
Topic  Generally	Obligations to apply from Commencement	Commencement excludes (1) Preparatory Works and (2) operations consisting of the Relocated Facilities Works prior to the occurrence of the Transitional Date.  These would include potentially substantial elements of work which are not addressed by mitigation, some of which should apply to prior to Commencement, for example funding of a Sergeant to enable early liaison work, and appointment of on-site security etc

Topic	Obligation/Issue	Commentary
Generally	Parties to the Agreement-Deed are SZC, SCC and ESC	SC-The Constabulary is not party to the Agreement Deed. SZC and the Councils are to use reasonable endeavours to enter into deeds of covenant with 3 <sup>rd</sup> parties, including the Constabulary. If the Deed of Covenant is not entered into, then alternative mitigation can be proposed ultimately.  The Deed of Covenant requires the 3 <sup>rd</sup> party recipient to put funds into interest-bearing
		account and repay unspent contributions. Furthermore, the Deed of Covenant requires an acknowledgement of funds source and permit /branding/logos etc.
		The introduction of general "reasonable endeavours" provision, introduces an unacceptable level risk outside the Constabulary's SC control, as such the obligation on SZC and the Councils to enter into a Deed of Covenant should be more firm, only where the Constabulary SC refuses to sign should the obligation fall away. SZC has noted (paragraph 1.8.5, document 9.4.8¹) that SZC Co. considers that "reasonable endeavours" is the appropriate standard as SZC Co. is not able to control the actions of the relevant third parties and so cannot accept an absolute obligation in this respect. SZC misunderstands the point: SZC should be under an absolute obligation to enter into the Deed of Covenant if the relevant third party indicates that it is willing to do the same. A general "reasonable endeavours" obligation allows SZC to avoid signing a Deed of Covenant for any number of reasons and it is not appropriate for the Councils, in such circumstances, to enter into a dispute as to what was reasonable in such circumstances. The Constabulary notes SZC's offer to enter into a Deed of Covenant during Examination and would be keen to explore this.
		The Constabulary SC is concerned about branding obligations which would not be appropriate given its functions.

<sup>&</sup>lt;sup>1</sup> Written Submissions Responding to Actions Arising from ISH1: Draft Development Consent Order and Deed of Obligation (6 July 2021)

Topic	Obligation/Issue	Commentary
Generally	Notices of key dates such as Commencement, Transitional Date, end of Construction are to be given by SZC to Councils	Notices should be copied to the Constabulary SC. In addition and the Constabulary SC may require further notifications to be given to it, depending on the structure of the financial contributions.
Generally	Financial contributions will be increased by CPIH (consumer prices index including owner-occupiers' housing costs)	The Constabulary SC is considering whether this is the appropriate index for financial contributions it requires.
Emergency Services Obligations	SZC to appoint an Emergency Coordinator before Construction (and to last throughout Construction)	The Constabulary SC considers that the Emergency Coordinator should be appointed and in post prior to the undertaking of any pre-Commencement works. If the Emergency Coordinator role is not filled and maintained throughout the Construction period, the Constabulary SC considers that the Councils should have the power to do so.  Similar comments are made in relation to other liaison officers/co-ordinators to be appointed.
Emergency Services Obligations	SZC to provide On Site Security before and during Construction	There is no further detail as to the scope or identify of the private security service. The Constabulary considers that the appointed security service will need to be appropriately qualified and experienced, and meet all applicable industry standards SC is considering further.  The Constabulary SC considers that the On Site Security should be appointed and in post prior to the undertaking of any pre-Commencement works.

Topic	Obligation/Issue	Commentary
Emergency Services Obligations	During Construction period, SZC to pay £[*] to SCC for onward payment to SCthe Constabulary.	The quantum and triggers of the financial contribution are to be agreed. Some element of the contribution will need to apply to pre-Commencement works.
	Payment is for reasonable dedicated additional resourcing related to potential temporary uplift in demand for local police services related to the Project.	It is highly likely that contributions will need to be made annually, and on the basis of workforce/need. The Constabulary will also require an ability for additional payments be made, which may, for example, be driven by increase in worker numbers (compared to the model), additional AIL requirements, insufficient mitigation, or an extended construction period etc
		Both Suffolk Fire and Rescue Service and East of England Ambulance Service Trust receive funds in relation to preparation for and attendance at meetings of Community Safety Working Group —during construction, and collaborative work with other stakeholders in the CSWG. The same should be extended to the Constabulary.
Emergency Services Obligations	During Construction, SZC to pay £[*] to SCC for onward payment to the Constabulary SC in the event that the Constabulary SC conducts a public safety initiative (the need for which is directly attributable to the Project).	As drafted, there is no absolute requirement for the funds to be paid. In addition the Constabulary SC has no right to request funds and SZC has the right to withhold funds. The Deed of Obligation will need to address these issues and the scope of public safety initiatives will need further consideration.

Topic	Obligation/Issue	Commentary
Emergency Services Obligations	CSWG to be established by SZE before Commencement Date and which will operate in accordance with defined terms of reference. CSWG to exist until end Construction.	Further detail regarding the CSWG terms of reference is needed. The CSWG must have the power to receive monitoring reports of mitigation, and must have the ability to determine and agree any required changes during the construction to ensure the mitigation remains adequate, effective and appropriate.  We note that the Constabulary is to have one representative on the CSWG, instead of two. No justification for the change has been provided.  The Constabulary notes SZC's position that it is considered unlikely that SZC Co would be unable to attend meetings of the CSWG. The Constabulary considers that the obligation at paragraph 2.1 of Schedule 17 merely requires the nomination of an individual to attend etc. and does not actually require attendance and participation. As drafted, the Deed permits SZC to frustrate proper governance however unlikely.
Emergency Services Obligations	CSWG to meet every six months, or more frequently if agreed. Not more than Quarterly.  CSWG to determine a reporting protocol to ensure transparency, consistency, independence.	The Constabulary SC considers that quarterly meetings should be sufficient, but extraordinary meetings should be held if necessary. Meetings should be quorate without SZC presence.
Transport (Schedule 16)	Prior to Commencement, SZC will submit for approval TMMS (traffic management and monitoring system)	<u>The Constabulary SC</u> -should be consulted on all matters which have a link to road safety. It is not sufficient to rely on consultation from the Councils or Highways England.
Transport	Prior to the end of Construction, SZC to prepare Operational Travel Plan	The Constabulary SC should be consulted on all matters which have a link to road safety. It is not sufficient to rely on consultation from the Councils or Highways England.

Topic	Obligation/Issue	Commentary
Transport	Transport Review Group is to be established. S106-the Deed sets the meeting parameters	SC should be appointed to the TRGWe note that the Deed provides that one representative of the Constabulary is to be invited to attend meetings of the TRG. Whilst this is a step forward, it is still insufficient as the Constabulary should be a full member of the TRG entitled to vote and fully participate.
Transport	Contingent Effects monitoring and funding	Further information as to Contingent Effects to be provided by SZC
Transport	Community Safety Working Group , Rights of Way Working Group, Wickham Market Working Group, Leiston Working Group, Marlesford and Little Glenham Working Group to be established	The ConstabularySC should be informed in advance of the meeting agendas and able to attend if it considers appropriate. Meeting minutes should be provided to <a href="mailto:the-constabularySC">the ConstabularySC</a> . The Constabulary's SC's costs of preparation, attendance, etc should be covered by SZC.

Topic	Obligation/Issue	Commentary
AILS	Prior to Commencement SZC is to submit details of the AIL Route Scheme to SCC for approval	SC is considering further the obligations necessary and applicable to AILS We note that the Deed now contains a definition of an AIL: We make some additional comments below in bold italics.
		"Abnormal Indivisible Loads" means a vehicle having one or more of the following characteristics on any part of the vehicle combination:
		(i) a Gross Vehicle Weight of more than 44,000kg;
		(ii) an axle load of more than 10,000kg for a single non-driving axle and 11,500kg for a single driving axle;
		(iii) a width of more than 2.9 metres;
		(iv) a rigid length of more than 18.65 metres;
		(v) the vehicle load projects over the front or rear of the vehicle by more than 3.05m or more than 305mm over the side of the vehicle; or
		(vi) is a Part 2 vehicle combination (N3 vehicle and trailer) of greater than 25.9m total length
		The CTMP will contain the AILS Matrix as agreed with the Constabulary. The mitigation to be agreed with SZC will be based upon the AILS Matrix. As drafted, the Deed permits the TRG to approve changes to the CTMP and therefore the AILS Matrix. The Deed should contain a covenant from SZC not to apply to amend the CTMP/AILS Matrix without first having agreed additional mitigation (where relevant) with the Constabulary.

AlLs Generally	The Deed contains no details as to how the AILs escorting should operate in practice
ALES Generally	and the Deed needs to address this by including an AlLs Strategy
	The Constabulary proposes that by the 25th of each calendar month, during the
	construction period (including the site establishment and decommission phases), SZC
	will submit a monthly prediction of the movement of AIL planned for the following period
	to 25th of the following calendar month, which are expected to require escorting by the
	Constabulary in accordance with the agreed AIL matrix, contained within the consented
	current and relevant CTMP. That information will allow the Constabulary to plan its
	rostering and shift patterns for AIL Unit for that month, to assist with managing the flow
	of AILs to and from the SZC Working Areas.
	Further to the monthly lookahead, SZC should provide to the Constabulary, by 13:00hrs
	each Wednesday, during the construction period (including the site establishment and
	decommission phases), a proposed schedule of AIL movements for the following week
	beginning the next Monday. That weekly schedule will document the movement of AlLs
	and the escorting requirements in accordance with the AIL matrix. Details in the
	schedule will set out:
	a. the timings of the movements;
	b. the type of load;
	c. the maximum dimension of the load and vehicle width;
	d. the total length of the vehicle and load combination;
	e. the gross vehicle weight of the combination;
	f. whether the required formal Movement Notice has been issued to the
	Authorities and if consent has been received;

Topic	Obligation/Issue	Commentary
		g. any temporary traffic management scheme (TMS) that will be required for each movement (be that to or from the associated Working Area) and road/street furniture that will be temporarily removed and whether that TMS has been accepted by Suffolk County Council; and  h. whether the load will be traveling as part of a two load convoy  The data contained within the schedules will guide the Constabulary in its resourcing for the management and escorting of AlLs to the associated Working Areas for the construction of SZC. The initial projection of resource requirements for the dedicated Suffolk Constabulary AlL Unit will be based on the projections by SZC on the number of AlLs during the site establishment, construction and decommission period of the Project. Those predictions are understood to be based on data from the construction of Hinkley Point C. The Constabulary will propose a resource requirement based on that prediction. Any further resource requirement will be drawn from the Constabulary's existing trained AlL management resources. The resource requirements for the SZC bespoke AlL Unit will be reviewed on an annual basis such that resourcing can be reduced should SZC determine that it is not required for the execution of the Project. The Constabulary will not be able to reintroduce resources once they have been released

# Appendix B: Proposed Key Performance Indicators for use in monitoring community safety and policing impacts

This note forms an appendix to Suffolk Constabulary's ("the Constabulary") submission at DCO Examination Deadline 6 providing comments on the Applicant's latest draft Deed of Obligation (DOO) as submitted at Deadline 5. The note outlines the need for robust monitoring mechanisms to be secured within the DOO and sets out proposed key performance indicators (KPIs) for use in monitoring community safety and policing impacts arising from the Sizewell C (SZC) project.

East Suffolk Coastal District Council (ESC) proposed within the Joint Local Impact Report (LIR) (REP1-044 to REP1-101) that community safety monitoring should be locally led, including reporting and liaison with local stakeholders including Town and Parish Councils and involvement from all emergency services. The Constabulary endorses the position of ESC regarding the need for locally led and transparent monitoring. The Constabulary notes that the Applicant's response to the submitted LIR (REP3-044) committed to working with ESC and others to agree appropriate monitoring measures for the SZC Project.

The Constabulary agrees with the Applicant's view expressed in REP3-044 that monitoring should be proportionate, relevant and effective in considering impacts related (directly or indirectly) to the project. Monitoring is critical in order to identify changes during the construction period (e.g. potential deviation of construction programme and/or associated workforce profile from initial predictions) and enables relevant parties to evaluate the adequacy and effectiveness of deployed mitigation in a timely manner in order to identify any required remedial actions or further mitigation.

Learning from the experience of Avon and Somerset Police (ASP) in respect of Hinkley Point C (HPC), the Constabulary considers that more robust monitoring and associated governance mechanisms are required for SZC. It is therefore of critical importance to the Constabulary that effective terms of reference (responsibilities and powers) and robust monitoring measures are secured for the Community and Safety Working Group (CSWG) and other relevant governance groups within the DOO. Another important principle for the Constabulary is that metrics / KPIs selected to be monitored by the CSWG need to be generated from existing reliable datasets and existing sources, rather than requiring manual processing or data manipulation which can lead to inconsistencies and misinterpretation. The Constabulary also endorses the proposal set out by ESC that the responsibility (and associated funding) for coordinating monitoring data should be assigned to the East Suffolk Community Safety Partnership (ESCSP), which has existing community safety monitoring capabilities, a frequent meetings schedule, and includes all relevant stakeholders. Monitoring data collated by ESCSP should then be reported to the SZC Socio-economic Advisory Group (SEAG) for review and further action as required.

In the absence of any meaningful discussions with the Applicant since the start of the Examination, regarding the CSWG terms of reference or associated monitoring, the Constabulary now considers that these matters should be agreed through the Examination and secured within the DOO. As subject matter experts for policing in Suffolk, the Constabulary is therefore pleased to set out below a proposed list of KPIs relating to policing matters which should be included within the final list of KPIs to be

monitored by the CSWG. These policing KPIs have been discussed with ESCSP in advance to ensure integration and avoid gaps or duplication with any additional KPIs which ESCSP may also propose through submissions to the Examining Authority. The Constabulary anticipates that its submission of these Policing KPIs to the Examining Authority will expedite the agreement of robust monitoring and governance mechanisms.

The Constabulary has not included detailed monitoring of Abnormal Indivisible Loads (AILs) and associated escorting requirements within the proposed list of CSWG policing KPIs as, for the reasons discussed during Issue Specific Hearing 3 (Transport and Traffic Matters) and summarised within REP5-168. The Constabulary firmly maintains that AIL matters (including monitoring of AILs and associated escorts) can only and should properly be addressed by the Transport Review Group (TRG), of which the Constabulary should be a full member. A separate list of proposed roads policing KPIs for inclusion within TRG monitoring is therefore also enclosed.

# **CWSG Policing KPIs**

KPI	Source	External KPI (for CSWG)
Crime	Athena	Number of investigations by:
investigations		HOCR Group
		HOCR Sub Group
Non-Crime	Athena	Number of investigations by:
Investigations		HOCR Group
(incl. ASB)		HOCR Sub Group
CAD Data	Storm	Number of CADs by:
		No. of tagged incidences
		Closure Code for CAD
Traffic	СТО	Number of:
	Athena SZC officers OPTIC	<ul> <li>No recorded driving offences by the workforce, supplier, hauliers or other drivers, directly associated with the Project – e.g. speeding, intoxication, uninsured, etc.</li> <li>No RTCs &amp; KSIs, directly associated with the movement of the Project workforce or the movement of plant, equipment and materials, to occur during the life of the project.</li> <li>No complaints to remain unresolved from four weeks of receipt by the Project.</li> <li>Transport disruption CADs, directly associated with the Project, to be 20% below the prevailing trend for the affected route.</li> <li>Crimes/Non-crimes (e.g. drink driving, driving without insurance).</li> </ul>
Hate Crime	Athena	Number of:
	Storm	SZC linked investigations by type
		SZC linked CADs by type
Response Times		Response time compared to targets

TRG AIL Management and Roads Policing KPIs

KPI	Source	External KPI (for TRG)
AlLs	CTO Athena SZC officers OPTIC	Number of:  No recorded driving offences by the workforce, supplier, hauliers or other drivers, directly associated with the Project – e.g. speeding, intoxication, uninsured, etc.  No RTCs & KSIs, directly associated with the movement of the Project workforce or the movement of plant, equipment and materials, to occur during the life of the project.  No complaints to remain unresolved from four weeks of receipt by the Project.  Transport disruption CADs, directly associated with the Project, to be 20% below the prevailing trend for the affected route.  Crimes/Non-crimes (e.g. drink driving, driving without insurance).  Number of consented Movement orders (approved convoys) per day not to exceed 4 partial or 2 full escorts per AIL Unit shift, as defined in the consented Construction Traffic Management Plan.  AIL schedules of the following week's movements to be issued to Suffolk Constabulary by 13:00hrs each Wednesday of the preceding week.  Data provided for actual dates of AIL movement to align, within +/- 5% of the scheduled programme, as provided to Suffolk Constabulary each week.  Zero non-compliance with AIL Movement Order regulations – recorded through Suffolk Constabulary enforcement or substantiated stakeholder complaints.
Response Times Commercial Vehicle	Commercial Vehicle Unit	<ul> <li>Response time compared to targets</li> <li>Number of non-compliant vehicles associated/linked to SZC.</li> </ul>
Compliance Checks	AIL Team	