

A NATIONAL INFRASTRUCTURE COMMISSION FOR WALES CONSULTATION RESPONSE FORM

Please note responses are required by 9 January 2017. Responses can be sent to:

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Question 1: Do you agree that **NIFCW's** remit and output should consist of analysis, advice and recommendation to the Welsh Ministers?

Surely you mean National Infrastructure Commission for Wales = **NICfW**

General answer to all Questions

The decision to have an NICfW has apparently been made. Instead of asking questions about its role in a vacuum, the public should be provided with background information about how infrastructure decisions are made now, what the problems are, and what public advantages it is envisaged that a NICfW might bring.

Q1

These 3 activities would be the obvious ones but the public certainly needs more transparency about how National Infrastructure decisions are currently made in the absence of a Commission.

We believe that the WG might learn from UKG experience and we would have welcomed comments on how the UK NIC is functioning because we understand that its principle activity has been to produce reports about key infrastructure issues rather than provide integrated politically independent advice to protect major infrastructure investment from party political changes.

Whether a welsh counterpart can play a useful role will depend upon the calibre of its members, how its work is organised and whether it improves public accountability rather than detracting further from this by providing another hidden layer in decision making. The job looks too big for it to work and organising 10 people is likely to be unwieldy (UK NIC has 8, including Chair).

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

Obviously each has implications for the other, but how would the necessary partnership working be achieved? We are aware of the environmental risk posed by large infrastructure projects and are not convinced of the WG determination to protect Welsh rural locations and communities.

Question 3: Do you agree that NIFCW 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?

Not wholly. Obviously if a new program, based on improved evidence, was completely at odds with one that had not yet been implemented, advice could be offered and a common sense strategic approach should be taken to decisions made or in the pipeline. Examples might be if demographic forecasts had changed or if new pollution hazards had been identified. Then a Commission might have a role in advising whether it would be in the public interest to shelve or modify a development plan.

Question 4: Do you agree that NIFCW 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 NIFCW should be able to look at and the reason.

Partly, yes, because if cross-cutting delivery issues are not factored in, the advice/recommendations will be unrealistic.

However this amounts to giving a small Committee (presumably of part time posts) the impossible job of recommending an integrated plan for the whole of Welsh infrastructure for the medium and longer term. There is no information about how such a committee would work with civil servants or government to arrive at advice and recommendations.

Question 5: Do you agree that NIFCW 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 NIFCW should engage with and consult?

The document says that the NIFCW will help a better-informed development of infrastructure projects as their importance is understood and supported by the people of Wales.

Public consultation about NRW's role and internal NRW staff assessments on NRW have made it abundantly clear that the public, many NRW staff, and other environmental organisations are unable to trust NRW's statutory commitment to environmental protection. NRW is no longer concerned with landscape.

Our CPRW branch is extremely concerned that there will be no adequate mechanism for assessing and avoiding unacceptable and avoidable infrastructure impacts on –

- landscape,
- biodiversity
- rural communities.

We believe strongly that the proposed Committee should have a remit to consult with truly independent environmental organisations about the impact of infrastructure planning.

NICfW should also have a remit to consider the health/epidemiological impacts of infrastructure development.

NICfW should also have a remit to consider the impacts on tourism.

Question 6: Do you agree that NIFCfW's remit should extend to participating in other relevant strategic advisory fora, such as the Council for Economic Renewal? Please specify any other forum you consider NIFCfW should participate in and the reason.

Yes, it would have been helpful if the document had listed relevant strategic advisory fora as it is very difficult for people not directly involved in the WG to find out about these. Your document does not even provide the reference for the "Statutory Flood Committee" mentioned ; it seems the FRMW is part of NRW anyway and so belongs in Q5.

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>

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?

Yes.

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

Yes, in principle, but it is not clear that the roles are compatible. See Q1.

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

Yes. We are also particularly concerned that there should be no conflict of interests for the appointees: that is - they should not be from organisations with any direct or indirect financial interest in infrastructure developments. The committee must not provide a platform for lobbying or any illegitimate furthering of commercial or political interests.

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

Yes. There should be an attempt to recruit as wide a range of expertise as possible and a knowledge of rural Wales and its communities should be represented. You do not say who will make the appointments but presumably this will be organised by the Ministry for Economy and Infrastructure.

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

The best way and most economically efficient way to publicise any Government business is to improve the public's ability to find their way around the WG website. The appointments can be circulated to all Clerks of Town and Community Councils with a request that they be locally publicised.

For the appointment, you want to reach people with the required expertise/experience/public service ethic. It is not clear what role under-represented groups will have. This looks like a tick-box question.

Under-represented groups, and indeed the public in general, will need to know if and how they can communicate with the Commission and how their voices can be heard above those of vested interests.

Under- represented groups will include rural communities in mid-Wales

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.

1. The impacts of renewable energy targets on landscape and biodiversity and rural amenity in the Welsh countryside.
 - a. loss of upland and other endangered habitats
 - b. impact on tourism and viability of rural communities
 - c. impact of widespread pollution of agricultural land from anaerobic digestate
 - d. financial viability of wind and solar given intermittency and low sunlight.
2. Opportunities for energy saving and decreased private transport use.

Question 13: Do you agree that NIFCfW should publish an annual report on its work? What factors do you think might require reports to be published more than once a year?

There should be an annual report.
Interim activity reports would be a waste of resources but there would be little cost to publishing the advice and recommendations given to the WG – which would presumably be in report format. This would enable the public to appreciate the nature of the advice given.

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

The public perception is of a Cardiff-centric government and efforts to engage with the public in distant parts of Wales is essential. The NIFCfW should be based away from Cardiff.

Your name/organisation and postal/email address

On behalf of the Brecon & Radnor Branch and the Montgomery Branch of the Campaign for the Protection of Rural Wales

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We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Our organisation is disappointed in this consultation because it is hastily put together with no attempt to inform the public about the background and context of the decision to found this Commission. The explanation and questions read very much as if the purpose is to prove that the forthcoming Commission is sanctified by public consultation rather than to seek public views on the best way of making difficult infrastructure decisions.

It is unclear why the proposed Commission's function cannot be fulfilled by existing expertise within the Welsh civil service nor how the cost of the proposed Commission will be outweighed by the benefits it is assumed to confer. This needs to be explained.

The proposed remit of the NICfW will be to consider proposals/projects which are likely to have very significant impacts on the environment and biodiversity. The protection of both is central to both the Well-being of Future Generations (Wales) Act and the Environment (Wales) Act. For this reason, and to ensure the robust nature of advice/recommendations made by the NIFCfW, and its conformity with these Acts, it is essential to ensure that legislation in these Acts is effective and not just window dressing. We believe the Commission must include expertise in these fields, or undertake full consultation on proposed advice/recommendations with suitable bodies, including the Wildlife Trusts. As explained above, we do not believe consultation with NRW is adequate.

In some cases, these same proposals/projects within the remit of the NIFCfW are likely to have significant impacts on the quality of life within rural communities, specifically, economic and social well-being and amenity. Full and impartial assessment of these impacts, should be an integral component of the advice/recommendations offered by the NIFCfW. This is essential to ensure compliance with the Well-being of Future Generations (Wales) Act and to have regard to national indicators (particularly 23 and 26)

NICfW should fully consult on advice/recommendations with the relevant NGOs active in rural areas e.g. tourism bodies, Ramblers, Open Spaces, CPRW, Wildlife Trusts etc.

Appropriate consultation would go some way to allaying our concerns that the role of the Commission will further distance rural populations from any real influence on those decisions which will have major impacts on the quality of rural life and the natural environment.

If the impacts above are to be given due weight, and provisions of the Well-being of Future Generations (Wales) Act and the Environment (Wales) Act are to be observed, it is essential that the value of the advice/recommendations offered by the Commission is not undermined by appointment of any Commission members whose views may be in any way compromised by commercial interest.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: