

Climate Change, Environment, and Infrastructure Committee  
[SeneddClimate@senedd.wales](mailto:SeneddClimate@senedd.wales)

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Dear Chair

### **Infrastructure (Wales) Bill – Climate Change, Environment, and Infrastructure Committee Consultation**

Thank you for the opportunity to comment on the draft Infrastructure (Wales) Bill. We have taken the opportunity to compose a joint response that incorporates suggestions from the Office of the Future Generations Commissioner for Wales and the National Infrastructure Commission for Wales.

We believe that the main concept that underpins the rationale for the Bill is sound, namely the need to simplify and accelerate the project development process, whilst improving transparency and the ability of stakeholders and community organisations to scrutinise large infrastructure projects.

The additional benefits of a reduction in the cost of administering the planning process of infrastructure give rise to the opportunity to recycle those savings into the planning system. This opportunity should be grasped; our engagement with the planning sector leads us to understand that many components of the system are currently under-resourced. We would welcome further scrutiny by the committee on this issue.

With respect to aspects that we believe could improve understanding and communication around the Bill, we suggest that the Welsh Government could take the opportunity to describe their vision for infrastructure in the long term in line with the Well-being of Future Generations Act. Notwithstanding that many levers for change currently reside outside Welsh devolved competence, the Bill could explicitly reference the long-term requirements for Wales that depend upon robust, resilient and future-proofed infrastructure, helping emphasise that the legislation is embedded within the Well-being of Future Generations Act's Ways of Working and must aim to help achieve the national goals.

The Section 20 review undertaken by the Future Generations Commissioner for Wales in 2022 identified an implementation gap underpinned by a lack of capacity and understanding of how the Well-being of Future Generations should be appropriately applied in decision making. This has also emerged in the current programme of work to gather views on the priority work programme of the new Commissioner.

An example of this is the view that planning decisions are more heavily weighted towards economic well-being to the detriment of the other three dimensions of well-being under the

Act. We suggest, therefore, that the Bill is an opportunity to address this gap in implementation both on the face of the Bill and in secondary legislation. Involving the people affected by the decisions is also an important part of the Well-being Act and this should be made clear.

Involvement has emerged as one of the least applied ways of working. Involving people - beyond just consultations - in shaping their communities and places is a key aspect, through which the planning process can contribute to the Act. We would like to see the importance of involving people in planning highlighted and strengthened through the Bill and any accompanying statutory instruments.

Also on the theme of being forward-looking, we would expect the legislation to be aware of the future energy and infrastructure needs of Wales and of potential shifts in devolved competence. For example, floating offshore wind is likely to be developed at pace in the Celtic Sea in the coming decade. The legislation should ideally be drafted in such a way that a future Welsh Government that has responsibility for planning out to international waters would not need to undertake another piece of primary legislation development on this or other foreseeable issues.

We understand that much of the detail on how the Bill is to be implemented will follow in secondary legislation. We anticipate that this will enable the Welsh Government to highlight good practice on transparency through the project development process, and to require good practice in engagement with affected stakeholders and communities. This good practice exists in many places; some examples include the 'Future Energy Landscapes' community engagement toolkit developed by the Centre for Sustainable Energy, and the Sustrans Scotland 'Places for Everyone' guide.

We look forward to seeing more detail on how the Infrastructure (Wales) Bill proposes to deal with the detail of projects in due course. NICW and the Royal Town Planning Institute are seeking to hold an event on the Bill later this year to gather further detailed comments, and we welcome a discussion with yourselves on how this can feed into the process.

Yours Sincerely,



**Dr David Clubb**  
Chair  
National Infrastructure Commission for Wales



**Derek Walker**  
Future Generations Commissioner for  
Wales