



Response to the National Infrastructure Commission: Consultation (cm 9182)

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The International Centre for Infrastructure Futures (ICIF) is an interdisciplinary, practice-orientated research centre conducting fundamental research on infrastructure interdependency, policy, innovation, regulation, management and financing. ICIF was created to identify what combinations of actors, regulations and technologies can provide for the effective planning, design, investment, construction, delivery and use of infrastructure services that underpin economic activity and improve citizens' quality of life within modern societies.

ICIF brings together leading academics from six UK universities: University College London, Cranfield University and the universities of Bristol, Brighton, Sussex and Southampton.

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Introduction

This document has been prepared by those listed above on behalf of the International Centre for Infrastructure Futures (ICIF) in response to an open consultation on the National Infrastructure Commission seeking views on the governance, structure and operation of the Commission. The consultation document was issued on 7th January 2016 by HM Treasury, National Infrastructure Commission and The Rt Hon Greg Hands MP.

The document responds to questions 1 to 15 of the consultation. Each response is accompanied by a note highlighting any relevant caveats or assumptions, together with additional detail and rationale to support the position.

Summary of Cross Cutting Themes from Consultation Response

- The significant degree of interdependencies involved in infrastructure provision and operation must be taken into account (See response to Question 1, 13, 14 and 15);
- The relationships between the National Infrastructure Commission (NIC) and other infrastructure stakeholders (e.g. government departments, regulators, infrastructure operators and suppliers) must be governed in an open and collaborative way. The credibility of the NIC depends on the nature of these relationships, its objectivity, independence and the quality and transparency of its methodologies (see responses to Questions 1, 3, 5, 6, 7, 8, 12, 13, 14 and 15);
- Groups of actors and activities that fall outside the remit of the UK government play an increasing role in the way that society and its economy creates and captures value from infrastructure. This should be reflected in the National Infrastructure Commission's mandate and process of work to include broader understanding of cost, benefits, methodologies and criteria for assessment (see response to Questions 4,7, 9, 10 and 11);
- The National Infrastructure Assessment (NIA) should be systemic and framed within an understanding of the high-level outcomes valued by society and an articulation of the nation's needs that is neutral to the specific solutions through which they will be fulfilled. (see responses to Questions 1, 7 and 8)
- A holistic set of criteria should be used to evaluate the relative merits of possible options to address the fundamental infrastructure need. These criteria may comprise both economic and non-economic objectives, possible criteria include: whole lifecycle cost (TOTEX), the expected value of the flow of benefits over an infrastructure lifecycle, the ability to contribute to broader system-level goals (e.g. increased system resilience, carbon mitigation, system adaptation to the impacts of climate change, the management of water flow at the catchment level and inclusiveness of access and fairness in terms of benefit and value distribution) (see responses to Questions 8 and 9)

Consultation Questions

1) Do you agree that the National Infrastructure Commission should be established as a non-departmental public body via primary legislation?

Answer: **Yes**

Note: None

Detail and Rationale: We wholeheartedly agree that the credibility of the National Infrastructure Commission (NIC) will partially be derived through being independent of government and any individual government department (3.1). The NIC will also derive credibility from the quality of the methodologies and processes it implements to undertake its responsibilities, the quality and openness of the relationships it builds with important stakeholders, its ability to access and engage with high quality objective research and evidence and to independently commission such research where it believes necessary.

Additionally, we agree that independence is vital if the NIC is to:

- Build relationships with stakeholders at a range of levels including government departments, sub-national and regional bodies and regulators (1.5);
- Advise on complex, long-term, cross sectoral, systemic issues (2.2);
- *'facilitate a better quality of discussion on future infrastructure projects'* (2.2);
- *'promote a more consensual approach to policy making and create a co-ordinated structure for an ongoing dialogue between politicians, government, industry and the public'* (1.6);
- Facilitate the emergence of political consensus through its recommendations (2.3).

If established as a non-departmental public body the NIC will be able to foster a collaborative approach among government departments. This is particularly important in the light of the emerging recognition for the interdependencies between infrastructures across multiple sectors that fall under the governance of diverse government departments. It is particularly important when planning new infrastructures as their net effects are strongly related to the nature and performance of legacy infrastructures. New advances in technologies for road driving, renewable energy sources, and information economics are just a few of the trends that support the need for the NIC to adopt an interdependency infrastructure paradigm.

An opportunity to recognise and take advantage of the high level of interdependency between infrastructures and cities is now ripe for the taking. We agree with Moss Kanter¹ who recently remarked in relation to the necessity of changing government silos that *"to avoid getting stymied by silos reorganization...A compelling vision needs to connect actions to a clear set of goals"*. As an independent, non-departmental public-body, the NIC would be well placed to articulate this vision grounded in its broad understanding of infrastructure needs. Therefore we agree that the NIC needs to be independent if it is to fulfil the various elements of its remit to:

¹ Moss-Kanter, R. (2015). *Move*. W.W. Norton & Company: New York.

- Develop, implement and refine an ‘*overarching and independent process for assessing the long-term infrastructure needs of the nation*’ (1.4);
- Produce a clear, transparent analysis of what infrastructure is needed (today and in the future); what the key trade-offs and dependencies are; and how these needs can best be met. (2.3)

Moreover, we agree it is necessary that the Commission should not be responsible for delivering the infrastructure it recommends (2.8) and believe independence from such responsibility is important to maintain objectivity when implementing needs assessment methodology.

2) Do you agree that the commission’s National Infrastructure Assessments should be laid before Parliament and that the government must respond within a specific timeframe? What would an appropriate timeframe be?

Answer: **Yes**

Note: With the information currently available a specific time-frame in which the government should respond is stated here with some reservation.

Detail and Rationale: The Commission’s National Infrastructure Assessment (NIA) should be laid before Parliament and the government should provide a formal and explicit response to each of the recommendations set out in the assessment.

As described in paragraph 4.8 of the consultation document, this response should describe how the accepted recommendations will be implemented. If the government disagrees with the recommendations the response should describe the alternative strategy intended to meet the identified needs. If the government disagrees with the identified needs then the response should set out their alternative assessment, providing the appropriate evidence to support the alternative position. Regardless of the scenario, the government’s response should also include the means by which the strategy’s efficacy and efficiency to meet the acknowledged needs will be monitored.

As set out in paragraph 4.10 of the consultation document, accepted recommendations should be considered government policy.

In general terms the response should be made in such a way as to avoid unduly delaying the implementation of any critical recommendations. The sensible period of response may be dictated by the nature of specific needs and recommendations. Responses may be required on a case-by-case basis as urgency dictates.

Taking into account the prior recommendations of the Armitage Review, the critical nature of some infrastructure decisions, and the purpose of the Commission to counter the fact that a “[lack of consensus on the need for specific project has slowed down delivery](#)” (para 1.4), a timeframe in the region of three months would seem appropriate. A significantly longer period would unduly hold up progress in developing the detailed strategies to address the recommendations and would be counterproductive to the aims of the Commission.

3) Do you agree that it should not be mandatory for the government to lay the recommendations from specific studies before Parliament, but that the government should have discretion to do so where necessary?

Answer: **No**

Note: None

Detail and Rationale: We strongly believe the credibility of the NIC is contingent on its recommendations, and justification of how it has reached these, being laid before Parliament. This requirement should apply as strongly to specific studies as it does the NIA (Question 2). Therefore, in the interest of transparency, all specific study reports should be laid before Parliament. The independent purpose of the NIC is best served by treating any recommendations it makes equally, rather than treating NIC analysis selectively. Therefore, we argue that it should be mandatory for recommendations made from specific studies by the NIC to be laid before Parliament.

Additionally, we raise a slight concern regarding the framing of paragraph 4.3 within the consultation that states: “The terms of reference for these studies will be set by the government’... As well as defining the issue to be addressed, the terms of reference may provide fiscal and economic guidance within which the commission should make its recommendations.”

This could be interpreted as contradicting paragraph 3.1: “The commission’s legal form will be central to ensuring its independence and credibility, and will also have implications for its powers, funding and staff. The commission should be able to work independently of government departments, within its remit and the guidelines set by the government.”

We strongly believe that the independence of the NIC is a source of credibility for its recommendations (Question 1). Therefore, there is a risk that by asking the NIC to undertake specific commissions based on terms of reference imposed upon it - and further constrained by fiscal and economic guidance regarding what recommendations can be made - will undermine that credibility with ramifications for all NIC recommendations made in specific commissions and in the National Infrastructure Assessment. It follows that all specific commission requests must be transparent, such that the original terms of engagement are visible to all, and flexible, such that the NIC has the freedom to frame the scope of specific commissions as it feels necessary in order to protect the independence of the processes it uses to undertake its work.

4) Do you agree that economic regulators should ‘have regard’ to Endorsed Recommendations?

Answer: **Yes**

Note: The answer to this question is without prejudice to the legal significance of the term to ‘have regard’ and what that entails.

Detail and Rationale: Economic regulators should have regard to Endorsed Recommendations, (as according to the definition provided in the consultation document Endorsed Recommendations are recommendations accepted by the government that should be considered to be government policy). However, there are several pertinent caveats to this question. Considering that the government can choose different means for delivering Endorsed Recommendations, which may not include regulation (but involve measures such as market stimulation) the question might be interpreted as: Should economic regulators have regard to Endorsed Recommendations whose implementation does not entail regulatory measures?

We believe that Endorsed Recommendations should be regarded by economic regulators: (1) even if they are not implemented through the use of regulatory measures, and; (2) that the principle of 'regard' should apply beyond economic regulators and include other relevant groups (including businesses and civil society) as well.

The highly interdependent nature of infrastructure provision in the UK is well-recognised in research^{2,3,4} and involves decision making, governance mechanisms and action across multiple sectors, levels and actors. For example, Endorsed Recommendations in the case of low carbon network innovation and smart grids development would involve several sectors (including electricity, ICT and road transport) and economic regulators (Ofgem, Ofcom, ORR) with varying degrees of regulation and regulatory approaches. Therefore, changes implemented in one sector (such as the removal of financial market incentives and the introduction of new regulatory rules) will have an effect on another. Furthermore, policy support (for example funding) of cross-sectoral technologies and processes such as innovation may be anchored in one focal sector, leading to a spill-over to other interconnected sectors. For example in the UK, the electricity sector is considered critical to smart grid policy, while the ICT sector is considered as a newcomer and government funding (like the Low Carbon Network Fund (LCNF)) is thus made available only to electricity distribution network operators (DNOs)⁵. A lack of similar investment in the ICT sector acts as an entry barrier to low carbon innovation for SMEs, therefore excluding some of the most innovative solutions.

Applying Endorsed Recommendations to economic regulators only, can reproduce and reinforce long standing policy silos between different economic regulators, as well as silos between economic and environmental regulation. This silo approach can lead to conflicting and suboptimal responses. For example, changes in environmental regulation in the water sector in the UK post-privatisation drove demand for electricity in the water sector upwards, which many water companies tried to meet by investing in renewable technologies such as solar and wind. However, investment in renewable technologies by water utilities ceased in 2010 when changes in carbon accounting policy ceased offsetting carbon emissions by purchasing renewable energy via 'green tariffs'⁶.

² Hall, J, Tran, M., Hickford, A. and Nicholls, R. (2016) *The Future of National Infrastructure: A System-of-systems approach*, Cambridge Press

³ Hiteva, R., Lovell, K., McArthur, J., Smith, H. and Zerjav, V. (2016) "Emerging approaches and issues in regulation and governance of infrastructure based services", the International Centre for Infrastructure Futures White Paper

⁴ Carhart, N. and G Rosenberg (2016) 'A Framework for Characterising Infrastructure Interdependencies'. *International Journal of Complexity in Applied Science and Technology*

⁵ Hiteva, R. and J. Watson, (2016) *Governance of multi-regime interactions in the case of smart grids in the UK*, SPRU Working Paper

⁶ Watson, J. and Rai, N. (2013) *Governance interdependencies between the UK water and electricity sectors*, Working Paper, ITRC/University of Sussex

A lot of areas involved in the delivery of infrastructure services are also not regulated, or are partially subject to regulation. Some of them might also be involved in non-traditional business models for infrastructure services. Business models generally describe how firms create value, capture value and then monetize a proportion of that value (internally and externally). There is a growing recognition of the utilisation of what Ofgem terms 'non-traditional business models' (NTBMs), particularly in the case of energy, describing business models that differ from conventional forms of generation, distribution and supply. Examples of NTBMs could include municipal energy management and Energy Service Companies (ESCOs), as well as non-traditional value creation activities such as volunteering and sharing. Since NTBMs can cross sector boundaries and include areas that are not regulated by Ofgem, NTBMs may not be immediately visible to or fully contained within the remit of the electricity regulator.

5) Do you agree that the government should legislate to oblige the commission to produce National Infrastructure Assessments once in every Parliament?

Answer: **Yes**

Note: None

Detail and Rationale: Given the arguments presented in the consultation, especially those contained within paragraph 4.2, it is clear that a primary value adding role of the Commission is to act as constant and independent horizon-scanning steward for the UK, or those countries that will form part of the Union in the future, in terms of the integrated suite of infrastructure systems and networks that our country will need and depend upon. Whilst it is it for the people and their elected representatives to decide which elements to decide to have or not have and how to pay, it is clear that we need those who can maintain a long-term and independent viewpoint to consider not the immediacy of our problems and issues, but what may well become our challenges in the decades to come. We have seen examples in this country where forward thinking has provided us with infrastructure that has served the nation well for generations beyond that envisaged by the original designers and equally, where we have become moribund in discussion and bureaucratic process allowing chronic and then acute infrastructure problems to occur.

To charge the Commission with the production of an NIA would require there to be the setting of a point of achievement of difference, akin to the Carbon Reduction Commitment (CRC) set for 2050. The CRC is clear and unequivocal. With it stated we, as a nation, should now be able to say how we are doing against this CRC. Yet we have no infrastructure equivalent to the CRC and, assuming that we address this, it is clear that such stretching and demanding objectives should be routinely assessed, and assessed with sufficient rigour to allow those accountable for progress and performance to both defend their record and take any and all appropriate action as necessary.

It would be beneficial if the methodology used to undertake the NIA is robust, transparent, peer reviewed and clearly auditable. However, whilst ensuring direct comparability between NIA is

important, each NIA should learn from the experiences of the previous iteration. Therefore, NIA methodology need to be sufficiently flexible to allow this learning to take place.

6) Do you agree that the precise timing of reports any interim publications should be a matter for the commission in consultation with relevant departments?

Answer: **Yes**

Note: None

Detail and Rationale: Given that the Commission will be required to produce an NIA once per Parliament (see Question 5) there will be the expectation that the Commission will also be conducting parallel work on a series of more short-term projects that will generate various outputs. These should be produced as and when appropriate and following dialogue and discussion with the various departments, agencies and other government-related organisations that the Commission will need to liaise with. It would seem both appropriate and indeed best practice for the Commission to want to establish a productive working relationship with these departments and similar bodies as the nature of infrastructure is enduring and whilst the nature of each report is likely to be specific and non-repeating, the accumulation of these publications over time, and the conduct of the Commission in producing them, will set the tone for how infrastructure as a topic is considered within and between these departments and similar bodies. Thus, there is much need for a policy of good conduct by the Commission when it comes to consultation with the relevant departments.

7) Do you agree that a GDP envelope would provide the most effective fiscal remit for the commission?

Answer: **No**

Note: None

Detail and Rationale: It is our belief that the question of fiscal remit is not aligned with the purpose of the NIC in undertaking the NIA. The NIA should focus on the identification and definition of infrastructure need (both current and future), not on the advocacy of specific infrastructure solutions. We, therefore, believe that the NIC should consider undertaking three core actions when conducting the NIA:

- i. Identifying and understanding desired outcomes (those benefits that we expect infrastructure to play a role in enabling, and therefore that gives infrastructure its purpose);
- ii. Evaluating need (the difference between current + planned provision and expectations of what infrastructure should enable);
- iii. Identification, evaluation and selection of solutions.

We argue that of these actions (i) and (ii) are the most important when evaluating the 10-30 year horizon expected of the NIA. This is because (i) aligns the purpose of infrastructure with the

outcomes required by society, and (ii) evaluates need in terms of that definition of infrastructure purpose given by (i). It follows that the credibility of any recommendations made by action (iii) is based upon the use of robust, transparent, peer reviewed, clearly auditable methodologies being applied to evaluate (i) and (ii).

Furthermore, a robust, risk-based understanding of current and projected infrastructure need is a better output for the NIC to aspire to than a pipeline of infrastructure solutions (similar to that in the current NIP), therefore, (i) and (ii) should be the fundamental focus of the NIA.

Both an articulation of needs and a pipeline of future infrastructure projects would signpost future activities and so provide greater certainty to all involved with infrastructure provision. However, a pipeline of planned infrastructure projects has a number of disadvantages compared to a robust articulation of infrastructure needs: (a) it dictates the solution to a need without reference to the context into which that solution will be introduced 5 to 30 years after the solution was originally identified; (b) it places responsibility for the identification of solutions in the public sector, and; (c) it serves to stifle innovation by selecting solutions at an early stage in the design lifecycle. By contrast, an articulation of needs, by not specifying the expected solution, creates clear signposts to solution providers that a solution to a certain need will be required at a specific time in the future. This creates an incentive for innovation in the formation of possible solutions.

Therefore, given the importance of (i) and (ii) and the relative merits of an articulation of current and future need over those of a pipeline of solutions, we suggest that NIC when undertaking NIA should primarily focus on framing infrastructure need, and a fiscal remit should only apply if needed when undertaking (iii).

8) Do you agree that a transparency requirement should be placed on the commission with regard to its economic remit?

Answer: **Yes**

Note: None

Detail and Rationale: We strongly agree that the Commission should be as transparent as possible in all the activities it undertakes. We believe that operating in a transparent and open manner will give the NIC the credibility it needs to fulfil its remit. In this way transparency is as important as independence and many of the points raised in response to Question 1 apply here.

However, we are slightly concerned with the wording of this question. We agree about the need for a transparency requirement, but feel the question implies our agreement with the need for an economic remit. For similar reasons to the doubts we raised about the fiscal remit in Question 7, we feel an economic remit is only relevant to NIC work concerned with identification, evaluation and selection of solutions (point iii in response to question 7) and is not necessary for NIC work focused on identifying and understanding desired outcomes or evaluating infrastructure need (points i and ii in response to question 7).

We believe that if an economic remit is applied, it should not constrain the Commission from considering the full range of possible solutions to a stated infrastructure need. Solutions should be evaluated against a more holistic set of criteria than solely capital costs (CAPEX), these might include but are not limited to: cost over the whole lifecycle (TOTEX), the value of the flow of benefits the infrastructure is expected to enable over its lifetime, the ability of a solution to contribute to broader system-level goals such as increased system resilience, carbon mitigations, system adaptation to the impacts of climate change, and the management of water flow at the catchment level. Similarly, as an output from NIC work, it is important that the ability to frame underlying need in terms of higher level system objectives such as those listed is developed.

9) Do you think that any additional constraints are necessary to deliver the commission's anticipated benefits to consumers?

Answer: Yes

Note: We favour framing them as areas where the NIC will have a duty of care rather than constraints. The presumed benefits to consumers are also unclear from the consultation document.

Detail and Rationale: There are a number of issues of non-economic character that NIC should be obliged to take into account in order to deliver benefits to consumers, however these should not be necessarily described as "constraints" but areas where NIC should have a duty of care. The proposed areas are based on ensuring fairness, inclusiveness, environmental protection, acceptance and resilience. The duty of care for the NIC should involve avoiding actions such as putting forward recommendations of a regressive nature, which will adversely affect the most vulnerable groups of users (such as the elderly, fuel poor households, single parents, families with multiple children) or lead to the exclusion of already marginalised groups. The commission should be compelled to consider inclusiveness not only in terms of access (i.e. the provision of certain infrastructure services such as high-speed broadband) but also in terms of whether all groups of users will be able to gain value from this provision. For example, online access to infrastructure services requires the use of a smart appliance such as a laptop, mobile phone or tablet, as well as the knowhow of using online services. The commission should uphold a standard of environmental protection in all aspects of its work, and environmental protection should be adopted as a benefit to consumers across the board. Recognising these areas as benefits to infrastructure consumers would facilitate a move away from focusing entirely on a traditional cost-benefit analysis of infrastructure towards a more inclusive interpretation of the role of consumers. This would involve recognising that consumer values and their associated interpretation of the benefits derived from infrastructure often go beyond their immediate time horizon and concern with selecting the cheapest option for consumer bills. Closely linked to these additional areas of concern for NIC and of equal importance, is imposing a commitment on the Commission to safeguard the resilience of communities affected by infrastructure, defining the scope of impact not purely in geographic terms and on the basis of proximity. Embedding values of engagement with groups underrepresented in infrastructure governance in the UK, such as users, citizens and consumers, has a great potential to contribute to the credibility and legitimacy of NIC's work.

10) Do you agree that the remit should be set by a letter from the Chancellor, on behalf of the government?

Answer: **No**

Note: None

The consultation document makes it clear how strategically important infrastructure is to the UK. The consultation document makes it clear that the Commission has limited its mandate to that of ‘economic infrastructure’ (paragraph 2.9) and will not make recommendations on social infrastructure (paragraph 2.10). Yet this seems contradictory with the implicit argument that lies behind the argument presented in 1.4 that refers to ‘more efficient infrastructure systems’. The sentiment in this section of the consultation can easily be extended from that of the efficiency argument (that is to say a focus on generating outputs with a minimum amount of waste) to that of effectiveness (i.e. the degree to which infrastructure meets its intended objectives and works for the country and its people). Here having an efficient and effective infrastructure system will lead to assured national prosperity. In doing so, there will be an intrinsic interdependence on all forms of infrastructure, from the hard economic to the digital social, from the natural and green to the space bound and highly technological. It is for this reason that we feel, strongly, that the letter setting out the remit for the Commission should be written by the Prime Minister of the government, not the Chancellor. The Prime Minister is responsible for the country and for its entire infrastructure. The Prime Minister must and should write this letter.

11) Do you agree that the commission’s working assumption should be to only review those areas of infrastructure that are the responsibility of the UK government?

Answer: **No**

Note: None

Detail and Rationale: We believe that the commission should also review areas of infrastructure that fall outside of the direct responsibility of the UK government. As elaborated in more detail in our answer to Question 4, growing infrastructure interdependencies across sectors and scales, and the existence of non-traditional business models, point to areas, groups of actors and activities that fall outside of the remit of the UK government but might play an important role in the creation and capture of value from infrastructure by society. Therefore, we encourage the introduction of a certain level of flexibility when identifying the scope of areas to be reviewed, with view to include the broadest range of perspectives and knowledge for any given area. This will be particularly important in delivering non-economic benefits to consumers, as detailed in the answer to Question 9.

12) Do you agree that the decision of whether to accept or reject the commission’s recommendations should rest with the responsible government?

Answer: **Yes**

Note: None

Detail and Rationale: The Commission will be expected to take an objective, evidence-based, apolitical and morally ambivalent perspective on infrastructure. This may not be popular with the media or politicians, but it will be beholden on the Commission to not simply state what it thinks is best, but to present the arguments and data on *why* it believes, to the best of its abilities, its position is in the long-term best interests on the country. In such circumstances, where the Commission makes recommendations that a responsible government either agrees or disagrees with, it should equally rest with that government to present its case as to why it so agrees or disagrees. To do so will clearly present to the electorate, media, infrastructure investors and other interested parties what the responsible government’s view is of infrastructure and the role it plays. This is best illustrated by reference to current major decisions that are being considered, such as that of the expansion of airport capacity in the south-east of England, how to fund Crossrail 2 in London or provide the high speed – high capacity transport linking cities in northern England. Independent Commissions can and will make recommendations, but governments do not have to abide by these recommendations. However, it is essential for many reasons, not least for national and international credibility at the time and into the future, that the government handles its response to such recommendations in a fully considered and professional way.

13) Should departments be obliged to accede to the commission’s requests for analysis?

Answer: **Yes**

Note: This answer is given with the assumption that a collaborative Memorandum of Understanding or potentially even a Memorandum of Agreement is established between the NIC and the relevant departments governing what is and isn’t an appropriate request.

Detail and Rationale: A collaborative, transparent and open relationship with government departments and relevant agencies, as described in paragraph 6.5 of the consultation document is strongly endorsed. Whether looking at specific projects or the national infrastructure system-of-systems, access to data and information is critical. The Commission is perhaps in a unique position to consider the ability of infrastructure as a whole to meet the complex and dynamic needs of the nation (socially, economically and environmentally). In this way it can overcome the challenges of “silo-thinking” acknowledged in the Armitage Review, and the emergent risks and benefit of necessary and optional infrastructure interdependencies as discussed in the response to Question 1.

The Royal Academy of Engineering have stated that “A systems approach to infrastructure planning will be essential, noting the interdependencies between infrastructure sectors”⁷. This is only possible if government departments and agencies are prepared to share their knowledge in an open spirit of collaboration. The ability of the Commission to successfully meet its intended purposes, as set out in the consultation document, will be significantly hampered if such relationships do not exist.

The notion set out in paragraph 6.6 of the consultation document, “the government intends to legislate to provide the commission with the right to ask departments for both data and analysis”, is supported, although the right to ask should be expected.

There should be an expectation of openness and transparency around information, data and the conclusions of existing analyses. Departments should be obliged to accede to requests for these.

Were departments “obliged to accede” to all requests for analysis, then the collaborative and open relationships between them and the Commission may be threatened. There should be some sensitivity to the imposition of a blanket obligation. There may be challenges of resources were there an ambiguous obligation to accede to all requests for additional analysis. .

The consultation document proposes a Memoranda of Understanding between departments and the Commission, setting out “a common understanding of what reasonable and proportionate requests for data and analysis should entail” (Para 6.7). This is critical to ensure that collaborative relationships are maintained. Departments should be obliged to accede to requests for analysis within the expectations of this Memorandum.

The Commission may also wish to look at alternative avenues for analysis to be conducted.

14) Do you agree that the legislation used to create the commission should place obligations on the relevant regulators and public bodies to share information with the commission?

Answer: **Yes**

Note: This answer is given with the assumption that a collaborative Memorandum of Understanding or potentially even a Memorandum of Agreement is established between the NIC and the relevant regulators and public bodies governing what is and isn't appropriate.

Detail and Rationale: As set out in response to Question 13, a collaborative, transparent and open relationship with relevant agencies is strongly endorsed. The interdependent nature of infrastructure requires collaboration with and across multiple government departments, regulators and public bodies. The efficacy of the Commission in its ability to fulfil its remit would be threatened were it not able to work with all infrastructure stakeholders and fully appreciate their points of view.

⁷ Royal Academy of Engineering (2013) 'Independent Armit Review of Infrastructure - Submitted by The Royal Academy of Engineering to Sir John Armit' [Available Online: <http://www.raeng.org.uk/publications/responses/independent-armitt-review-of-infrastructure>]

This will require access to tacit and explicit knowledge held by the relevant organisations. Access must be afforded to the Commission in a way that does not threaten the relationships between the concerned parties. This requires a shared understanding and agreement over the purpose and role of the Commission.

Regulators and public bodies should be obliged to respond to all requests for information from the Commission, and provide any information that falls within the remit of a collaboratively formed Memorandum of Understanding as is the proposed method for the Commission's relationship with Government Departments. This Memorandum of Understanding should embody the collective view of the mutually beneficial act of sharing information, and ensure the successful governance of the relationships.

Obligations should be placed on the relevant regulators and public bodies to share information with the Commission which fall within a collectively agreed understanding of what is reasonable and appropriate.

15) Should legislation also place obligations on the relevant regulators and public bodies to provide analysis for the commission?

Answer: **No**

Note: None

Detail and Rationale: As set out in response to Question 13 and Question 14, a collaborative, transparent and open relationship with relevant agencies is strongly endorsed and central to these questions. The Commission, together with relevant regulators and public bodies, must work to form a shared understanding of the role of the Commission and how collaboration and knowledge sharing could be mutually beneficial. This should form the basis of the understanding between the organisations, and an agreed expectation for what constitutes a reasonable and proportionate request for analysis.

16) Do you agree that the government should specify a timetable to review or replace a National Policy Statement when endorsing recommendations?

Consideration for the timetable for reviewing National Policy Statements is felt to be outside the current focus of the International Centre for Infrastructure Futures, and therefore we are not in a position to offer a meaningful view on this at the present time.

17) Do you agree that, while additional consultation may be necessary, consultation undertaken by the commission should not be repeated by the Secretary of State when preparing a National Policy Statement?

The needs of a given Secretary of State in their preparation of a National Policy Statement are outside the current focus of the International Centre for Infrastructure Futures, and therefore we are not in a position to offer a meaningful view on this question.