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Consultation Document

A National Infrastructure Commission for Wales

Date of issue: 17 October 2016

Action required: Responses by 9 January 2017

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

OVERVIEW

The purpose of this consultation is to inform stakeholders of the Welsh Government's intention to establish a National Infrastructure Commission for Wales to inform and prioritise investment decisions on medium to longer term infrastructure needs, and provide stakeholders with an opportunity to contribute views on the way the commission is set up and run.

HOW TO RESPOND

The consultation period begins on 17 October 2016 and ends on 9 January 2017. Please ensure that your response reaches us before the required closing date.

The document is available on the internet at

<http://gov.wales/consultations/?lang=en>

Please respond by completing the consultation response form at Annex A and e-mailing or posting your response to the contact details below.

FURTHER INFORMATION AND RELATED DOCUMENTS

Large print, Braille, audio CD and alternative language versions of this document can be made available on request.

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DATA PROTECTION

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, although we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published.

The law however, also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

FOREWORD

The range and quality of a country's infrastructure – the physical systems and services that it needs to have in place in order to work effectively – is a fundamental element to achieving the wellbeing of its people.

We are living at a time of particular financial uncertainty, which makes it even more important to act now to strengthen the way we consider and prioritise future infrastructure needs and create the conditions for stable, long-term investment.

The Welsh Government is committed to moving towards a better informed, longer-term strategy of investment in infrastructure which enshrines the principles of the Well-Being of Future Generations Act and which will enable the more efficient development of specific projects as their importance to the strategy is understood and supported by the people of Wales, including the need to achieve value for money for public sector investment.

To help achieve this aim, we intend establishing an advisory, non-statutory National Infrastructure Commission for Wales to provide independent and expert strategic advice.

Responsibility for setting policy, together with the regulatory and planning framework, and for making investment decisions where this is a government function, would remain with the Welsh Ministers for devolved infrastructure and with the UK Government for non-devolved infrastructure..

We appreciate there are a range of models already in existence and different ideas for the status and remit of an infrastructure body.

I see the establishment of an advisory, non-statutory commission as potentially a first stage in strengthening decision making and delivery on infrastructure, and

am open to changing the body's status and remit if, with experience, clear benefits emerge for doing so.

I very much welcome your views on the development of the proposed commission and how it will work in practice.

Ken Skates AM
Minister for Economy & Infrastructure

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INTRODUCTION

The Welsh Government proposes to establish a National Infrastructure Commission for Wales (NICfW) within the next 12 months to provide us with independent and expert advice on strategic infrastructure needs and priorities.

STATUS AND REMIT

NICfW would be an advisory body, responsible for analysing, advising and making recommendations on Wales' longer-term strategic infrastructure needs over a 5-30 year period through making regular reports to the Welsh Government; strategic not just in the context of the size or cost of an individual project but in the sense of what might be the combined effect of a number of smaller projects.

Question 1: Do you agree that NIFCfW's remit and output should comprise analysis, advice and recommendation to the Welsh Ministers?

NICfW's remit would extend to all sectors of economic and environmental infrastructure, including energy, transport, water and sewerage, drainage solutions, waste, digital communications, flood and coastal erosion management and would extend to both devolved and non-devolved infrastructure reflecting the devolution settlement and the cross-border nature of infrastructure – for example the rail network.

Responsibility for making investment decisions for infrastructure that is devolved would remain with the Welsh Ministers and with the UK Government for infrastructure that is non-devolved.

Question 2: Do you agree that NIFCfW's remit should extend to non-devolved as well as devolved infrastructure?

In the interests of stability and accountability, it is not proposed that NIFCfW advises on programmes and work that have already been decided, or will be decided in the immediate future, by statutory and regulatory bodies.

Question 3: Do you agree that NIFCfW should not advise on programmes and work that have already been decided, or will be decided in the immediate future, by statutory and regulatory bodies?

We propose that NIFCfW would analyse and advise on economic and environmental infrastructure needs in an integrated way, taking a cross-sectoral approach to identify interdependencies.

That NIFCfW may also look at cross-cutting delivery issues if it considers them a barrier to delivering infrastructure needs, including governance, costs, financing and programme/project management methodology.

Question 4: Do you agree that NIFCfW should be able to look at cross-cutting delivery issues if it considers them a barrier to delivering infrastructure needs, including governance, costs, financing and programme/project management methodology?

Please specify any other delivery issues that you consider NIFCfW should be able to look at and the reason.

NIFCW would engage closely with and consult other bodies that may have an economic and environmental infrastructure remit; for example the National Grid, OFWAT and Natural Resources Wales.

Question 5: Do you agree that NIFCfW should engage closely with and consult other bodies that may have an economic and environmental infrastructure remit?

Who do you think are the key bodies that NIFCfW should engage with and consult?

NIFCfW would also be remitted to participate in other, relevant strategic advisory fora, including the Council for Economic Renewal¹ and the Statutory Flood Committee²,

Question 6: Do you agree that NIFCfW should be remitted to participate in other relevant strategic advisory fora, such as the Council for Economic Renewal?

Please specify any other forum you consider NIFCfW should participate and the reason.

NICfW's remit would not extend to social infrastructure such as schools, hospitals, and housing. We consider that there are already well-established, effective arrangements for analysing the longer-term, strategic needs in these sectors which should remain the responsibility of the relevant planning and service authorities. However NICfW's remit would extend to providing advice on the interactions between economic and environmental infrastructure and social infrastructure.

Although not a public body within the meaning of the legislation, NIFCfW would be expected to operate in accordance with the principles of the Well-being of Future Generations (Wales) Act 2015³.

NICfW's advice would need to be set within the context of realistic forecasts of the level of capital investment in public infrastructure schemes in Wales from all potential sources of public and private funding.

¹ <http://gov.wales/topics/businessandconomy/welsh-economy/economiccouncil/?lang=en>

²

³ <http://gov.wales/topics/people-and-communities/people/future-generations-act/?lang=en>

The Commission's work will help inform the Welsh Government's short to medium-term infrastructure investment plans.

NIFCfW would also inform the Welsh Government's National Development Framework⁴, which will provide a longer term, strategic perspective on planning needs and is a key component of the changes introduced in The Planning (Wales) Act 2015 for reforming the planning system to ensure that it is fair, resilient and enables development.

We have considered the case for establishing NIFCfW as a statutory body and whether it should have a broader remit. At this stage, we do not consider that sufficient evidence exists to support establishing a statutory commission and/or a body with a broader remit.

We are however open to changing the body's status and remit if supportive evidence emerges in the future. We propose to undertake and publish a review of the body's status and remit before the next Assembly election in 2021.

Question 7: Do you agree that the Welsh Government should undertake and publish a review of NIFCfW's status and remit before the next Assembly election in 2021?

RELATIONSHIP WITH THE UK INFRASTRUCTURE COMMISSION

The UK Government is establishing a National Infrastructure Commission⁵ to analyse the UK's long-term, strategic infrastructure needs. Its remit will cover the areas of economic infrastructure under the UK Government's responsibility.

⁴ <http://gov.wales/topics/planning/legislation/planning-wales-act-2015/?lang=en>

⁵ <https://www.gov.uk/government/organisations/national-infrastructure-commission>

However there will be areas where the UK Government's and the Devolved Administrations' responsibilities interact, for example cross-border strategic road networks and we are in dialogue with the UK Government about developing arrangements to allow for such circumstances.

Question 8: Do you agree that NIFCfW should work collaboratively with the UK National Infrastructure Commission where relevant?

MEMBERSHIP

We propose NICfW comprises a maximum of 10 members including the Chair, all of whom would be appointed on the basis of their expert knowledge and experience and not by virtue of their office.

Members will need to be able to think and operate across sectors; be creative and inclusive in analysing future needs and the public policy challenges ahead of us, such as decarbonisation.

Question 9: Do you agree that NIFCfW members should be appointed by virtue of their expert knowledge and experience?

Appointments would be made through an open public appointments exercise in accordance with the Code of Practice for Ministerial Appointments to Public Bodies⁶, the principles of merit, fairness and openness and the wider Nolan principles.

⁶ <http://publicappointmentscommissioner.independent.gov.uk/wp-content/uploads/2012/02/Code-of-Practice-for-Ministerial-Appointments-to-Public-Bodies.pdf>

Question 10: Do you agree that all appointments to NIFCfW should be made through an open public appointments exercise?

Diversity of experience and views improves decision-making and we are committed to improving the engagement and participation of all under-represented groups in public appointments, including women, disabled people and Black and Ethnic Minority groups, to ensure the bodies on which the appointees serve are credible and command public confidence.

We want to develop a communications strategy for the public appointments process to capture the attention and interest of as diverse a field of potential applicants as possible and are particularly interested in looking at innovative ways to achieve this.

Question 11: How do you think we should promote this public appointments process to under-represented groups?

ADMINISTRATION

We propose that NIFCfW is supported by a dedicated secretariat comprising Welsh Government officials, based at one of our offices. Also that NIFCfW should have the capacity to commission targeted research where necessary and not already available or planned by other bodies.

Payments to members will be made in line with the public appointment arrangements.

Question 12: Do you agree that NIFCfW should be able to commission targeted research?

Please identify any specific research you think NIFCfW should commission as a priority in order to best inform its work, and explain why.

OPENNESS AND TRANSPARENCY

NICfW would analyse, advise and make recommendations on Wales' longer-term infrastructure needs through making regular reports to the Welsh Government.

We propose that NIFCfW publish regular reports on its work. To be meaningful, we consider that a report should be published annually.

Question 13: Do you agree that NIFCfW should publish an annual report on its work?

What factors do you think might require reports to published more than once a year?

We also propose that NIFCfW should hold public meetings every year in North, Mid, South and West Wales to explain and promote its role and work.

Question 14 : Do you agree that NIFCfW should hold public meetings in North, Mid, South and West Wales to explain and promote its role?

