National Infrastructure Commission for Wales

Terms of Reference

Effective to 31st December 2027

1. Status, remit and purpose

The National Infrastructure Commission for Wales (NICW) is an independent, non-statutory advisory panel established to provide Welsh Ministers with impartial, strategic and forward-looking advice on Wales's long-term economic, environmental and social infrastructure needs. Its work may consider up to an 80-year horizon while also providing time-limited advice requested through a ministerial remit letter. Any long-term thinking advice should be framed with recommendations for action for Welsh Ministers in the short to medium term.

NICW will identify critical long-term infrastructure issues, assess evidence and make recommendations to Welsh Ministers. Nature and climate considerations, resilience, equality, inclusion, the Welsh language, placemaking and long-term public value should inform its work.

NICW may examine devolved, cross-border and non-devolved infrastructure where this is relevant to Wales, while distinguishing clearly between responsibilities and available levers. It should consider cross-cutting delivery issues such as governance, finance, costs, skills, consenting and programme delivery where these materially affect infrastructure outcomes.

NICW should not override statutory processes, determine individual applications or routinely reopen decisions already taken or near determination.

2. Legislative and policy context

NICW must conduct its work consistently with the sustainable development principle and the five ways of working under the Well-being of Future Generations (Wales) Act 2015. In developing advice it should take account, where relevant, of Welsh Ministers' duties and Welsh Government policy relating to the environment, biodiversity and ecosystem resilience, equality, the socio-economic duty, the Welsh language, data protection and information governance.

NICW should take account of relevant national strategies, plans and evidence, including Future Wales, the Welsh Infrastructure Investment Strategy, Future Trends and the State of Natural Resources Report, together with work produced by public bodies, regulators, academia, professional institutions, industry, communities and the third sector.

3. Independence and relationship with Welsh Government

Welsh Ministers set NICW's remit and retain responsibility for policy, funding decisions and implementation. NICW determines its methodologies, evidence, conclusions, recommendations and public statements within the agreed remit.

NICW may work jointly with officials to develop evidence and test options, but joint working must not compromise the Commission's independence or create ambiguity about accountability. Where NICW and Welsh Government reach different conclusions, NICW may publish its own position and the evidence supporting it.

NICW must manage actual, potential and perceived conflicts of interest in accordance with its governance arrangements.

4. Membership

NICW will comprise a Chair and Commissioners appointed by Welsh Ministers. The number, tenure, remuneration and other terms of appointment are determined through relevant public appointment or appointment-extension arrangements. The current appointments run to 31 December 2027 unless ended earlier in accordance with their terms.

5. Responsibilities of Commissioners

NICW Commissioners will:

- provide expert, impartial and collective advice to Welsh Ministers;
- ensure that evidence and analysis supporting NICW advice are robust, transparent and appropriately quality-assured;
- shape and oversee studies, commissioned research and engagement activity;
- engage constructively with government, industry, regulators, local government, academia, professional bodies, communities and the public;
- uphold collective governance, confidentiality, information-handling and conflict-of-interest requirements; and
- support the Chair in representing NICW publicly, particularly in areas relevant to their expertise.

6. Responsibilities of the Chair

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

- provide strategic leadership and safeguard the independence and quality of NICW's advice;
- set priorities with Commissioners and oversee delivery of the remit, work programme and budget;
- direct and coordinate Commissioner contributions, making effective use of their expertise;
- build consensus while ensuring that material differences of view are handled transparently;
- maintain effective relationships with Welsh Ministers, Welsh Government officials and external partners;
- represent NICW publicly and ensure that communications accurately distinguish NICW advice from Welsh Government policy; and
- work with Welsh Government to secure proportionate programme, analytical and commissioning support.

7. Work programme and outputs

NICW will produce:

- an annual report covering governance, activity, expenditure where appropriate, progress against the remit and the forward work programme;
- reports, evidence papers, advice notes and other outputs required by the ministerial remit letter;
- occasional advice on infrastructure matters within its remit; and
- progress monitoring of recommendations accepted by Welsh Government, where proportionate and agreed.

NICW should publish its research and advice in accessible formats where possible. Outputs should distinguish evidence, analysis, assumptions and recommendations; identify uncertainty and trade-offs; consider delivery and broad affordability; and avoid unsupported precision in long-term cost estimates.

8. Engagement and transparency

NICW should work openly, transparently and collaboratively and should seek a broad range of views. Engagement should be proportionate, inclusive, accessible and appropriate to the technical complexity and community impact of the subject.

NICW should explain how engagement has influenced its analysis and recommendations. Commercially sensitive, personal, security-sensitive and legally privileged information must be handled in accordance with applicable requirements.

9. Welsh Government support and response

Welsh Government will support NICW's independence by providing an appropriate sponsorship and Programme Office function, facilitating access to relevant officials and evidence, and considering reasonable commissioning needs within agreed budgets and controls.

Welsh Government should respond formally to substantive NICW reports, stating whether recommendations are accepted, rejected or require further consideration and giving reasons where it disagrees. Responses should be issued as soon as practicable, normally within six months and no later than twelve months, unless an alternative timetable is agreed and explained.

10. Resources and financial control

NICW is accountable to Welsh Ministers for its use of public funding and must operate within approved budgets, delegations and Welsh Government financial and procurement controls.

Commissioners set the intellectual direction of work and approve NICW conclusions; contractors and the Programme Office may provide evidence, drafting, engagement and programme support.

No commitment in a remit letter or work programme constitutes approval for expenditure beyond agreed budgets. Additional requirements must be separately authorised.

11. Accountability and scrutiny

NICW is accountable to Welsh Ministers for the quality, relevance and integrity of its advice, its governance and its use of public resources. NICW may be scrutinised by the Senedd and should make itself available to relevant committees to discuss its reports and supporting analysis. Welsh Ministers remain accountable to the Senedd for the remit given to NICW and for decisions on its recommendations.

12. Review and amendment

These Terms of Reference apply until 31 December 2027 unless amended or replaced earlier. Welsh Government and NICW should review their operation at the end of the initial January 2027 phase and as part of any wider review of NICW's future status, remit and governance. Amendments require agreement between Welsh Government and NICW, subject to Welsh Ministers' authority to determine the remit and public appointments.