

Vaughan Gething AS/MS  
Gweinidog yr Economi  
Minister for Economy



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref VG/0596/21

Paul Davies MS  
Chair, Economy, Trade, & Rural Affairs Committee

Llyr Gruffydd MS  
Chair, Climate Change, Environment, and Infrastructure

Delyth Jewell MS  
Chair, Culture, Communications, Welsh Language, Sport, and International Relations

4 October 2021

Dear Chair,

As a direct result of leaving the EU, the UK Government's Border Operating Model requires all Sanitary and Phytosanitary goods entering the UK to be subject to checks at designated Border Control Posts (BCPs). Without these checks, food, plants, products of animal origin and live animals will not be able to enter from the Republic of Ireland to the UK via Welsh ports.

The UK Government introduced the policy for government to provide BCPs where ports do not have the capacity to accommodate the new infrastructure within their curtilage. This applies to a number of ports throughout the UK, including Dover and the Channel Tunnel in England; Holyhead, Pembroke Dock and Fishguard in Wales; and Cairnryan in Scotland. Welsh Government inherited the delivery in Wales late in 2020.

Delivering BCPs for Welsh ports is one of the largest and most complex infrastructure delivery programmes Welsh Government is engaged in. It forms a significant financial and delivery commitment which is over and above the existing settlement from UK Government. It therefore features in the Welsh Government's Spending Review bid to HM Treasury for the necessary funding to deliver this vital infrastructure for the long term prosperity and connectivity of the Welsh and wider UK economy.

Accompanying this letter are three documents with the aim of providing you with an overview of BCP requirements and delivery progress in North and South West Wales. The briefing pack includes:

- A background briefing note setting out why BCPs are required and their function.
- A technical briefing on progress and high level cost estimates.
- A copy of the recent written statement from Lord Frost on unilateral changes to border control dates relating to Sanitary and Phytosanitary goods.

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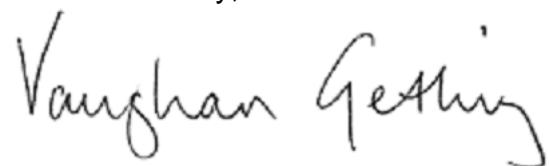
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I hope this is helpful and I would be pleased to discuss it with you.

Yours sincerely,

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive style with a prominent initial 'V' and a long, sweeping tail on the 'g'.

**Vaughan Gething AS/MS**

Gweinidog yr Economi

Minister for Economy

# Border Control Posts in Wales

## Background Briefing Note

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### United Kingdom's Border Operating Model:

The Border Operating Model (BOM), published in June 2020 and revised in July 2021, outlines the UK Government's border arrangements for imports and exports following the UK's exit from the European Union and the end of the transition period.

Part of the BOM consists of 'additional requirements' for certain goods. These relate to a number of devolved responsibilities, such as Sanitary and Phytosanitary (SPS) controls. In this case, various checks are being introduced to protect bio-security: to protect animal and public health, and animal welfare and to control disease, such as animal diseases and invasive plants.

The additional requirements for imports are to be implemented according to a phased approach, to allow time to establish necessary infrastructure at points of entry (POEs) to Great Britain (GB). The measures will be introduced for a variety of goods in three distinct stages separated by about 3 months each.

The border is a confluence of devolved and reserved functions, multiple agencies, new infrastructure and systems, and new capabilities. The Border Operating Model does not apply to Northern Ireland where separate arrangements are in place.

### Key Stages for the Introduction of Border Checks:

- The requirement for pre-notification of agri-food imports will be introduced on 1 January 2022 as opposed to 1 October 2021.
- The new requirements for Export Health Certificates, which were due to be introduced on 1 October 2021, will now be introduced on 1 July 2022.
- Phytosanitary Certificates and physical checks on SPS goods at Border Control Posts, due to be introduced on 1 January 2022, will now be introduced on 1 July 2022.

### What is a Border Control Post?

A Border Control Post (BCP) is an inspection post designated and approved in line with retained EU legislation for carrying out checks on animals, animal products, plants and plant products arriving from third countries at the GB border. These checks are carried out to protect animal and public health, and animal welfare and control disease.

Live animals, animal products, plants, plant products and wood from the EU will need to enter Great Britain (England, Wales and Scotland) via a border control post (BCP) from March 2022.

This rule already applies to those animals and goods coming from a country outside the EU, sometimes referred to as Rest of World (ROO) trade.

To be designated by the competent authority, BCPs must comply with specific requirements on facilities, equipment and staff. For example, a BCP must have:

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- sufficient number of suitably qualified staff
- premises and facilities appropriate to the nature of volume of consignments,
- equipment to enable the performance of checks, including IT equipment
- access to the service of official laboratories
- arrangements in place to prevent risk of cross contamination and comply with biosecurity standards

These requirements are set out in [Article 64\(3\) of Regulation \(EU\) 2017/625 on official controls \(OCR\)](#).

To comply with biosecurity standards, a BCP must also meet specific requirements for:

- unloading areas
- inspection rooms/areas
- storage facilities
- changing rooms

These requirements are set out in [Commission Regulation 2019/1014](#).

### Why is Welsh Government Developing Border Control Posts?

Without appropriate BCP facilities, the relevant type of goods cannot be imported at that port. Not all ports import the full range of SPS goods (for example few ports enable the import of live animals other than pets).

The investment in BCP facilities would normally be a commercial investment decision for ports with the Government's responsibility (UK Government in England and Welsh Ministers in Wales) limited to designating the facilities (ensuring their compliance with the OCR).

The Border Operating Model (BOM) sets out the UK Government's approach to introducing a checking regime for EU SPS goods, including the commitment that, where facilities could not be accommodated within the boundary of the port, inland facilities would be provided by the Government.

This commitment applied to Eurotunnel, the port of Dover, Holyhead, Pembroke Dock, Fishguard and the Scottish port of Cairnryan.

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### Where are the EU Facing Ports in Wales?

The ports of Holyhead, Fishguard and Pembroke Dock all accept a range of SPS goods. To be able to facilitate the import of such goods into the United Kingdom from the Republic of Ireland or indirectly from the rest of the EU, BCPs will be required.

As well as the import of SPS goods into Wales, Welsh ports act as gateways connecting the Republic of Ireland to the rest of GB and Europe.

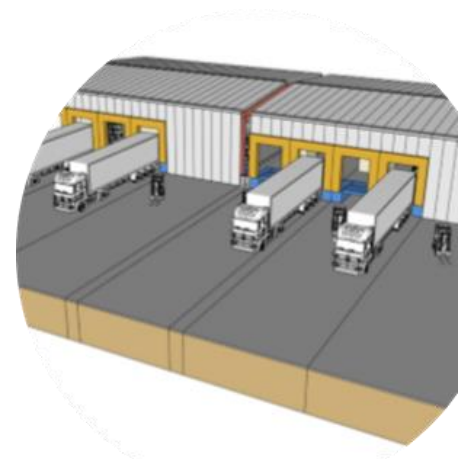
For accompanied Ro-Ro (roll on, roll off) freight Holyhead is second only to Dover, and the 5th busiest in the UK handling 6% of the total UK Ro-Ro freight each year. Holyhead is ranked 1st for accompanied and 4th for unaccompanied Ro-Ro freight traffic when considering just the Irish Sea ports. Pembroke Dock and Fishguard are far smaller, with two ferries each every 24 hours each.



### What Does a Border Control Posts Look Like?

A typical BCP will be formed from large modular steel sheds with hydraulic dock levelers for unloading vehicles. It will incorporate internal inspection spaces with temperature-controlled storage and product separation. In addition, it will provide office accommodation and welfare areas for staff.

The Holyhead BCP is expected to handle no more than 25 checks per day, whilst 10 checks per day are expected to be completed for the South West Wales ports. In comparison, the BCP serving Kent ports might check in the region of 400 consignments per day.



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### What is Checked at a BCP?

Checks will be conducted on a proportion of the SPS goods entering Great Britain (England, Wales and Scotland) from the EU. SPS goods include live animals, animal products, plants, plant products and wood.

Products of Animal Origin is either:

- **For human consumption:** such as meat, dairy, eggs, fish, honey, composite products such as pizzas, pies etc. Packaged / tinned food. Ambient, fresh (chilled) or frozen food.
- **Animal by-products:** such as feathers, hides, bone, hatching eggs, hay, straw, fertiliser, blood products.

**Documentary Checks:** these will be a combination of physical and remote checks including elements such as importers details, consignment information, purpose of movement, port information, supporting information (e.g. Export Health Certification), whether or not import is permitted, and any known markers to suggest ID / physical inspection is necessary.

**Identity Checks:** these include verifying the contents of vehicle match paperwork, customs seal check or more in depth check requirements, and checking the stamps, official marks, official labelling, and / or health / ID marks on the product or its packaging.

**Physical Checks:** these include checking whether the cold chain has been maintained during transport, wrapping / packing is intact, transport conditions suitable, and, labelling is correct. Organoleptic inspection (smell, colour). Simple physical or chemical tests (e.g) cutting, thawing, cooking). Laboratory tests – microbiology etc. Offsite.

Although documentary checks can generally be carried out remotely, some physical checks will be required, and these will take place at a BCP. These physical checks are expected to cover only a small sample of SPS goods (and vehicles carrying other types of goods will not be subject to checks at a BCP).

The percentages of checks required are derived from the following sources: POAO checks from the OCR; Physical checks and live animals are based on DEFRA's analysis of various commodity types; and, Plants and Plant Products and High Risk Foods are based on Welsh Governments analysis of the commodity types. Checks will be completed largely on commercial traffic, either as single or mixed consignments; however, checks will also take place for pets, breeding stock, showing & event stock.

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Standards are agreed and set at a UK level in collaboration with the various Government administrations and agencies, such as the 4 Chief Veterinary Officers.

### **Inspection Staff Include:**

- Animal and Plant Health Agency (a UK body) check live animals and plants and enforcement within the BCP.
- Local Authority check fish, Products of Animal Origin and High Risk Food and Feed Not of Animal Origin
- Local Authority also undertake ancillary work outside of the BCP (e.g. taking enforcement action)
- Forestry Commission check wood and forestry products
- Centre for Environment, Fisheries and Aquaculture Science (CEFAS) checks ornamental fish.

### **HM Revenue & Customs – Inland Border Facilities:**

HM Revenue & Customs (HMRC) is a UK Government agency with responsibility for customs checks. HMRC already have a presence at the South West Wales ports and is in the process of developing a dedicated Inland Border Facility (IBF) for Holyhead port. The IBF will also accommodate UK Border Force (UKBF) checks.

The IBF is a separate facility to the Holyhead BCP; however, there will be some joint working where multiple checks are required and consignments need resealing by customs officials.

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### Context for Welsh Ports:

The Ports in Wales are strategically important both internationally and regionally for commercial and passenger movements. They play a vital role in the movement of communications, people and goods between Republic of Ireland and Wales, England and mainland Europe.

The Ports act as a gateway to the UK National Rail Network and the main highway network, connecting the Republic of Ireland to the rest of the UK and Europe. This is a strategically important means of access between the Republic of Ireland and European Union in high value or time sensitive goods utilising short sea crossings between Dublin – Holyhead and Rosslare – south Wales.

In 2019, there were some 600,000 inbound freight movements from Ireland passing through Welsh ports. Of these, a sixth, some 92,000 movements would be of BCP interest, and thus potentially subject to the new SPS checking regime.

For accompanied Roll on – Roll off freight, Holyhead is second only to Dover, and the 5th busiest in the UK handling 6% of the total UK Roll on – Roll off freight each year. Holyhead is ranked 1st for accompanied and 4th for unaccompanied Roll on – Roll off freight traffic when considering just the Irish Sea ports.

The port of Milford Haven in SWW is the UK's fifth biggest port and the largest port in Wales, accounting for two-thirds of Welsh port traffic. The EU and US are the Port's largest trading partners, with additional imports coming from Qatar and Algeria. Pembrokeshire is a critical link in the UK's energy supply chain, with a cluster of key energy companies including one of the UK's largest refineries. The key businesses in the region include Valero, Shell, Petronas, Puma Energy, Qatar Petroleum, and RWE.

The BCPs will provide capacity for live animals and will be the only capacity for live animals on direct Ireland-UK routes. Welsh, Irish and UK businesses will be reliant on commodities flowing through the ports with wider supply chain impacts if the routes were to be affected.

Without intervention, the ports would not be able to handle SPS goods leading to a shortfall of SPS capacity across the Irish Sea routes, re-routing of volumes on to other routes and a significant reduction or cessation of certain SPS trade between Ireland and GB.



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## Technical Briefing Note

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### Introduction

This document supplements the background briefing note on Border Control Posts (BCP). It provides the current position on BCP design, delivery and funding in Wales as at 10 September 2021.

### Holyhead Port

#### Site:

The Holyhead BCP will be located on Welsh Government owned land at Parc Cybi, Holyhead, some 1.7 miles from the port. The site has already been partially developed as a HGV stacking area as part of the contingency planning for the end of the EU transition period. At 15 acres it provides space for swim lanes, fencing, inspection buildings, offices, parking, sustainable drainage, screening and other environmental mitigations.

#### Planning:

Planning permission is being sought via Special Development Order (SDO) under section 59 of the Town and Country Planning Act 1990. Planning permission and any conditions are made through a Statutory Instrument (SI). The planning application was submitted to Welsh Ministers on 06 August 2021. A decision is expected later in the year.

Consent is being sought for a Consenting Envelope. The Consenting Envelope sets out the maximum assessed parameters of the development, within which all development will be limited to. The SDO limitations will be designed to mitigate the potential impacts of the development. The Consenting Envelope will ensure that the final design of the BCP does not trigger significant environmental effects, whilst also allowing an appropriate degree of flexibility to accommodate design developments.

The community consultation ran for a period of 21 days from 24 March 2021 until 13 April 2021, whereas technical stakeholders received an extended period. The consultation departed from the Welsh Government policy of allowing a 12-week period. This departure allowed for early engagement with stakeholders and take account of the requirements for checks as set out under the UK Border Operating Model. There is no statutory requirement to consult before making a Special Development Order (SDO).

Welsh Government is currently in the process of developing its response to the community consultation before writing to respondents.

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### Designs:

The BCP is a bespoke facility designed to accommodate checks on the full range of SPS on live animals, animal products, plants, plant products and wood from the EU and the possible acceptance of rest of world (ROW) SPS trade.

At 15 acres the site will provide space for swim lanes, fencing, inspection buildings, temperature controlled storage, offices, parking, sustainable drainage, screening and other environmental mitigations.

Concept designs are near complete and Welsh Government is undertaking a BREEAM assessment of the development's environmental, social and economic sustainability performance with a target rate of BREEAM Excellent.

Detailed designs will be developed in conjunctions with the appointed construction Contractor.

### Construction:

Welsh Government issued the construction invitation to tender (ITT) on 09 August and it will close on 17 September. The ITT was issued via the North Wales Construction Partnership framework, administered by Denbighshire County Council.

A 2 stage design and build procurement strategy has been selected. The 2 stage approach is structured as follow:

**Stage 1** – Contractors design team works alongside Client design team to improve deliverability, programme works, establish supply chain and refine project cost.

**Stage 2** – On agreement of project cost established at end of Stage 1, the contract for the construction works will be confirmed and the Contractor will commence site works.

Construction completion is expected in early 2023 with an operational date of approximately mid-2023.

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### Fishguard & Pembroke Dock – South West Wales Ports

#### Site:

Due to the range of facilities required, but relatively low volumes, Welsh Government is exploring the provision of a single facility for South West Wales that would serve both (rival) ferry ports, located some 26 miles apart. Welsh Government do not own suitable sites in South west Wales to accommodate a BCP facility. This means Welsh Government have negotiate the acquisition of land.

A site search process has appraised over 60 sites to date. Both local port and ferry operators, along with the Council and technical stakeholders, have been involved in the site search. A site south of Johnston is currently undergoing more detailed site investigations and we are negotiating the potential purchase with the landowner. The location is equally accessible for both ports and the site has ranked highly in terms of deliverability. However, the final decision on whether to proceed with this site will be subject to continued and rigorous assessment with technical stakeholders and the local community.

#### Planning:

Planning consent will be secured via a Statutory Development Order (SDO) following the same process as North Wales.

#### Design:

Based on this throughput, the BCP would consist of approximately 5,500sqm of specialist modern, bespoke buildings and supporting facilities to manage the required checks. This building size would support the continued flexibility of the ports to bring through the different goods, as inspection areas must be segregated – for example, refrigerated space, animal inspection facilities etc. The hard elements of the BCP i.e. the building, parking and access, would approximately equate to 20,000 sqm, or 6 acres in total. It will include managed drainage, parking for staff and inspectors.

The site subject to negotiation for purchase is much larger than what is required to accommodate the proposal providing flexibility to introduce suitable environmental mitigations and landscape buffers between the development and the local community. Concept designs will only start once a site is identified and secured.

#### Construction:

The procurement strategy for South West Wales has yet to be determined. It is anticipated that a one stage approach could be adopted for South-West Wales predicated on lesson learned from the two stage approach in North Wales, which will accelerate delivery. Construction is expected to complete in Spring 2023 with an operational date of approximately Autumn 2023.

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### Funding

#### Currently:

The Chief Secretary to the Treasury (CST) has agreed in principle the UK Government will fund additional costs associated with the inland sites in 2021-22 via a formal reserve claim. This commitment is for incurred costs that are considered absolutely necessary to the build and includes such as costs which may fall into 2022/23 financial year. Welsh Government will be proceeding with costs at risk within its existing budgets until the settlement is reached with HM Treasury.

The request to UK Government for the BCP construction and operational costs is being made in the 2021 Spending Review. The delivery of BCPs at Welsh ports will be at risk without a commitment from UK Government to fund the full capital and operational cost of developing BCPs. The Spending Review outcome is expected later this year.

The original estimate provided by UK Government in 2020 was £10m to construct a single BCP with operational costs of £3-5m per annum.

#### Longer Term:

Many ports in England have constructed their own BCP facilities at the port, part funded through Government grants (the Port Infrastructure Fund, PIF). UK Government has constructed some BCPs, including at Sevington in Kent. Longer term, UK Government is examining the appropriate operational and funding model for these facilities, which may have implications for Welsh BCPs. However, nothing has been decided yet and Welsh Government is seeking to influence the outcomes to ensure they are appropriate for the circumstances of our ports.

#### Summary:

A summary of the latest Infrastructure and Operational cost estimates for North & SW Wales BCP facilities as at 01 September 2021.

	North Wales	South West Wales
<b>Capital</b>	£75m	£63m
<b>Revenue</b>	£16m p.a.	£12m p.a.

\*Note figures include contingency for potential interim arrangements.

#### Context:

Designs for Holyhead remain in the concept phase and South West Wales concept designs are yet to be produced. This mean costs will evolve as detailed designs mature, construction bids are received, and the operational requirements develop.

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### Interim Measures

Since Welsh BCPs will not be able to accommodate the UK Government's timetable, a number of contingency options have been considered (there are also a number of English and Scottish BCPs which will not be completed by the original due date). The UK Government's legal assessment has emphasised the need for a coherent GB-wide regime.

UKG is considering the approach and timing. Further announcements will be made in due course by UKG but Welsh Ministers are determined to ensure these are suitable for the needs of our Welsh ports.



Rt Hon Lord Frost CMG  
Minister of State  
Cabinet Office 70 Whitehall London  
SW1A 2AS

Mr Vaughan Gething MS  
Minister for the Economy  
Welsh Government

14 September 2021

Dear colleague,

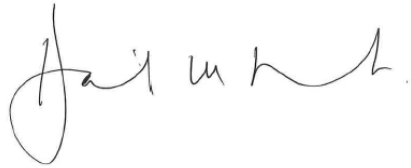
## **BORDER CONTROLS**

1. I write to let you know that I am announcing today by Written Ministerial Statement a delay to the introduction of customs and SPS controls on the importation of goods from the EU.
2. Now that we are an independent trading country outside the Single Market and Customs Union, our intention remains to introduce the same controls on incoming goods from the EU as on goods from the rest of the world. The Government announced a timetable for the introduction of the final stages of those controls on 11 March. The Government's own preparations, in terms of systems, infrastructure and resourcing, remain on track to meet that timetable.
3. However, the pandemic has had longer lasting impacts on businesses, both in the UK and in the European Union, than many observers expected in March. There are also pressures on global supply chains, caused by a wide range of factors including the pandemic and the increased costs of global freight transport. These pressures are being especially felt in the agrifood sector.
4. In these circumstances, the Government has decided to delay further some elements of the new controls, especially those relating to Sanitary and Phytosanitary goods. Accordingly:
  - The requirement for pre-notification of agri-food imports will be introduced on 1 January 2022 as opposed to 1 October 2021.
  - The new requirements for Export Health Certificates, which were due to be introduced on 1 October 2021, will now be introduced on 1 July 2022.
  - Phytosanitary Certificates and physical checks on SPS goods at Border Control Posts, due to be introduced on 1 January 2022, will now be introduced on 1 July 2022.
  - The requirement for Safety and Security declarations on imports will be introduced as of 1 July 2022 as opposed to 1 January 2022.
5. The timetable for the removal of the current easements in relation to full customs controls and the

introduction of customs checks remains unchanged from the planned 1 January 2022.

6. The Government will work closely with the Devolved Administrations on the implementation of this new timetable, given their devolved responsibilities for agri-food controls.
7. We will, of course, keep your Committees updated on our progress and preparations throughout the year.

**With best wishes,**

A handwritten signature in black ink, appearing to read 'J Frost', written in a cursive style.

**Rt Hon Lord Frost CMG**