

Annual report on the National Infrastructure Commission for Wales – 2022-23

March 2023

1. Introduction

1. The National Infrastructure Commission for Wales (NICW) was established in 2018 as an independent, non-statutory advisory body to the Welsh Ministers. Its primary purpose is to make recommendations to the Welsh Government about Wales' long-term infrastructure needs over a five to eighty-year period.

2. On 7 December 2022, the Committee held its first annual scrutiny session with the National Infrastructure Commission for Wales (NICW). Dr David Clubb, the Chair of the Commission, and Dr Jenifer Baxter, Deputy Chair of the Commission, attended the session.



2. The Chair's first year in post

3. The Welsh Government appointed Dr David Clubb as Chair of the Commission in September 2021. The Committee held a pre-appointment hearing with Dr Clubb in the same month. At the time, the Committee expressed concern that this was a direct appointment rather than an open recruitment process. Further, the appointment had taken place before the pre-appointment hearing.

4. When he appeared before the Committee, the Chair described his first year as "a year of two halves". The first focused on understanding the brief and developing a strategic approach for the Commission's operation, alongside setting up the process for recruiting new Commissioners.

5. Following their appointment at the end of June, the new Commissioners "had a really interesting time getting to know each other; understanding how we're going to work internally; setting up various communication platforms; understanding how we can work in the most transparent way possible; and setting up project management systems to ensure that the projects we're running are effective and that they deliver the sort of outputs that we're keen on delivering".

The Commission's remit

6. The Commission's remit letter was issued in April 2022 and covers this term of Government.

7. The Chair said that one of his early achievements was securing an agreement to change the period of the Commission's remit from 30 to 80 years. He said this was necessary because "30 years doesn't really start touching, firstly, the lifetime of infrastructure, and secondly, the impact of climate change". When asked for the rationale for this timeline, he said it had been "consistent, at least, with a round number that could be easily understood and aligned with the lifetime of typical infrastructures as I understood them". The Chair said that, although this change meant that it was considering matters in the distant future, this "will allow for better decisions now, which should have good impacts for the [next] 20, 30, 40 years."

8. He added that further changes had been made to the Commission's remit to incorporate the "Well-being of Future Generations (Wales) Act 2015, the climate emergency, [and] the nature emergency." He said he "was also very keen for the socioeconomic duty to form part of our remit, because, quite often, infrastructure decisions, historically, have been taken without

considering the poorest in society". The Commission's [Annual Report](#) says these remit changes were agreed upon "following discussions between the Chair and Deputy Minister [for Climate Change]".

The appointment of new Commissioners

9. The Chair had sought agreement from the Welsh Government to reduce the number of members of the Commission from 12 to 8, explaining that he "felt that 12 was too many, particularly if you're meeting virtually". He had also requested that a new deputy chair post be established and for the Commission to have more time to do its work.

10. According to the Chair, the Commission had recruited members from varied backgrounds, including "people who would be considered perhaps as not traditional infrastructure participants, as well as people who come from a slightly more traditional perspective". He had deliberately sought commissioners who could "step out of their own comfort zone" to challenge themselves and were comfortable being challenged.

11. The Chair explained that, unlike the previous iteration of the Commission, the current Commissioners are not sectoral experts, saying, "we are more generalist, and that was deliberate". He explained that "we only have three specific areas of focus over the next three years. We want to be able to consider things far more widely than that on an ad hoc basis. So, we're looking for people with general sets of skills, including the ability to think about complexity and try and understand complexity in order that we can be far more reactive to whatever comes out from Welsh Government consultations, Senedd consultations, or other opportunities to comment."

Declarations of interest

12. During the pre-appointment hearing, the Committee raised concerns about potential conflicts of interest regarding Dr Clubb's other roles. He committed to addressing these during the pre-appointment hearing, saying, "if there's anything that does change in terms of my work, I'll go straight back to the Government and explain what I'm going to do."

13. In response to a question on potential conflicts of interest, the Chair said he was confident that, in his case, potential conflicts of interest were being managed effectively. He added that "other conflicts are managed appropriately by the other Commissioners". A [register of interests](#) is published on the Welsh Government's website.

3. Operation of the Commission

Frequency of meetings

14. The Chair explained that the Commission meets monthly in person and that Commissioners have been using "an open-source messaging app that enables us to communicate very frequently outside of meeting". He explained that the technology resulted in "much more information flow, I think, going on within the Commission than would be done in a traditional sort of organisation".

Transparency

15. The Chair said he wanted to ensure the Commission improves "our communications and public profile so that people out there know us and have faith that we can represent their interests". The Commission's website lists every meeting with organisations, including the Welsh Government. The Chair said he is keen for the public to be able to access this information. He added, "if they feel that there is undue influence from certain organisations, or if they feel that their sector hasn't been represented, then they're very welcome to come to us and engage with us".

Engagement

16. The Chair said he aimed to improve how the Commission engages with young people. The Commission had contracted an organisation to help it with stakeholder engagement, specifically with young people. He added that the Commission hoped to engage with Members of the Youth Parliament. He said the Commission was "striving to do as much as we possibly can to engage with people who perhaps wouldn't normally be associated with infrastructure". He said, "by the end of the third year, I'd like to see us demonstrating really good practice in that area, and hopefully helping other organisations in understanding it as well".

The Commission's budget

17. In 2022-23, the Welsh Government awarded a specific budget to the Commission. For the first year, a budget of £400,000 was allocated. The Commission's [Annual Report](#) shows how this has been distributed across its activities. £225,000 has been reserved for the Commission's renewable energy project.

18. The Chair said that allocating a budget was a "significant advancement" on the previous Commission. He said, "the budget is sufficient for us to deliver on our remit" and added that the

Commission must now demonstrate value for money. It would do this by showing "that we're saving Welsh society as a whole more than the budget for the Commission every year for the future".

The UK National Infrastructure Commission

19. During the pre-appointment hearing, Dr Clubb told the Committee of a need to understand "how we can influence UK infrastructure investment to come to Wales, how we can build bridges, metaphorically, between the UK National Infrastructure Commission and Wales, and with UK Government departments". The UK National Infrastructure Commission is an Executive Agency of the Treasury. Its remit extends to non-devolved economic infrastructure.

20. The Chair said that the Commission had developed good relationships with its UK-level counterpart over the past year. A member of the UK Infrastructure Commission sits on the project advisory group for each Welsh Commission project. He hoped the relationship between the two Commissions would grow and improve further.

Independence of the Commission

21. The Chair of the Commission has been directly appointed by the Deputy Minister, and Welsh Government officials provide secretariat support. The Commission's remit letter offers support from Welsh Government officials to scope out the Commission's work on renewable energy.

22. When asked about this issue, the Chair stated, "as far as possible, in receiving funding and support from the Government, we are completely independent and we haven't had any pressure to change our view or the message that we give Government". He explained that the Commission works closely with the Welsh Government, but it "is one important part of the information mosaic that we take from a world of information".

23. He added that many advisory groups in Wales are funded or supported by the Government in the same way, "and each one has the same sort of tension and experience. It's not something that's just directly associated with us". He reiterated that there had been no pressure from the Welsh Government to come to a particular view, saying that "in reality, the Government officials so far have emphasised that we are independent and that there are decisions for us to make and to say things, and the Deputy Minister has said exactly the same thing".

4. Work programme

24. The Commission's Annual Report provides details of its planned work programme over the next three years. It also identifies existing work it will engage with, such as the passage of an [Infrastructure Consenting Bill](#) and implementation of any [Roads Review](#) panel recommendations. In response to a question, the Chair said the Commission intended to publish an opinion piece on the process underpinning the roads review.

25. The Chair said that the Commission would "try to provide feedback or comments on every policy that relates to infrastructure in Wales. If we can do that on top of each project that we manage as well, I feel that we will be delivering our brief".

26. The Chair was unequivocal that the Commission's work would add value to Welsh Government policy deliberations if it is "serious about its obligations under the Well-being of Future Generations Act", the "climate and nature emergencies", and "its socioeconomic duty". He said that the Welsh Government "has demonstrated, particularly more recently, I think, that it's serious about some of these things. I haven't always been so complimentary, actually, about what's happened over the course of devolution, but I do think that things are happening now that are considered radical within a UK sense".

27. In response to a question about how the Commission determines which areas it will focus on, the Chair said it "will try and do as much as possible outside of our three main project areas". He added that "we'll pick up what we can when we can, we'll provide opinions on anything that we have the opportunity to do so within our resources". He concluded that the only restriction was the Commission's finite resources, but notwithstanding this, he wanted the Commission "to be as active as possible in as many areas as possible".

28. Dr Baxter said that the Commission considers a systems approach to infrastructure. For example, this would involve looking at the relationship between developing new roads and biodiversity. She explained, "although we can have very specific views on active travel...as a Commission, we tend to look at it more as a systems approach, which is slightly different to the way that a lot of our policy is developed at the moment".

29. The Commission's Annual Report outlines the projects it intends to focus on during each year of its three-year remit.

Renewable energy 2022-23

30. The main focus of the Commission's current work is on renewable energy. It has identified three research projects to consider whether Wales' infrastructure and society are prepared for the changes needed to reach Net Zero:

- a project on maximising the co-benefits of and managing any tensions that arise from becoming a renewable Wales;
- mid-Wales community engagement; and
- net zero infrastructure strategy.

31. Concerning community engagement, the Chair said that engagement work had been commissioned with communities in Powys and Ceredigion. It involves discussing with people "what they wanted from their landscapes in terms of energy".

Flooding 2023-24

32. In year two, the Commission intends to focus on flooding and says planning for this work is underway. The 2021 Cooperation Agreement includes a commitment to task the Commission with assessing "how the nationwide likelihood of flooding of homes, businesses and infrastructure can be minimised by 2050".

33. An independent review of local government section 19 reports and Natural Resources Wales reports into extreme flooding is already ongoing. The Commission will use this and other reports to refine its work.

34. The Chair said that the project on flooding would begin in April 2023. The work was currently being scoped, and he expected to see "tenders for that work go out, I think, spring next year". It would be a year-long project resulting in a report and recommendations to the Welsh Government.

Climate resilience and existential risk 2024-25

35. Year three of the Commission's planned work programme focuses on a project aiming to "carry out a national conversation on climate related risks". The Chair explained:

"We know that we cannot protect every community from the worst impacts of climate change, particularly coastal communities, so I'm very keen that we step where others are unable or unwilling to go, and that is some of these

discussions about what happens to communities that are at risk and cannot be defended".

36. The Chair said this work would be difficult, but the Commission could add value by starting conversations on such matters.

37. A Welsh Government consultation on a five-year strategy for public engagement on climate change closed in December 2022.

Our view

We were pleased to hold our first annual scrutiny session of this Senedd term. This was also the first scrutiny session with Dr Clubb since he took up his post.

During this first year, the Chair has fulfilled several commitments he made when he took office. He told the Committee during his pre-appointment hearing that at least 50% of Commissioners appointed would be female. This has been achieved. He has also secured a change to the remit and composition of the Commission. The Chair has succeeded in his first year in putting his stamp on the Commission and influencing its direction.

However, it is too early to judge the impact of the Commission's work under the new Chair. The Chair himself acknowledged that. We will return to this in earnest when the Chair and representatives of the Commission appear before us for our next annual scrutiny session. We will be particularly interested in following up on the question of how the Commission will demonstrate value for money.

We will also be interested in assessing progress in increasing engagement with young people and the continued work with the UK Infrastructure Commission.

In terms of the Commission's work programme, we will keep a watching brief on outputs from the various pieces of work throughout this second year of the Chair's tenure.

The Commission has also said it will work on the Infrastructure Consenting Bill as it is developed and progresses through the Senedd. We expect this Committee will be involved in the scrutiny process for that Bill and would welcome input from the Commission at the appropriate time. Similarly, the Committee will be interested to note the Commission's views on the roads review report when published.

Although we understand its resources are limited, we would also extend an invitation to the Commission to contribute to Senedd committees' work, where appropriate.