

National Infrastructure Commission for Wales (NICW)

Terms of Reference

Remit and Purpose

The National Infrastructure Commission for Wales (NICW) is a non-statutory, advisory panel. Its remit is to assess the economic and environmental infrastructure needs of Wales over the next 5 – 80 years

The NICW will conduct studies into Wales' most pressing infrastructure challenges make recommendations to the Welsh Government. The advice provided by the NICW will be impartial, strategic and forward looking in nature. The Nature and Climate Emergencies have been identified as the key drivers informing the work of the NICW.

The NICW needs to be able to take into account current and upcoming infrastructure projects when identifying future needs. However, its remit does not include reviewing programmes and work that have already been decided or are near decision. The NICW's remit extends to devolved, cross-border and non-devolved infrastructure and will evolve in line with the devolution settlement.

The NICW may consider cross-cutting delivery issues, such as governance, costs, financing and programme/project management, if it considers them a barrier to delivering infrastructure needs. The NICW will not override statutory processes but may advise and recommend improvements to such processes should significant barriers to delivery be found.

The NICW must conduct itself in line with the principles and goals of the Well-Being of Future Generations (Wales) Act 2015. This includes the:

- Welsh Government's Well-Being Objectives;
- Five Ways of Working; and,
- Sustainable Development Principle.

The NICW must take account of Welsh Ministers' duties under the Environment (Wales) Act 2016; including the sustainable management of natural resources (SMNR) and the section 6 Biodiversity and Resilience of Ecosystems Duty.

NICW must also consider the obligations of Welsh Minister's in respect of other legislative obligations when providing advice.

Membership

The NICW will consist of 8 Commissioners including the Chair and Deputy Chair. Commissioners will normally be appointed by Welsh Ministers for a period of 3 years.

The members of the NICW will:

- provide expert, impartial advice to the Welsh Government on infrastructure;
- ensure that the evidence and analysis behind advice is robust;

- work with the Chair and other commissioners to shape and develop specific studies
- engage stakeholders including government, industry, interest groups and the public to promote the NICW and gather a wide range of views on future infrastructure; and,
- support the Chair in representing the NICW in public, including in the media and at public events, particularly on issues where commissioners have individual expertise.

In addition to their responsibilities as a commissioner, the specific responsibilities of the Chair are:

- strategic leadership for the NICW; setting priorities and ensuring the independence of its recommendations; overseeing delivery of NICW's work, including monitoring delivery by the Welsh Government;
- directing commissioners' input, harnessing their skills, experience and expertise;
- providing expert, impartial advice to the Welsh Government on infrastructure, including advice on prioritisation and value for money on public and private investments;
- building consensus around the NICW's recommendations;
- engaging stakeholders, including government, industry, academia, interest groups and the public;
- building a working relationship with the National Infrastructure Commission;
- representing the NICW in public, including in the media; and,
- working with the Welsh Government to ensure a suitable support team is in place to provide the NICW with robust analysis and advice and/or commission work as necessary.

In addition, to their responsibilities as a commissioner, the specific responsibilities of the Deputy Chair are:

- supporting the Chair in their strategic leadership for NICW; setting priorities and ensuring the independence of its recommendations;
- ensuring the work of the commission is focused on Wales' most pressing infrastructure challenges including the need to address climate change and meet Wales' decarbonisation targets;
- helping direct Commissioners' input, harnessing their skills, experience and expertise;
- Leading on work looking at particular areas / sectors to deliver recommendations to the Welsh Government on Wales' future infrastructure needs;
- ensuring the work of the commission is focused on Wales' most pressing infrastructure challenges including the need to address the Nature and Climate Emergencies; deliver on Future Generations Goals; and meet Wales' decarbonisation targets;
- overseeing delivery of NICW's work, including monitoring delivery by the Welsh Government and contractors
- representing NICW externally and fostering good working relationships with key stakeholders, including government, industry, academia, interest groups and the public.

Outputs

The NICW will produce:

- An annual report covering governance issues, its activities over the previous 12 months and its work plan for the coming 12 months;
- Reports requested in the Welsh Government remit letter;
- Occasional reports on particular infrastructure matters as the NICW sees fit.

In developing its analysis, the NICW should make appropriate use of work undertaken by other bodies. This should include but not be limited to:

- Future Wales: the National Development Framework;
- Future Trends;
- The State of Natural Resources Report;
- Work undertaken by the Future Generations Commissioner for Wales;
- Work undertaken by government and public bodies, including those from other countries; and,
- Work undertaken by academia, professional, trade and third sector bodies and think tanks.

Any research conducted should be published and made easily available to the public.

When producing its reports, the NICW will be mindful and realistic of fiscal and economic issues of infrastructure that would arise from implementing the NICW's recommendations.

The NICW will also monitor progress in delivering the infrastructure developments it has recommended.

Welsh Government Support

The Welsh Government is committed to supporting the independence of the NICW by:

- formally responding to the NICW's reports, stating clearly whether the government accepts or rejects the recommendations;
- giving reasons where it disagrees with the NICW's recommendations and, where appropriate, presenting an alternative proposal for meeting the identified need;
- responding as soon as practicable, which should mean within 6 months in the vast majority of cases and never longer than a year; and
- tabling the NICW's annual reports and the government's responses to them in the Senedd.

Remit

The Welsh Government will provide the NICW with clear guidance by issuing a remit letter. This will include a binding fiscal remit to ensure that the NICW's recommendations would be affordable.

The NICW will ensure that its recommendations are in line with the remit.

Accountability

The NICW is accountable to the Welsh Ministers for the quality of its advice and recommendations and its use of public funding. The NICW should ensure that the evidence and analysis behind its recommendations are robust.

The NICW may also have its work scrutinised by the Senedd. The NICW should make itself available to discuss its reports and the analysis that underpins them with relevant Senedd Committees.

The Welsh Government will be held to account by the Senedd for the direction it gives to the NICW. It will also be scrutinised in respect of the recommendations it does or does not accept and the rationale behind these decisions.

Policy making is the responsibility of the Welsh Government and ministers are responsible for taking decisions on infrastructure policy and delivery. Ministers will have sole responsibility for deciding whether to endorse the NICW's recommendations and for deciding how recommendations should be taken forward as policy.

The NICW will hold the government to account for delivering any NICW recommendations that it agreed to take forward.

Arrangements for Reviewing the NICW

The NICW will be subject to a comprehensive review of its status, remit and objectives at least once every 5 years. The date of the first review will be no later than 2024

Amendment, Modification or Variation

This Terms of Reference is effective from 01/04/2022 and continues until the NICW or the Welsh Government deems fit to amend subject to agreement of both parties.