

Evidence Paper

Economy, Trade and Rural Affairs Committee

Border Control Posts

Wednesday 11th October 2023 – 11.00am - midday

Border Target Operating Model Update

The final Border Target Operating Model (BTOM) was published on 29th August 2023. The final BTOM sets out a new approach to importing into Great Britain, security controls (applying to all imports), and sanitary and phytosanitary controls (applying to imports of live animals, animal products, plants and plants products) at the border. A pdf is included in the annexes of this paper.

I made a written statement to the Senedd at the time: [Written Statement: Publication of the new Border Target Operating Model \(29 August 2023\) | GOV.WALES](#). Attached as Annex 4.

It is in our interest to have a coherent approach to our borders across Great Britain.

The BTOM incorporates and responds to feedback from stakeholders on the earlier [draft Border Target Operating Model](#) wherever possible. It has been developed with collaboration across the devolved Governments, and with engagement with officials from the devolved administration in Northern Ireland.

Our experts advised:

- The Food Standards Agency (FSA) recommended that Welsh Ministers agree to the Target Operating Model. The FSA's view continues to be that controls on EU commodities should be introduced as soon as possible, but that we can tolerate a brief delay to improve effective implementation.
- The Chief Veterinary Officer (CVO) recommended that Welsh Ministers agree to the Target Operating Model. He takes the view that it improves the existing situation by introducing risk-based controls on the vast majority of imports from

the EU, and its introduction as soon as possible would be the most effective way of reducing biosecurity risk. He was clear that this must be the last delay in implementation.

- The Chief Plant Health Officer (CPHO) recommended that Welsh Ministers agree to the Target Operating Model as Irish-grown plants are relatively low risk. The risk categorisation for certain plant products is set at 'low' when the TOM is brought into operation, to be followed by a risk review in the next few months.

The BTOM has a later schedule for physical checks on goods imported from Ireland to come into effect at west coast ports – including the three Welsh Border Control Posts of Holyhead, Pembroke Dock and Fishguard.

We had intended to go live with pre-notification and certification by October 2023, as laid out in the draft BTOM published in April this year. We decided not to introduce this now that the UK Government has delayed this action. We now intend to go live with both on the same timetable as other GB ports, in January 2024.

The intention is to go live with physical checks, not before October 2024, although this date is still to be confirmed. There remains a substantial amount of work to do with the UK Government and others to confirm a coherent model for all of the Great Britain West coast, in order to avoid unsafe and unfair side effects and provide certainty for traders.

For traders who import food products, live animals, animal products, plants or plant products into Great Britain, they can now check the BTOM risk-level of each commodity to be ready for upcoming changes to border processes.

- From EU Countries: [View the Plants and Plant Product Border Target Operating Model risk categories](#)
- From EU Countries: [View the Animals and Animal Products Border Target Operating Model risk categories](#)

It is essential we have clear and enforceable rules for goods coming from the island of Ireland to Great Britain. Without that, neither the authorities nor traders will know enough to be able to prepare for the smooth implementation of these checks.

We are determined to give businesses reasonable notice to prepare for full physical checks. The BTOM confirms physical checks will not begin in Wales until end October 2024 at the earliest.

Update on Holyhead BCP

Following delays in the development of the TOM, we took the opportunity to review the planned Holyhead Border Control Post with a view to consider size and cost. A full business case is now going through clearance for submission to HM Treasury in October 2023. We are progressing plans on Plot 9 of Parc Cybi, with a smaller facility making greater use of shared spaces and intensified cleaning regimes. The layout has been critically reviewed to reduce additional works for example avoiding poor ground, and maximising previous construction such as the current HGV lay over area.

The redesign needs to be formalised to allow agreement, pricing, and subsequent construction to commence from February 2024. Further enabling works are planned for October/November 2023 to ensure timely construction. The UK Government has committed to fund necessary costs.

We will tender for a third-party operator and discuss opening hours and operational details with Ynys Mon County Council, the Animal and Plant Health Agency and other interested parties. Tendering cannot begin until we know how the Common User Charge will operate.

The ETRA Committee visited the proposed site of the Holyhead BCP on 13th July 2023 and were updated on:

- Groundworks completed to date
- Withdrawal from Plot 9 during the redesign stage
- The purpose of the redesign

- Timeline for the BCP
- Lorry parking at Plot 9 present and future
- Impact on traffic flows in the area and effect on local residents

Groundworks completed to date

Initial groundworks to install drainage ducts and change the footpath and road layout on site have been completed. Works have only been undertaken where they were known not to compromise future design changes.

Withdrawal from Plot 9 during the redesign stage

We have instructed Kier Construction to demobilise from site as they have completed the initial identified works, and it is more cost effective to wait until end September 2023 before proceeding with any further groundworks. The site has now been vacated and secured.

The purpose of the redesign

Reductions to the proposed number of physical checks has resulted in less space being required. A joint review undertaken by HMRC & UK Government Cabinet Office to explore alternative provision concluded that Plot 9 was the most cost-effective solution. As a result, we have redesigned the BCP to make the most of the site (by redesigning the access route to avoid a watercourse among other changes) and the buildings have been rationalised to minimise unused space.

Timeline for the BCP

Redesign to occur over the next 4 months from September 2023. Working with UK Government to identify operational go-live date, coordinated along the West Coast and in line with the Windsor Framework requirements. This will include the provision for Pembrokeshire ports.

Lorry parking at Plot 9 present and future

WG have facilitated temporary HGV parking following the closure of Road King. A longer-term solution needs to be identified and sustainably funded. In the interim, the

provision has made use of previous capital investment and manages local concerns over displaced lorry parking, supporting current business practices in the area.

Impact on traffic flows in the area and effect on local residents

Parc Cybi has been designated for commercial development and the volume of vehicles is considered low when compared with alternative business models (e.g. a 24hr distribution warehouse or similar).

Update on Pembrokeshire BCP

In Pembrokeshire, our position was to await agreement of the BTOM before determining the way forward. As a result of the reduced number of checks required by the BTOM, the associated BCP 'footprint' is smaller. This, in addition to previously unavailable port land now being available has meant that at both Pembroke Dock and Fishguard BCPs can now fit on-port. We have confirmed with UKG that the policy continues to apply that *'if the BCP can fit on-port it should be located on-port'* which has signalled what is now a significantly different approach in Pembrokeshire from the previous single, inland BCP concept that resulted from UKG's original assessments in 2019/20.

WG is now in ongoing discussions with port management at Pembroke Dock and Fishguard about arrangements for on-port delivery, developed in partnership to draw on WG expertise derived from our Holyhead BCP experience. WG will provide the initial design and a UKG funded grant scheme, run by WG, will fund BCP construction by the ports themselves. A SOC/OBC is due for submission October with a view to a final business case to HMT in December.

The Pembrokeshire ports' BCPs will be commercial operations, the scope of facilities for which will be for the ports to determine, with WG advice on what is needed to operate effectively. In conjunction with key stakeholders and delivery partners, the ports will also determine their own BCP opening hours.

The Pembrokeshire BCPs will use high quality prefabricated buildings (with a design life of 15-20 years) and bespoke designs produced by WG that draw on the learning

and experience gained in developing the design of Holyhead BCP. Altogether, this on-port, port run option, with WG support complies with UKG policy, offers best value best in terms of lowest implementation and ongoing operations costs, the greatest benefits and the best chance of achieving delivery for end October 2024.

UK Cabinet Office has been fully engaged in the development of the Pembrokeshire SOC/OBC and will support it in subsequent discussions with HMT.

The facility at Pembroke Dock will be located on a site that presents a low level of technical challenge to construct. The facility at Fishguard is more complex however, involving the excavation (and re-use) of a substantial volume of rock and the conduct of ecology surveys. Whilst it remains possible to deliver a designated facility for go-live for 31st October 2024 this would be dependent on very few of the project risks becoming issues and introducing delay.

Charging

The final BTOM confirms intention to recover operating costs for Government-run BCPs using a Common User Charge on all consignments eligible for SPS checks (whether or not they are selected for checking) entering only through the Port of Dover and Eurotunnel.

BTOM States, 'The UK Government continues to work closely with the Devolved Governments on charging policy and is working towards extending these arrangements to cover other government-run Border Control Posts within Great Britain in the future.'

BTOM States, 'Supplementary information on charging arrangements at Inland Sites will be published in autumn 2023.' However, the timeline further down in the document states December 2023 for SPS charging regime for Government owned BCPs and December 2023 to March 2024 for PHA/LA charges.

Holyhead will be part of the Common User Charge for Government run BCPs. We are negotiating with UKG on how this will be progressed.

In Pembrokeshire, however, ports will decide how to set their charges and how to distribute those costs across its operations.

- UKG plans to publish a summary of responses to the charging arrangements for government-run BCPs consultation (12 June to 9 July) in October 2023
- Discussions continue, to agree how the detail of the Common User Charge could work in Wales, which will then inform advice to Ministers.

Charging for new inspections will also need to be implemented by our Local Authorities and APHA. Discussions are on-going and we expect to receive proposals for set-up costs.

BCP Operations

Operations Team is currently completing an operator specification in order to get an operator for the for Holyhead site. The current preferred approach is to contract in either Transport for Wales (TfW) or Stena line to run the BCP. This is contingent on having more information on the charging regime to know how the operator will be paid. Failing any materialisation of this approach, the next choice is to go to tender to contract a 3rd party operator to run the BCP similar to HMRC's tender for the IBFs at Holyhead and Sevington.

Pembroke Dock and Fishguard operations will be managed by Milford Haven Port Authority and Stena Line respectively. The Operations team is working with them and the relevant LAs.

Other - QNIGs

Work remains ongoing within UKG as to how items that are not Qualifying Northern Ireland Goods (QNIGs) are to be treated to ensure the west coast of Great Britain is not seen as a 'back door'. This work includes the implications for biosecurity.




Other - Opening Hours

For Holyhead, we are working under the assumption of 24-hour operation operating 364 days a year (no ferries running on Christmas day) unless the port decides

otherwise. This is planned to reduce once the site is operating to maximise on efficiencies and reduce cost.

Fishguard and Pembroke Dock will operate as and when good for checking are coming into the BCPs due to the lower volumes arriving at these facilities but opening hours are a commercial decision for the ports.

Attached Annexes

<p>Annex 1: Final BTOM 29th August 2023</p>	 Final_Border_Target _Operating_Model_ Border Target Operating Model
<p>Annex 2: Letter to ETRA re BTOM publication 290823</p>	 VG-PO-0288-23 - Letter to ETRA... https://business.senedd.wales/documents/s139304/Letter%20from%20the%20Minister%20for%20Economy%20-%2029%20August%202023.pdf
<p>Annex 3: Letter to ETRA re work with the Western Gateway Partnership, UK Government structures, the Windsor Framework and the Border Target Operating Model.</p>	 Letter to ETRA Committee (Western https://business.senedd.wales/documents/s138737/Letter%20from%20the%20Minister%20for%20Economy%20-%2024%20July%202023.pdf
<p>Annex 4: Written Statement</p>	<p>Written Statement: Publication of the new Border Target Operating Model (29 August 2023) GOV.WALES</p> <p>29th August 203</p>