

How to design an infrastructure strategy for the UK



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About this report

The UK makes poor decisions about infrastructure compared with some other wealthy countries. This Institute for Government project explores how UK policymaking around economic infrastructure – which includes transport, energy, digital communication and water – can be improved.

The aim of this report is to evaluate the politics and institutions of infrastructure decision making in the UK. We offer recommendations on how to ensure a stable, long-term evidence base; build a cross-government national strategy for infrastructure; and improve public engagement in decision making.

Past publications in this series have looked at:

- some of the main flaws in recent and controversial UK 'megaprojects'
- how the UK government uses cost benefit analysis to appraise infrastructure projects
- how government decides on whether to publicly or privately finance infrastructure projects.

A future report will look at how government can strike good private finance deals. A final report will summarise our key recommendations across this work programme.

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Summary

The UK government's decisions on economic infrastructure are inconsistent and subject to constant change. New projects are dreamt up, reframed, scrapped and reinvented, seemingly with little consideration of long-term objectives. This results in uncertainty, delays and increased costs for taxpayers and consumers.

This is not just the fault of individual organisations or people. There are also systemic problems with government institutions and the politics of infrastructure decision making in the UK. This report identifies three particularly challenging issues and sets out recommendations for how to resolve them.

Problem: Without a credible evidence base and long-term approach, infrastructure decision making is subject to continuous and disruptive policy change

National-level infrastructure policy in the UK changes regularly. This is, to an extent, an inevitable consequence of politics. New governments quite rightly have their own priorities and often therefore discard or amend the policies and projects of their predecessors. Our adversarial political system and the electoral cycle can make it challenging to develop cross-party consensus on the country's infrastructure needs and lead governments to focus on short-term objectives.

Yet, to be successful, infrastructure decision making must be evidence-based and focused on the long-term future. Infrastructure projects, particularly large ones, can take years to build and often have lifetimes of several decades or more. Constant policy change disrupts this process, resulting in delays, additional expense and poorly co-ordinated projects.

The formation in 2015 of the National Infrastructure Commission (NIC) to independently assess the UK's long-term infrastructure needs, and make recommendations to government, represents an important opportunity to mitigate some of these problems. However, a number of reforms are needed to make the most of this.

Recommendations:

- The NIC should become an executive non-departmental public body so that its institutional form better matches its independent function.
- The Government should, when picking NIC commissioners, ensure suitable professional and geographical balance.
- The NIC should provide clear evidence for its report conclusions and public statements.
- The NIC must improve the general public's awareness of its work.
- To ensure that the NIC's National Infrastructure Assessment provides strong foundations for joined-up decision making across different types of infrastructure, its scope should be broadened to include housing.

Problem: Co-ordination between government departments and levels of government is poor, with no overarching strategy to guide decision making

Infrastructure decision making in Whitehall is often characterised by 'departmentalism' (a lack of co-ordinated working across departments) and short-termism. This is unsurprising, given that responsibility for different but overlapping parts of infrastructure policy is currently spread across seven different departments.

Recommendations:

- The Government should develop a cross-government National Infrastructure Strategy in response to the National Infrastructure Assessment. This should:
 - articulate a vision for how departmental policies and projects will help meet national objectives
 - identify how the capacity of subnational authorities – such as combined authorities, local authorities and subnational transport bodies – will be built, the mechanisms by which national priorities will be negotiated with them and how stronger local partnerships can be fostered
 - identify opportunities for the NIC to carry out further work
 - map out consequences for particular places
 - be accessible to the public.
- National Policy Statements should flow from the Strategy, and act as a decision-making framework for the delivery of projects which support its objectives.
- The Government should reinstate the position of Commercial Secretary to the Treasury. Their portfolio should be focused on supporting the Chancellor to develop and oversee implementation of the cross-government National Infrastructure Strategy.
- The Treasury Committee should lead scrutiny of the NIC, the National Infrastructure Strategy, and the Government's relationship with both, but Parliament should not mirror the silos of government departments. Other parliamentary committees will have a crucial role in scrutinising government infrastructure policy, and should collaborate closely with the Treasury Committee.

Problem: The UK lacks forums for productive and structured public debates on infrastructure policy options

The UK is poor at engaging the public and local communities on major infrastructure projects. This has serious consequences: when local communities feel disempowered or that a decision has been made in an unfair way, they often oppose development entirely. This local opposition can result in unnecessary delays and additional cost. Equally, by neglecting engagement, decision makers lose the benefit of rich data with which to design efficient assets; supporters of projects don't have an opportunity to

voice their opinions; and communities may not be made aware of the wider, national benefits of projects.

Recommendations:

- The Government should establish a Commission for Public Engagement (CPE) in infrastructure decision making, modelled on the French Commission Nationale du Débat Public.
- The CPE should:
 - facilitate in-depth deliberations with representative panels of citizens to evaluate policy options for inclusion in the National Infrastructure Strategy
 - facilitate public debates with communities that will be affected by projects as proposals go through the National Policy Statement process or the 'pre-application consultation' stage of the Nationally Significant Infrastructure Project planning regime
 - provide advice to project sponsors undertaking consultations during the 'pre-application consultation' stage of the Nationally Significant Infrastructure Project planning regime.
- The CPE should be established as an executive non-departmental public body and be funded jointly by government and scheme promoters.

1. Introduction

Policy instability and inconsistency are key weaknesses in UK economic infrastructure decision making. New projects are dreamt up, reframed, set new objectives, scrapped and reinvented, seemingly with little consideration of long-term objectives. This results in uncertainty, delays and increased costs for taxpayers and consumers. This is, to an extent, an inevitable consequence of our democratic system. New UK governments quite rightly have their own priorities and often therefore discard or amend the policies and projects of their predecessors. Our adversarial political system and the electoral cycle can make it challenging to develop cross-party consensus on the country's infrastructure needs and lead governments to focus on short-term objectives.

This is well illustrated by the ongoing discussion over a third runway at Heathrow. Debate has raged for more than 50 years over how best to expand airport capacity in the south east. A final decision was seemingly made by the first Government of Theresa May, only for new doubts to be raised following the results of the 2017 general election, and the continued political potency of the issue for MPs representing constituencies in west London.

Yet, to be successful, decision making on major infrastructure must be focused on the long-term future. Such projects can take years to construct and, once built, can have lifetimes of several decades or more. Constant policy change disrupts this process, resulting in delays, additional expense and projects being delivered in an unco-ordinated way.

In this report, we identify three challenges which must be overcome if we are to build an effective national strategy for infrastructure:

1. **There is no independent evidence base on which to build cross-party consensus or long-term decision making:** The National Infrastructure Commission (NIC) was established to address these problems, and it is a positive step in the right direction, but both the Government and the NIC itself have work to do to ensure that it is a success.
2. **There is no overarching framework for decision making, and co-ordination between parts of government and different places is poor:** Co-ordination between government departments and different levels of government is weak, with no overarching strategy to guide decision making across sectors, build capacity, or align local or departmental priorities. At the national level, a large number of departments and ministers have responsibility for overlapping aspects

of infrastructure policy; below the national level, the institutional landscape is complex and confused.

3. **Local communities and the general public are rarely involved in decision making:** The UK lacks forums for productive and structured public debate on infrastructure policy options. Failure to effectively engage with public concerns can lead to disenchantment, project delays and additional expense.

This report looks at each of these issues in turn, setting out recommendations for improving how infrastructure decisions are made.

Methodology

This report was informed by an in-depth review of the academic literature and broader work in this field, as well as interviews with current and former senior civil servants, politicians, academics and consultants. We also conducted a roundtable event with policymakers and experts in the field of public engagement, which directly informed the final chapter of this report.

It also draws heavily on previous Institute for Government research published as *Smarter engagement: Harnessing public voice in policy challenges*,¹ and *Political economy of infrastructure in the UK*.²

Though the issues we deal with are pertinent to the UK as whole, we focus on England, which performs more poorly than some of the other nations on issues such as strategic planning and community engagement.

This is the fourth in a series of Institute for Government reports on infrastructure. The previous reports are:

- *What's wrong with infrastructure decision making? Conclusions from six UK case studies*³
- *How to value infrastructure: Improving cost benefit analysis*⁴
- *Public versus private: How to pick the best infrastructure financing option*⁵

A fifth report will look at how government can strike good private finance deals. A final report will draw together the evidence we have gathered throughout this programme of work to make final recommendations on how to improve infrastructure decision making in the UK.

2. Creating long-term policy stability and ensuring the credibility of the National Infrastructure Commission

The starting point for developing an effective national response to the country's infrastructure needs must be an independently assessed and comprehensive evidence base. The current lack of clarity about long-term needs makes it difficult to build cross-party consensus, increasing the frequency of policy change. It also makes it difficult to assess the interdependencies between different types of infrastructure and to choose the best investment options.

These are not new realisations. They were the main conclusions of the Labour Party's 2013 *Armitt Review*,⁶ which recommended the creation of a new National Infrastructure Commission (NIC), to be charged with undertaking an 'evidence-based assessment of the UK's infrastructure needs over a 25–30 year horizon'. The idea of an NIC was subsequently adopted by the Labour Party in Opposition, followed by the then Chancellor George Osborne, who launched the NIC in interim form in October 2015.

The NIC, now formalised as an executive agency of the Treasury, represents an excellent opportunity to build the foundations for stable, joined-up, evidence-based and long-term infrastructure policymaking. Credibility will be central to the NIC's success. It will be this that ensures the NIC's recommendations are implemented and that it has longevity beyond the current Government. But credibility must be earned and nurtured. For the NIC, this means being transparent, rigorous and evidence based. It must be seen as broadly representative and engaged, and strike a careful balance between being an active participant in the national discourse on infrastructure, without appearing to be partisan or biased towards particular places or projects. This is no small feat.

Finally, the evidence base the NIC develops must be comprehensive, and this means including housing in its remit.

The NIC's institutional set-up must be credible

The NIC should become an executive non-departmental public body

The 2013 *Armitt Review*,⁷ the Government's initial public statement on establishing the NIC in 2015, and subsequent consultations, all suggested that the organisation would be placed on a statutory footing, likely as a non-departmental public body (NDPB). However, when the NIC was formally established in January 2017, it was made an executive agency of the Treasury. This decision provoked debate.⁸ Critics claimed that being an executive agency would leave the NIC vulnerable to abolition by future governments, and that this would, in turn, increase the likelihood of it 'playing safe'

with its recommendations.⁹ They also argued that as an executive agency the NIC would have less freedom to determine its own programme of work, and that this would diminish its impence and credibility.¹⁰

Box 1: Types of arm's-length body

Arm's-length bodies are organisations that are part of the state but do not operate within traditional departmental structures. Comparable organisations to the NIC generally take one of three forms:

1. Advisory non-departmental public bodies, which are committees or boards which provide expert advice to ministers on specific policy issues. They are usually set up without legislation, are supported by staff from the parent department and have no significant budget. Examples include the recently established Independent Commission on Civil Aviation Noise and the Council for Science and Technology.
2. Executive non-departmental public bodies, which play a role in national government but are not part of any department, and are deliberately established to operate at arm's length from ministers. Usually set up by statute, they can hire their own staff and the chief executive is accounting officer for the budget allocated to them. They are sponsored by a parent department, which holds them to account and generally provides them with significant grant-in-aid. Examples include the Office for Budget Responsibility and the Committee on Climate Change.
3. Executive agencies, which carry out services or functions with a focus on delivering specific outputs. They usually have no statutory basis. However, their chief executives are accounting officers and are responsible for their expenditure. They have a separate organisational identity from the parent department and often have more human resources and financial flexibilities available to them than the parent department. Examples include the Planning Inspectorate, parented by Department for Communities and Local Government (DCLG).


See the Institute for Government report *Read before burning: Arm's length government for a new administration*.¹¹

In response, the Government argued that the NIC possessed the 'right tools to deliver its objectives' as an executive agency.¹² Other proponents of this status argued that as day-to-day reporting lines for NIC staff run to the NIC chair, not ministers (who nevertheless appoint the chair), the chances of political interference in its recommendations are reduced. Some of our interviewees argued that, as the NIC's recommendations will need to be implemented by the Treasury, it is important for the two organisations to maintain a good relationship – and that this is most likely as an executive agency. It is important to note that there are good examples of organisations

which are operationally completely independent from government, but still have a strong track record of influencing policy, for example the Office for Budget Responsibility and the National Audit Office. Indeed, their reputation for independence has enhanced their standing with government.

There is clearly a delicate balance to strike here: the NIC must be independent enough to challenge government's thinking, be credible with the policy community and have a degree of permanence; but it must also be credible with, and able to influence, the Treasury.

To date, the NIC's status as an executive agency does not appear to have prevented it from acting independently. In its public statements, the NIC has established a distinct agenda quite separate from the Treasury, going well beyond the normal remit of an executive agency, and acting more akin to an executive NDPB like the Office for Budget Responsibility or the Committee on Climate Change. This independence, however, has been contingent upon the NIC's personnel, not its institutional set up. And, as demonstrated by the sacking of Michael Heseltine as a commissioner, personnel can change.

 **The long-term future of the NIC will be better secured as an executive NDPB**

The long-term future of the NIC will be better secured as an executive NDPB. Executive NDPBs play a role in government, but with a very high degree of operational autonomy. This more closely matches the role of the NIC, and is in keeping the Government's 'clear commitment to its

independence'.¹³ The NIC should be given executive NDPB status through primary legislation, to ensure that it has its own legal personality and a more solid statutory basis. Like other NDPBs established in this way, it would employ its own staff and be allocated its own budget by the Treasury.*

The Government should choose commissioners from diverse geographical and professional backgrounds

Commissioners are currently appointed by the Chancellor. This would not change if the NIC was established as an executive NDPB, and the Chancellor has important choices to make when appointing new commissioners.

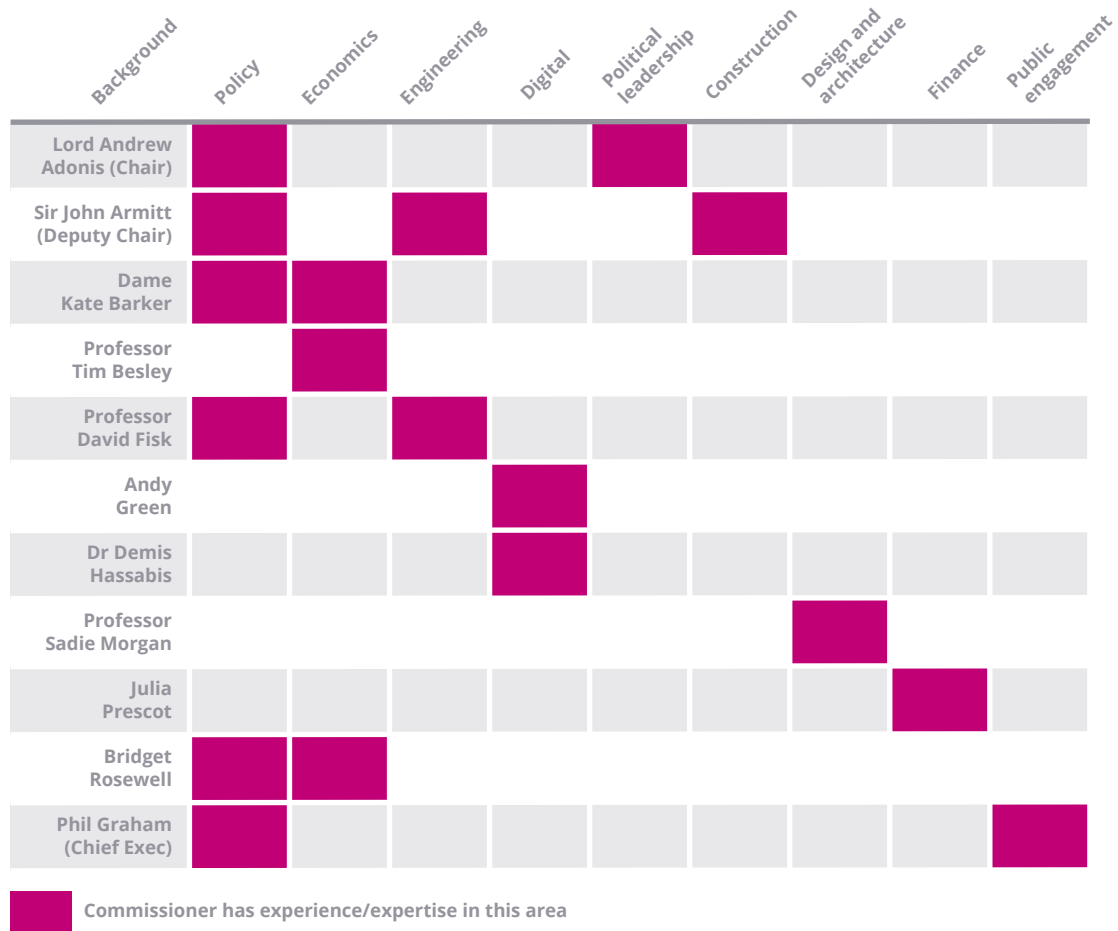
The NIC's framework document states that it is the duty of commissioners to engage with stakeholders to 'promote the NIC and gather a wide range of views on future infrastructure needs and solutions'.¹⁴ This is a matter of perceived representativeness, as much as it is one of ensuring experience and expertise.

If the NIC's commissioners are not perceived to stand for the views of a wide range of stakeholders, the organisation's credibility and legitimacy – and therefore the weight of its recommendations – may be called into question. Recent public debates about

* Our report, *Read before burning*, suggested a new taxonomy with four classifications: constitutional bodies, independent public interest bodies, departmental sponsored bodies and executive agencies.¹¹ Under this system, the NIC should be established as an independent public interest body. For the meantime though, an executive NDPB is the best option.

regional disparities in infrastructure investment only emphasise how important these issues are.

Figure 1: Experience and expertise of NIC commissioners, November 2017*



Source: Institute for Government analysis

While the NIC’s commissioners are widely regarded to be experts in their fields, government should take care to ensure that appointed commissioners do not predominantly represent one viewpoint, either geographically or professionally. Currently, a large number have backgrounds in central government policymaking and economics, and some interviewees expressed concerns that the Commission was London-centric.**

In the future, the Government should consider appointing commissioners from a wider range of professional backgrounds and with experience working across the country. For example, given the current Government’s stated desire to ‘rebalance’ the economy and reduce carbon emissions, individuals with a background in regional development and the environment may bring particularly valuable perspectives.

* By ‘policy’, we refer in this table to central government policymaking.

** Institute for Government analysis suggests that the NIC’s commissioners are almost entirely professionally based in London, most live in or near London, and only three of its members went to university outside of London, Oxford and Cambridge.

The NIC must perform its duties credibly

Appointing the NIC's commissioners is properly the responsibility of the Government. However, it is critical to the organisation's credibility with the Opposition and experts as a non-partisan body that it has complete autonomy over the research methodology it deploys and the recommendations it produces. It is very positive that this was the position taken by the Government in its 'framework document' for the NIC (which laid out its form and remit),¹⁵ and our interviews suggest that the NIC is indeed undertaking its work independently. If it is to build on this positive start, the NIC must ensure that it consistently takes an evidenced-based approach to its work and effectively engages with relevant stakeholders.

The NIC must take an evidence-based approach to its public engagement

As laid out in its *framework document*¹⁶ and *remit letter*,¹⁷ in creating the National Infrastructure Assessment (NIA; see Box 2), the NIC is bound to a 'fiscal remit' and together its recommendation must amount to gross public investment in economic infrastructure of between 1.0% and 1.2% of gross domestic product (GDP). This will necessitate the prioritisation of some projects over others, to the advantage or disadvantage of particular areas. Providing clear evidence on why certain projects are of greater national value than others is therefore hugely important, particularly in the context of the current debate about regional disparities in infrastructure investment. Our interviews suggested that a failure to do so may undermine the credibility of the NIC in the eyes of key stakeholder groups and the general public.

An appropriate balance must be struck in public announcements. It is clearly important that the NIC plays an active role in ongoing national discourse about infrastructure. However, the NIC should be cautious about publicly promoting projects and programmes as part of this work without having published the associated evidence base and methodology, or having carried out systematic evaluations of all options available. As such, the NIC should be particularly careful about statements made before the publication of the NIA next year.

Box 2: Types of report published by the NIC

National Infrastructure Assessments: These are published once a parliament and 'analyse the UK's long-term economic infrastructure needs, outline a strategic vision over the next 30 years and set out recommendations for how identified needs should be met'. The Government has committed to responding within six months, or a year at the most. The NIC's remit with regards to assessments is limited to economic infrastructure and its 'links' with social and green infrastructure. An interim NIA was published in October 2017 and the first full one is due in summer 2018.

Reports into specific subjects: These are commissioned by the government and concern specific infrastructure issues. The scope of each study is decided on a case-by-case basis by government, and can vary greatly. Specific reports carried out so far look at strategic investments in transport in the North of England, rolling out 5G, and balancing energy supply and demand. They can also concern

the planning of infrastructure to unlock growth in specific strategically important geographical areas, as the NIC's recent report *Partnering for prosperity: A new deal for the Cambridge–Milton Keynes–Oxford Arc* does.¹⁸ The NIC's work on this 'growth corridor' project has had a particular focus on investing in transport infrastructure to speed up housing delivery. It is also action-orientated; phase one assessed the area's needs and developed a high-level strategy¹⁹, while phase two made recommendations on how government could deliver this strategy with regional partners²⁰.

Annual monitoring reports: These yearly reports will assess the Government's progress towards implementing recommendations in the NIA or specific reports that it has formally endorsed.

The NIC must engage effectively with the public, as well as corporate stakeholders

It is crucial that the NIC engages extensively with political parties, subnational government and the public when undertaking the NIA and other projects. The importance of good engagement during the policy process is something we have highlighted before,²¹ and is the focus of the fourth chapter of this report, but it is particularly important for the NIC because it plays a role in building its legitimacy and profile as an expert and independent body. It must avoid the fate of bodies such as the Regional Development Agencies, which were closed on the basis that they were 'unaccountable'.²²

The NIC has acknowledged the importance of this. Indeed, following its consultation on the methodology for the NIA,²³ it reworded its commitment to undertake the assessment in an 'open, transparent and consultative' way, to one which was 'open and transparent, engaging with a wide range of stakeholders'.²⁴ It has also deployed online surveys, an ideas competition and area-specific community engagement events on the Cambridge–Milton Keynes–Oxford Corridor project, carried out 'traditional' large-scale consultations, attended a range of conference events, and is vocal on social media.

This approach has been successful with corporate stakeholders. Our interviews suggest that government departments, the private sector, professional bodies and academics find the NIC accessible and open to expert advice. They were well informed about the NIC's work and understood the NIA process.

This was also largely the case for subnational actors – combined authorities, local authorities and prospective subnational transport bodies – but these groups had questions about how their priorities would be balanced against those of other areas, and the value the NIC could bring to their own work programmes. Some considered the NIC as yet another central government body they had to lobby to get their priorities heard. This emphasises the need for the NIC to have clear and transparent mechanisms for subnational actors to communicate their priorities to the NIC, and for the NIC to clearly explain why it has prioritised certain projects.

Our research suggests that more could also be done to engage the public. The NIC has made a good start, conducting social research and welcoming public input into consultations. To date though, this has had a limited impact on the public's awareness of the NIC's work, and the infrastructure challenges and choices facing the country.

// Ensuring public buy-in is critical to the NIC's long-term future



Ensuring public buy-in is critical to the NIC's long-term future. The recommendations it makes, if accepted, will have a physical, very tangible, impact upon citizens' lives in a more immediate way than other similar bodies. The decisions of the Office for

Budget Responsibility or the Committee on Climate Change, for example, are unlikely to lead to the demolition of someone's home.

The NIC should develop its in-house expertise on public engagement, requesting additional resources from the Treasury if necessary. It should also work closely with the Commission for Public Engagement (described below) to share best practice on public engagement methods.

The scope of the National Infrastructure Assessment should be expanded to include housing

Finally, to maximise the NIC's value, the scope of the NIA must be set correctly. Currently, social infrastructure (schools and hospitals, for example) and green infrastructure (parks and forests, for example) are excluded from the NIA. More controversially, so too is a direct focus on housing.

This is understandable as housing is an extremely contentious policy issue. Any suggestion that new housing was being 'imposed' on communities by central government could result in a political backlash. It is also a complex policy area in its own right and it was probably sensible to keep the remit of the first NIA more manageable, particularly given that this is being produced more quickly than future NIAs will be.

// As the NIC itself acknowledges, planning housing and economic infrastructure together is necessary



However, as many of our interviewees and respondents to the NIC's consultation on its methodology for the NIA argued, excluding housing runs counter to the NIC's commitment to take a comprehensive, whole-system approach. As the NIC itself acknowledges, planning housing and economic infrastructure together is necessary.²⁵ First, housing unlocks the full

benefits of investment in new economic infrastructure. Second, relying on current housing projections and planned development seriously limits the NIC's ability to collect evidence on and propose the types of transformative projects – such as establishing new towns – which may contribute to government objectives such as rebalancing the economy and significantly increasing housing delivery. Sensibly, the

NIC has therefore stated that it intends to 'consider the interactions between infrastructure and housing' in the NIA.²⁶

There is precedent for going further than this. The NIC's Cambridge–Milton Keynes–Oxford Corridor strategic study – which the Government requested the NIC produce as a specific report – includes housing in its remit. Though this stops short of actually planning new housing sites, among other recommendations it:

- highlights that more housing land will need to be allocated if 'the most ambitious growth rate is to be achieved and economic growth maximised'
- broadly identifies potential 'growth locations' for housing and major new settlements according to present demand, planning development and existing road and rail proposals
- proposes new strategic planning arrangements for making the delivery of the housing in the area more efficient.

Our interviewees were extremely positive about this work, which provides, arguably for the first time, a level of strategic thinking about the whole area's transport infrastructure and housing needs. The NIC's interim NIA, published in October 2017, was also encouraging.²⁷ The report devoted 14 pages to the subject, and argued that the 'mutual benefits of infrastructure and housing have been frustrated by systemic limitations, in particular... Poor coordination between how new infrastructure is planned, invested in and delivered in relation to housing supply.'

While it is unlikely that the NIC has either the time or resources to fully include housing in its first NIA (even if it were within its present remit), we hope that it interprets its remit on the subject as widely as possible. Where possible, the NIC should identify, through the NIA, areas where it could work with local authorities, the DCLG, and other partners to maximise the potential of new infrastructure to unlock new housing.

In the long term though, it is essential that the NIC can fully consider housing. When undertaking the planned five-year review of the NIC's remit and operations, the Government should expand the NIA's scope to include the identification of areas where the provision of new housing or new towns, alongside major infrastructure investment, would be strategically important and contribute to national policy objectives. The next NIA should then make recommendations to relevant local authorities and central government on where to prioritise new, locally-led housing developments.

3. Building a long-term and cross-government National Infrastructure Strategy

Infrastructure decision making in Whitehall is often characterised by 'departmentalism'^{28, 29, 30} and short-termism. There are 26 ministers across eight departments, each with official responsibility for an aspect of infrastructure policy (see Figure 2, page 18). Similarly, below the national level, there is a complicated and irregular institutional landscape, with little clarity about how various subnational authorities should interact with each other, central government and the NIC to establish infrastructure priorities. This mess of overlapping and conflicting roles makes it difficult to take a strategic approach and ensure policy coherence across government.

Yet, to successfully plan infrastructure, government must consider the country's long-term needs and the interdependencies between different sectors and levels of government. As noted in previous Institute for Government work,³¹ the absence of a national strategy for infrastructure makes it hard to choose between, and sequence, infrastructure projects, leading to poor decision making and contributing to investor uncertainty and higher costs. It also leaves subnational decision makers with little certainty about forthcoming government investment, and their role in delivering national priorities.

The NIA is a unique opportunity for overcoming these persistent barriers to good infrastructure policymaking. Making the most of this opportunity will require the creation of a cross-government National Infrastructure Strategy, improved ministerial leadership, strengthening of subnational tiers of government, and effective oversight by Parliament.

The Government should develop a National Infrastructure Strategy in response to the NIA

The Government's response to the NIA should take the form of a cross-government National Infrastructure Strategy for the UK.* This must go beyond existing statements of government policy on infrastructure, such as the Infrastructure and Project Authority's *National Infrastructure Delivery Plan 2016–2021* and the Department for Transport's *Transport Investment Strategy*. These are more akin to long 'shopping lists' of projects than overarching strategic plans,³² and do little to explain how their proposals will interact to achieve high-level government objectives.

* For policy areas that are devolved responsibilities, such as water and flood risk management, as well as most aspects of the town and country planning system, the UK-wide elements of the National Infrastructure Strategy should incorporate the plans of devolved administrations.

Box 3: Types of recommendations in the NIA

The NIA can include recommendations on:

- policy change (e.g. changing regulation)
- high-level priorities (e.g. changing levels of spending on different asset types)
- specific projects (e.g. building a new bridge)
- further areas of work (e.g. establishing a taskforce on potential infrastructure projects in a particular area).

The exact form of the Strategy will hinge on the content of the first NIA, but to be successful it should do five things:

1. Articulate a vision for how departmental policies and projects will help meet national objectives

The NIA will be guided by the NIC's three overarching objectives, which have been set by the Government and are a statement of what it is seeking to achieve through infrastructure investment:

1. Supporting sustainable economic growth across all regions of the UK.
2. Improving competitiveness.
3. Improving quality of life.

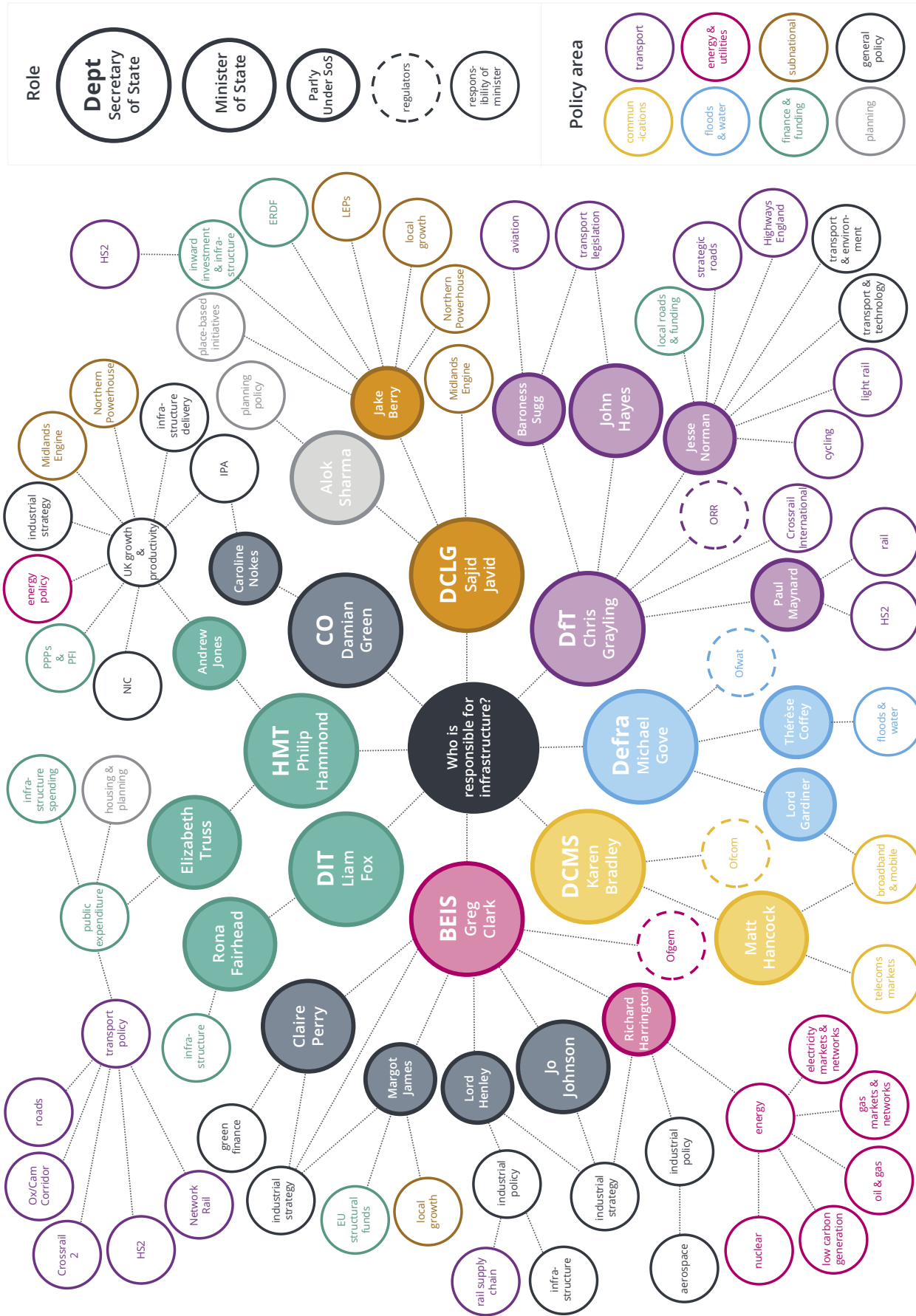
The National Infrastructure Strategy should provide a clear narrative for how the accepted recommendations from the NIA and national plans of Scotland and Wales, plus relevant, existing departmental plans, policies and regulatory frameworks (especially the forthcoming Industrial Strategy), will interact to realise these objectives.

As part of this, the National Infrastructure Strategy should provide the overarching policy framework from which all National Policy Statements flow.* National Policy Statements should effectively sit 'below' the Strategy, and comprise the technical guidance notes for ensuring that planning decisions on major projects join up and contribute to its delivery. This arrangement will resolve some of the key shortcomings of current National Policy Statements:** they are not joined up across sectors; they are vague and often do not make their consequences for places clear; they are often written to give permission to projects that have already been chosen, rather than as a strategic framework against which potential new projects are assessed; and they are not regularly reviewed.

* Under the Planning Act 2008, which underpins the Nationally Significant Infrastructure Project regime (also known as the Development Consent Order regime), National Policy Statements provide the guidance and tests against which forthcoming major projects must be judged. These documents establish the 'principle of development', which means that, unlike in the standard town and country planning regime, applicants do not need to prove the *need* for development; only that their scheme meets the requirements of the relevant National Policy Statement.

** It is important to note that interviewees were broadly supportive of the principle of the Nationally Significant Infrastructure Project regime and the role of National Policy Statements within this.

Figure 2: Departments and ministers with infrastructure responsibilities, November 2017



BEIS, Department for Business, Energy and Industrial Strategy; CO, Cabinet Office; DCLG, Cabinet Office; Defra, Department for Digital, Culture, Media and Sport; Defra, Department for Environment, Food and Rural Affairs; DFT, Department for Transport; DIT, Department for International Trade; ERDF, European Regional Development Fund; HMT, the Treasury; HS2, High Speed Two; IPA, Infrastructure and Projects Authority; LEP, Local Enterprise Partnership; ORR, Office of Rail and Road; PFO, private finance initiative; PPP, public private partnership; SoS, Secretary of State. Ministerial names correct as of November 2017.

Source: Institute for Government analysis

This endpoint will take several years to reach. To begin the process, the first NIA should identify new National Policy Statements that may be required, and how existing National Policy Statements will be updated to ensure they follow from the Strategy and cohere.

Detailed project planning and the actual drafting of National Policy Statements should remain the responsibility of individual departments. The National Infrastructure Strategy would provide a clear framework within which this is done, ensuring greater consistency and joined-up planning between different departments.

The National Infrastructure Strategy should also provide explicit and well-evidenced reasons for why particular NIA recommendations are rejected, and why alternative policy solutions are favoured.

2. Identify how the capacity of subnational authorities will be built, the mechanisms by which national priorities will be negotiated with them, and how stronger local partnerships can be fostered

The ability of the Government to maximise the value of its investments in nationally significant infrastructure will be reliant on subnational authorities (such as combined authorities, Sub-national Transport Bodies and local authorities) having the powers and capacity to fully assess the needs of their areas, and to co-ordinate their programmes with central government.

Parts of the country with a history of partnership working across local authority boundaries are relatively well placed to take on additional powers. These areas have been more successful at securing the devolution of powers, and the capacity provided by existing institutions in these areas can act as a decision-making 'spine' for new subnational authorities. Transport for the North, for example, is drawing on Transport for Greater Manchester's established analytical capacity.

Other areas currently lack capacity and capability. By international standards, infrastructure decision making in the UK (and particularly England) remains extremely centralised, both financially³³ and politically. In the absence of responsibility for infrastructure policy, it is unsurprising that most parts of the country do not have teams ready and waiting to take on powers currently exercised by central government. Interviewees from central government expressed concerns about devolving further infrastructure decision-making responsibilities to subnational authorities, which may lack the capacity to deliver, but these bodies are unlikely to develop such capacity without the powers or funding to deploy it. Resolving this sequencing conundrum is crucial for maximising the benefits of national infrastructure projects, as they depend on capable subnational authorities delivering complementary local projects.

The National Infrastructure Strategy should lay out a roadmap for how to increase the capacity of subnational institutions. The eventual aim should be to permanently transfer posts from central government departments to subnational bodies as powers are devolved.* In the long term, this will be a redeployment of existing government

* Several interviewees referred to the Department for Transport's handling teams for subnational transport bodies being significantly larger than the prospective bodies themselves.

capacity and therefore be revenue neutral, although there are likely to be some transitional costs. Short of permanently transferring posts, there are other measures that could help build the capacity of subnational bodies:

- **Secondments and other interim transfers of staff:** These could be staff from central government departments, large public management consultancies or, as in the example of Transport for the North given above, from other subnational authorities.
- **Provide Infrastructure and Projects Authority (IPA), and Major Project Leadership Academy support to those bodies taking on additional powers:** The IPA's current remit is to improve project management and delivery skills in the civil service. As noted above, we also believe it should have a role in co-ordinating and implementing the National Infrastructure Strategy. For example, as subnational transport bodies 'draw down' powers from the Department for Transport, the IPA's responsibilities should logically follow. The same is true of the Major Project Leadership Academy. Its current remit is to improve the ability of project leaders in Whitehall, but as subnational authorities begin to play a bigger role in delivering major infrastructure projects, they should also have access to its support.
- **Better data sharing:** Several interviewees argued that the more effective sharing of data about 'what works' between different national authorities, with central government, and between public sector projects may be valuable.

The National Infrastructure Strategy should also set out formal and transparent arrangements for how priorities will be established and negotiated between central government and the various tiers of subnational government. Currently, as a result of the stuttering development of a complex and uneven subnational institutional landscape, there is little clarity about how various subnational authorities should interact with each other, central government and the NIC to establish infrastructure priorities.

The process for establishing infrastructure national priorities should be a two-way conversation between central and subnational authorities on how to achieve regional and national objectives. This should be conducted on a 'no discussion about them without them' basis, i.e. decisions about nationally significant infrastructure should involve the subnational authorities which cover the area(s) in which the asset will be built.


Our interviews and the NIC's recently published interim NIA³⁴ suggest that the NIC has generally been good at engaging with subnational authorities, and ensuring that its recommendations reflect and consolidate evidence, priorities and plans they have produced (for example, the *Strategic transport plan position statement*,³⁵ *Initial major roads report*³⁶ and *Initial integrated rail report*³⁷ published by Transport for the North).*

* Though there were concerns expressed from some subnational actors that unless the NIC developed a more clearly defined role within the policy process, in relation to central government, it would become just 'yet another body to lobby'.


A similar approach should be taken by the Government when developing the National Infrastructure Strategy. There were encouraging signs in the Department for Transport's 2017 *Transport investment strategy*³⁸ that the Government recognises the need for clearer, formalised mechanisms for communicating priorities. It promised 'bespoke mechanisms' through which Sub-national Transport Bodies* 'will engage with [the Government] to ensure that their region's priorities are understood and recognised in national decision making'. These have subsequently been published for the Transport for the North, which will become the first aspirant Sub-national Transport Body to be given statutory status on 1 April 2018. Similar mechanisms should be established for other future Sub-National Transport Bodies.

Arrangements should also be made for combined authorities, Local Enterprise Partnerships (LEPs) and local authorities (where they are not part of either of the former) outside of Sub-national Transport Body areas to have similarly formal mechanisms for establishing and justifying infrastructure priorities in dialogue with central government.

Involving subnational authorities in this way will help ensure that the benefits of transformational national projects are realised. Agreement on priorities and projects should lead to more certainty for subnational authorities, and co-ordinated investment in associated local housing, infrastructure and services. Such a partnership approach could also help diffuse the highly charged national debate about the amount of infrastructure investment different parts of the country receive.



Involving subnational authorities... will help ensure that the benefits of transformational national projects are realised



Finally, the National Infrastructure Strategy should indicate how the Government plans to help foster partnership working in parts of the country which don't yet have combined authorities or prospective Sub-national Transport Bodies. Building on the success of the Cambridge–Milton Keynes–Oxford Corridor work – which includes work on strategic governance, capacity building and investment priorities – the Government could ask the NIC to undertake similar in-depth, strategic studies in other areas.

* Sub-national Transport Bodies are regional partnerships between local and combined authorities, with input from central government and other subnational authorities such as Local Enterprise Partnerships. Their responsibilities and powers are likely to vary, but may include: advising transport ministers on investment priorities and the exercise of transport functions in their area; preparing a single Transport Strategy document which establishes strategic investment priorities for their area; and drawing down powers from the Department for Transport and taking the client role for rail franchises. Individual Sub-national Transport Bodies will be granted statutory status through a process of negotiation with the Secretary of State for Transport. In response, four areas have established Sub-national Transport Bodies in 'shadow' form, each of which are at different stages of working towards formal status: Transport for the North; Midlands Connect; Transport for the South East; and England's Economic Heartland Strategic Alliance.

The Government should also be prepared to use other institutional vehicles that can foster partnership working and build capacity in particular areas. As the NIC itself highlights, Development Corporations* are a valuable – if underused – tool for doing this. These bodies are generally established by the Secretary of State for Communities and Local Government, and are funded by the Treasury.³⁹ They are typically deployed in important growth areas which cut across local authority boundaries, to deliver schemes of regional importance, and drive forward the provision of housing and key infrastructure in a joined-up way.⁴⁰ Significantly, Development Corporations possess planning powers to compulsory purchase land, decide applications and make plans which contribute to the delivery of their objectives, as well as powers to incentivise private sector investment.

3. Identify opportunities for the NIC to carry out further work

Some issues will require further investigation. The Strategy should identify these and, where appropriate, ask the NIC to conduct further in-depth studies. This might be on area-specific development opportunities (like the Cambridge–Milton Keynes–Oxford Corridor⁴¹) or cross-cutting national issues (like Smart Power⁴²).

4. Map out consequences for particular places

The Strategy should clearly map out the 'where' of its objectives and proposals, and how they will interact with existing policy and programmes, across different areas. This means that where relevant – for example with regards to transport investment – it must 'make choices between places, not simply establish general criteria for later decision making'.⁴³

This is no minor point. Prominent groups including the Organisation for Economic Co-operation and Development (OECD), the Royal Town Planning Institute and the Institution of Civil Engineers, have long argued for a spatial approach to national infrastructure planning. Indeed, the OECD deems a spatial approach that is tightly co-ordinated with planning as a 'benchmark' condition for successful infrastructure decision making.⁴⁴

Successive UK governments have been reluctant to adopt such an approach because it makes the 'winners' and 'losers' of investment decisions explicit. However, given recent public disquiet over disproportionate infrastructure investment in London and the South East, this cannot be much more controversial than the current, implicit approach. And, as we outline below, spatial plans can provide the basis for early and productive public engagement about investment options and trade-offs.

* At present, Development Corporations can be either:

- New Town Development Corporations, which have extensive powers and are suitable for the creation of new settlements of around 30,000 people or more
- Urban Development Corporations, which focus on urban regeneration and development, or
- Mayoral Development Corporations, a type of Urban Development Corporation which are established and funded by an elected metro-mayor.

5. Be accessible to the public

The National Infrastructure Strategy should provide a platform for engagement with the public over the nation's infrastructure needs. As such, it needs to be written in an accessible way.

Where there are multiple viable ways of achieving a policy objective, the Government should consider inviting the Commission for Public Engagement (a new body which we propose is established, as discussed in the final part of this report) to conduct deliberative sessions with the public on the options available. As discussed below, there are multiple benefits of doing this. Particularly significant here, however, is that deploying deliberative processes as part of the policy process legitimates difficult decisions where there are clear trade-offs to be made and limited resources available.

Overall

Responding to the NIA in the way described above will require a genuine attempt from across government to not only overcome 'departmentalism' and excessive centralisation, but to break from the way it traditionally responds to consultations and external reviews.

There are encouraging signs that this is possible. The Government's response to the 2016 NIC report *Connected Future*, which made recommendations on how the UK should deploy 5G telecommunications, provides a model to build on.⁴⁵ This replied systematically to each of the NIC's recommendations, laid out a relatively comprehensive vision and strategy for 5G, and identified subjects where further research is needed. As with this response, the National Infrastructure Strategy should be co-ordinated by the Treasury.

Development and oversight of the cross-government National Infrastructure Strategy should be the primary responsibility of a single Treasury minister

Tightly co-ordinating government policy across departments will be no small task. It will require strong, dedicated leadership and more ministerial capacity than is currently available.

Some commentators have recommended the creation of a new department for infrastructure^{46,47} as a way of co-ordinating infrastructure policy, pointing to Ireland's Department for Infrastructure, Australia's Department of Infrastructure and Regional Development, and the Netherlands' Ministry of Infrastructure and Water Management,⁴⁸ as potential models for how this could operate. However, such a significant change to the machinery of the UK government would be unnecessarily disruptive, and previous Institute for Government work found that these processes are usually poorly managed and always costly.⁴⁹

The DCLG or the Cabinet Office may be sensible options for overarching ministerial responsibility – the former because it is currently responsible for national planning policy and local development; the latter because of its central co-ordinating role. However, given that infrastructure decisions are ultimately about the country's economic future, it makes sense for overarching ministerial responsibility to remain

// ... work to bring the Strategy together will need to be carried out by a dedicated minister



with the Treasury and, ultimately, with the Chancellor. The Treasury is the only department with the clout to co-ordinate the substantial number of departments and ministers that have responsibility for some aspect of infrastructure policy (see Figure 2 on page 18). Co-ordinating this will require greater ministerial capacity than currently available, and while the Chancellor will

ultimately be responsible for key decisions, work to bring the Strategy together will need to be carried out by a dedicated minister on their behalf.

Overall official responsibility for NIC and cross-government delivery of infrastructure currently sits with Andrew Jones MP, Exchequer Secretary to the Treasury, who would therefore be well suited to the task. However, the Exchequer Secretary currently has official responsibility for a large number other areas of policy (see Figure 3).⁵⁰ It may be possible to clear some of the Exchequer Secretary's portfolio so that infrastructure can be prioritised, however, the Treasury currently only has a ministerial team of five and it is unclear whether other ministers could take on additional responsibilities. As an alternative, we recommend that the Government reinstates the position of Commercial Secretary to the Treasury. This has, in recent years, been held by high-profile individuals such as Lord Deighton and Lord O'Neill, who possessed a strong interest in infrastructure, alongside relevant experience.

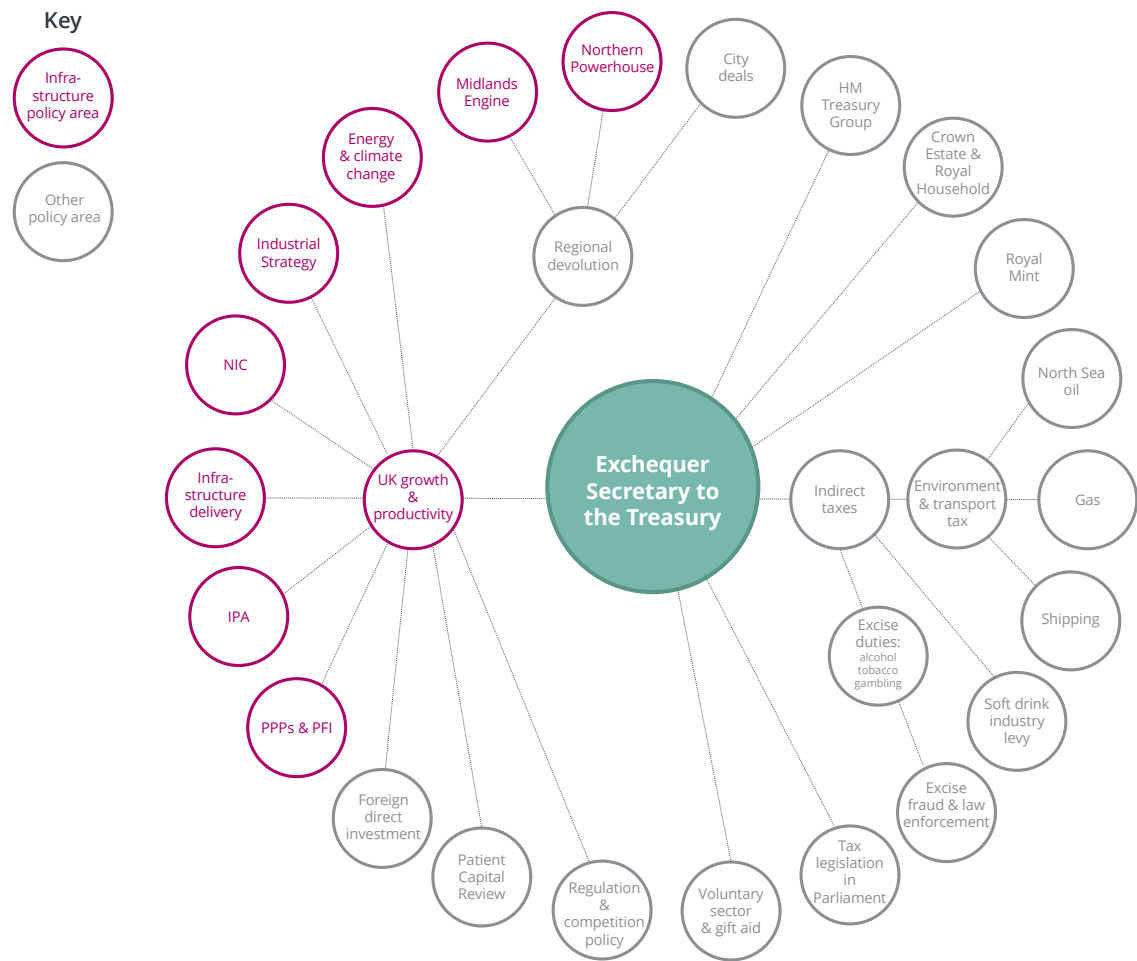
The new Commercial Secretary should have an entirely infrastructure-focused portfolio. They would support the Chancellor in their work co-ordinating the government response to the NIA, and providing ministerial oversight of the implementation of endorsed recommendations across government.* They would also play a valuable role in incubating nationally significant projects that cut across a number of sectors, and ensuring that National Policy Statements are produced or revised in a joined-up way.

Ministers with ownership of policy relating to infrastructure would retain their current portfolios. The role of the Commercial Secretary would be to support the Chancellor, and ensure that policy being developed in different departments is co-ordinated and works towards objectives outlined in the National Infrastructure Strategy, rather than to develop it themselves. Accountability for individual policies (for example the delivery of high-speed rail) would remain with the relevant departments, while the Treasury would be accountable for how well co-ordinated infrastructure policy was (for example whether high-speed rail plans were in line with housing and environmental policies).

The establishment of a new infrastructure sub-committee for the Economy and Industrial Strategy Committee of the Cabinet, attended by the Commercial Secretary and chaired by the Chancellor, would further support this work.

* We would expect that staff from the Infrastructure and Projects Authority would play a key role in supporting the development and implementation of the National Infrastructure Strategy.

Figure 3: Responsibilities of the Exchequer Secretary to the Treasury

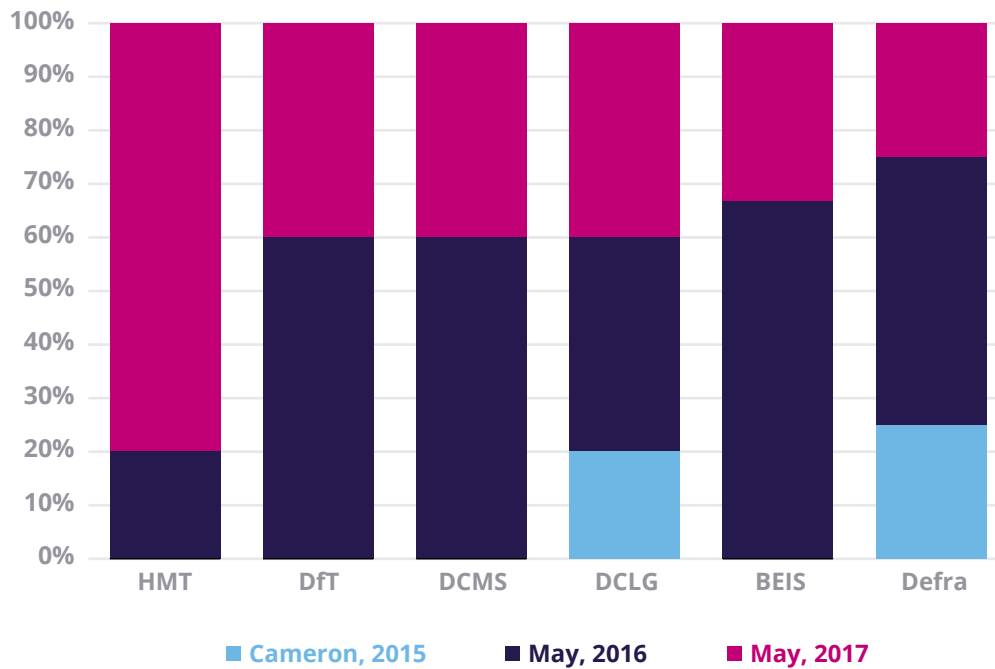


IPA, Infrastructure and Projects Authority; NIC, National Infrastructure Commission; PFI, private finance initiative; PPP, public private partnership.

Source: Institute for Government analysis

In addition, it is vitally important that the Government minimises the churn of ministers with infrastructure responsibilities. As shown in Figure 4, the vast majority of the ministers in the key departments with responsibility for infrastructure have been in post for less than two years. Previous Institute for Government work has shown the deleterious impact of such ministerial churn on policy and governance,⁵¹ but interviewees highlighted the particularly disruptive effect it can have on subnational bodies – such as combined authorities, local authorities and prospective Sub-national Transport Bodies – attempting to build firm relationships with central government.⁵²

Figure 4: Percentage of ministers appointed by different governments since 2015 in key infrastructure departments



BEIS, Department for Business, Energy and Industrial Strategy; DCLG, Department for Communities and Local Government; DCMS, Department for Digital, Culture, Media and Sport; Defra, Department for Environment, Food and Rural Affairs; DfT, Department for Transport; HMT, the Treasury.

Source: Institute for Government analysis

A joined-up National Infrastructure Strategy requires joined-up parliamentary scrutiny

Scrutiny of the NIC and NIA process should be collaborative, but led by the House of Commons Treasury Select Committee

The establishment of the NIC and delivery of the first NIA provide a golden opportunity to create a more stable, long-term approach to infrastructure policymaking. Realising

The role of Parliament in fostering a constructive, cross-party, national debate about UK infrastructure needs is crucial

this opportunity will require engagement from across the political spectrum. The role of Parliament in fostering a constructive, cross-party, national debate about UK infrastructure needs is crucial.

The challenge for Parliament is that infrastructure policy cuts across the work of many departments and the parliamentary committees that shadow them. To be

effective, Parliament will need to co-ordinate its work more effectively than usual.

Given that the NIC is an executive agency of the Treasury and under our recommendations would remain a Treasury NDPB, it would be sensible for the House of Commons Treasury Select Committee to lead any inquiries. These should be co-ordinated with other committees that have an interest, such as the Department for

Business, Energy and Industrial Strategy's (BEIS) Transport, Environmental Audit, Environment, Food and Rural Affairs (EFRA), and Communities and Local Government (CLG) committees. The overall success of these efforts will depend on the chairs of these committees forming constructive working relationships.

Though unusual, there are a couple of examples of this type of cross-committee inquiry. The recent joint inquiry on air quality (which tellingly described its own joint arrangements as 'unprecedented') is one.⁵³ It is being conducted by MPs from the Environmental Audit, EFRA, Health and Transport committees. Another is the Work and Pensions and CLG committees' inquiry into supported housing funding, which began in December 2016.⁵⁴

Parliament, led by the Treasury Committee, should look at the following issues:

- The recommendations made in the NIA and one-off NIC projects such as the Cambridge–Milton Keynes–Oxford Corridor study.
- The adequacy of the Government's response to these recommendations, including: whether it has given sufficient reason for rejecting those recommendations it did not endorse; how realistic its plans for implementing accepted recommendations are; and the extent to which the Government sets out a co-ordinated, cross-government strategy, rather than a shopping list of projects.
- The adequacy of the NIC's institutional arrangements and working practices, including: its organisational status; remit (especially regarding housing); appointment of commissioners; the methods used to create the NIA; how effectively it has engaged with central government, the various tiers of subnational government, academics, industry and the public; and how effectively it has scrutinised government implementation of its recommendations.

Equally, the NIC has a role to play in providing Parliament with expert input into select committee inquiries concerning infrastructure-related issues. Committees should make use of this resource.

The House of Lords has an important role to play

Scrutiny should not be limited to the House of Commons. We recommend the creation of a new House of Lords infrastructure committee, initially for a year. The House of Lords' flexibility in the way that it conducts scrutiny, and peers' expertise in relevant fields, would add a great deal to Parliament's overall scrutiny of the process and its outcomes.

It will take several years from the beginning of the NIA process to the publication of the Government's response. And it will be even longer before a true assessment can be made of whether the NIC has been a success. Parliament should provide ongoing scrutiny of the Government's relationship with the NIC, and its implementation of endorsed recommendations, throughout this period.

4. Improving public engagement in infrastructure decision making

By international standards, the UK is poor at engaging with the public and local communities on major infrastructure projects. This is something the Institute for Government has highlighted before,^{55,56} and it has serious consequences: when local communities feel disempowered, or that a decision has been made in an unfair way, they often oppose development entirely.⁵⁷ Local opposition can result in massive uncertainty, delays and additional cost. By neglecting engagement, decision makers lose the benefit of rich data with which to design efficient assets; supporters of projects don't have an opportunity to voice their opinions; and communities may not be made aware of the wider benefits of particular projects.

Despite this, efforts to improve infrastructure decision making have largely focused on streamlining processes and avoiding public challenge, rather than engaging local communities in constructive dialogue. In the words of our paper *Political economy of infrastructure in the UK*, 'addressing this institutional gap is not about bypassing political process but improving it'.⁵⁸ If a National Infrastructure Strategy is to be successfully implemented, the public and communities must have a real say on its policies and projects.

In response, we propose the creation of a Commission for Public Engagement (CPE) on infrastructure. Based on France's low-cost but well-regarded Commission Nationale du Débat Public, this independent body would be responsible for ensuring that the public have a genuine say in infrastructure strategies and projects which affect them. This would in turn help build stability and consensus. It would also link public engagement with stages of the infrastructure decision-making processes, which are currently disjointed.

Poor public engagement results in delays and additional costs

Local opposition to major infrastructure projects can be a key source of delay and additional expense.⁵⁹ Examples such as the storage of nuclear waste⁶⁰ and nationwide road pricing⁶¹ show how public opposition can postpone or disrupt government infrastructure plans.

Policy responses to this in recent years have generally been geared towards 'streamlining' decision-making processes, by limiting the ways in which the public and stakeholder groups can influence decisions, depoliticising choices, and/or incentivising consent.

However, a growing body of academic literature^{62, 63} shows that if difficult political conversations are put off or suppressed early on, they tend to emerge later in the decision-making process – often at a point when communities have even less ability to influence outcomes. Faced with such opposition, decisions can be put off almost indefinitely. Similarly, compensation can only be a component of a wider approach to managing opposition, with communities usually also having non-monetary concerns about issues like the impact of projects on health.⁶⁴

// ... if difficult political conversations are put off or suppressed early on, they tend to emerge later in the decision-making process //

Groups who feel unfairly treated or insufficiently consulted may dig their heels in. Some have argued that this is what happened with High Speed Two (HS2), with poorly handled consultation resulting in increased community scepticism.⁶⁵ It is certainly true that opponents have used the legal system to delay the project. Indeed, of the raft of challenges brought against the Government in 2013, the only one that was upheld by the court related to the consultation process. It found that 'the consultation process was unfair, because not enough information was provided to consultees and the criteria by which compensation options were considered were not adequately explained' and that 'the government had not fully considered HS2 Action Alliance's detailed consultation response on compensation'.⁶⁶

Public engagement can be challenging and some people will never change their minds, but evidence from around the world suggests that improving government practice in this area could reduce the delays and costs associated with public opposition.

Effective public engagement can improve decision making

Over the last 25 years, a large body of research has demonstrated the value of deliberative* and other non-conventional consultation mechanisms for policymaking. Some of the most compelling studies focus on infrastructure and urban planning policy decisions, and especially those which involve clear trade-offs. The advantages this literature highlights can be grouped into three areas. First, they reduce political uncertainty and the threat of costly opposition by:

- Preventing 'information wars' in which campaign groups and political parties face incentives to draw on partial evidence to support pre-determined positions.
- Reducing local opposition and the 'concentrated losers'⁶⁷ problem by helping local communities to think more broadly about the collective benefits of investment and construction.
- Giving members of the public who support contentious projects a voice.

* Here we generally use the terms 'deliberative' and 'deliberation' to refer to what Chwalisz calls 'long form deliberation', in which a group of randomly selected but representative citizens come together over several months to share, develop and come to a joint decision on public policy options.⁶⁸ Participants are provided with a range of information and evidence from expert sources.

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- Giving communities a say early in the policy process and reducing a sense of top-down policy imposition. Early engagement can reduce the burden later in the decision-making process when time can be tighter. A sense of procedural fairness is also often more important than transactional fairness (e.g. levels of financial compensation) in reducing local opposition to major projects.

Second, deliberative mechanisms improve decision making and the chance of picking the right project by providing decision makers with data on:

- public preferences regarding contentious trade-offs
- levels of local opposition to proposals
- the ways in which assets and services could be more closely tailored to users' needs, and therefore operate more efficiently.

Third, and much more broadly, deliberative mechanisms provide a model of policymaking and engagement in tune with wider societal shifts over recent decades. As such, more deliberative approaches help policymakers respond to:

- rising demand for more involvement in policymaking as part of the 'network society' and more open approaches to government
- the need to make difficult decisions more effectively in an era of fiscal restraint
- declining trust in political institutions and leaders
- an unstable parliamentary-political context in which it is increasingly difficult for a single political party to secure a strong enough mandate to make contentious decisions.

Deliberative approaches to policymaking have been tried in the UK before. The Blair and Brown Labour Governments carried out more than 100 citizens' juries on a wide range of issues, including education, healthcare and decency on television. These processes were relatively short, small and geared towards policy scrutiny rather than development, compared with successful examples from abroad. They were also exorbitantly expensive, probably because the sessions were treated as one-offs, without the opportunity to institutionalise methodologies and develop capacity in-house. A key weakness for many was that policymakers did not appear committed to the outcomes.⁶⁸

A notable successful example is the Pensions Commission. This made recommendations on the thorny issue of workplace pensions, which were successfully implemented. A critical factor in this was the Commission's approach to public engagement. As previously noted by the Institute for Government: 'it devoted extensive time and effort to taking all key stakeholders with it and to engage the public through deliberative methods on the analysis and the options. A number of

stakeholders who might be expected to oppose ended up making brave decisions to support the proposals.⁶⁹

There are far more UK examples of successful deliberative policymaking at the local level, as well as by universities and the third sector, but these cases are generally isolated and experimental. They do, however, demonstrate that, given the right resources and political commitment, the public are both interested and able to contribute to policymaking.

// ... given the right resources and political commitment, the public are both interested and able to contribute to policymaking //

The UK should learn from the Commission Nationale du Débat Public

The Commission Nationale du Débat Public model would be appropriate for the UK

In previous reports, we have highlighted international examples of institutional innovation in public engagement such as the Alders Table in the Netherlands⁷⁰ and the Oregon Kitchen Table⁷¹. There are also numerous examples of 'long form' deliberative approaches (largely citizens' juries) being successfully used in policymaking in Canada and Australia.⁷²

However, we believe that the UK can learn most from France's Commission Nationale du Débat Public (CNDP) because:

- it focuses on major and contentious infrastructure projects (although it is becoming increasingly involved in strategic questions such as France's approach to renewable energy)
- it is relatively cheap to run and small in size, but is effective and well regarded
- it has, over time, helped to institutionalise best practice in public engagement and encouraged wider behaviour change
- a similar approach could be implemented in the UK with little or no need to change formal procedures in infrastructure decision making.

There are also some interesting parallels between the origin of the CNDP and the current situation in the UK. The CNDP first emerged in response to massive public opposition to state-sponsored infrastructure projects in the late 1980s and early 1990s, particularly major new rail lines. Around this period, the strength of the French central state was also weakening, due to a combination of privatisation and devolution. In the face of an increasingly powerful Green lobby, the French Government could no longer force through major projects and instead turned to early debating as a means of building consensus around projects. The institutional set up, role and remit of the CNDP has gradually changed over time, but in its current form (which emerged in 2002), the CNDP is an independent, state-financed, public body that

is charged with 'ensuring public participation in the decision-making processes of major infrastructure projects of national interest that present important socio-economic stakes or have significant impacts on the environment or on territorial [i.e. spatial] planning'.⁷³

The debate process for major projects

Public debates are the main ways by which the CNDP gives voice to local communities during decision making on major projects. Projects over a certain size threshold, or which have been formally put forward by a project manager, public authority, or group of parliamentarians or citizens, are put up for consideration by the CNDP. This occurs before the project has been planned in detail, so that the CNDP can discuss the principle^{*} and location of development. If the CNDP accepts a project, then it typically works as follows:

1. It either sets up its own 'mini-commission' or asks the developer to set up a public debate, which the CNDP then oversees.
2. The CNDP then carries out preparatory work for a period of two to six months, depending on the project. During this time, it broadens public interest and involvement as much as possible, and ensures that project sponsors are co-operative.
3. All participants are given the same amount of help to produce material supporting their arguments – so small local groups have the same amount of help as developers to make their cases within the debating process.^{**}
4. The public debate process, which takes place in the location of the planned project, lasts a maximum of four months. Debates are generally facilitated by a set of experts from the private and third sectors.
5. The public debate process largely consists of public meetings held during this period, but deliberative mechanisms such as citizens' juries can also be deployed, and a range of publicity material is produced.

At the end of the debate process, the CNDP produces a report that summarises the outcome. This report does not take a view on the project, but rather sets out clearly all the arguments that have been made by interested parties. The developer does not have to implement any recommendations made by participants, but they must then respond to the report, laying out how they intend to proceed. In this they must consider the content of the debates and the final report. The CNDP may then appoint a guarantor^{***} to monitor projects as they progress, and assess the extent to which sponsors follow through on commitments made during public debates.

* When the CNDP was initially set up in the 1990s, the principle of development was not up for debate. However, this led to communities feeling that they had no real influence over decisions being made, and in 2002 the law changed to allow 'full discussion of principles'. As discussed on page 17, in the UK, National Policy Statements establish the principle of development. This means communities are unable to contest the principle of development once a National Policy Statement has been approved and published.

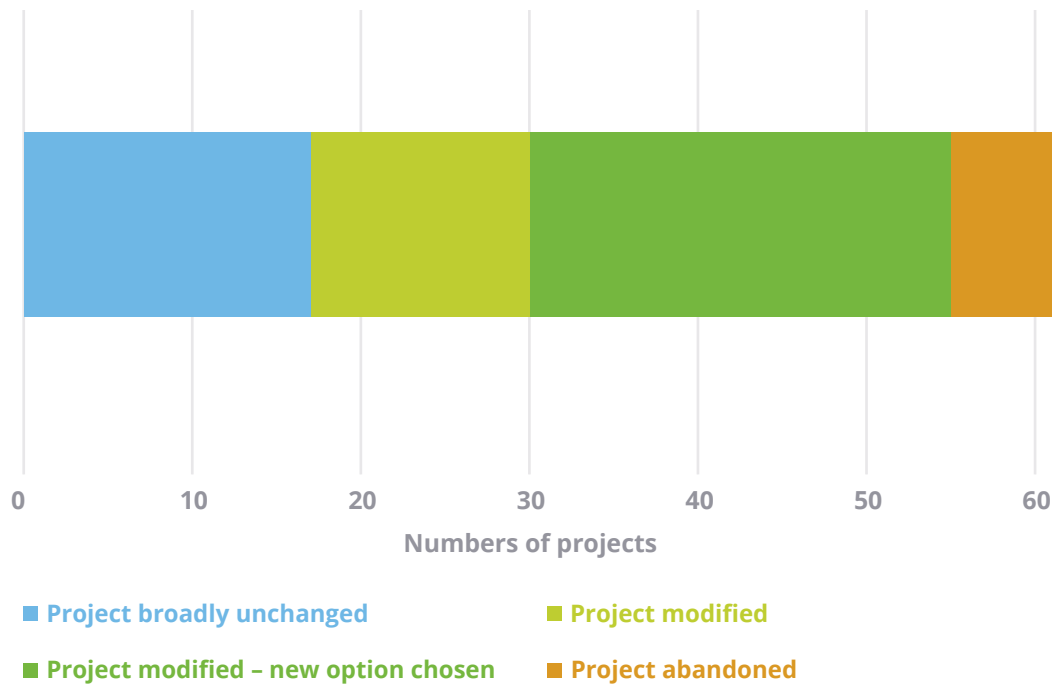
** Though developers produce a great deal of their own material, and have far more support as a result.

*** Guarantors are recruited and trained by the CNDP, and are usually individuals who have been involved with organising the mini-commission on a particular project.

The CNDP has had a significant impact

Between 2002 and 2012, 61 projects were processed by the CNDP.⁷⁴ Of these, 17 projects remained broadly unchanged after the process; 38 made modifications, including 25 that chose a new option that appeared during the public debate; and six projects were abandoned completely.^{75,*} This is a significant impact given that project sponsors do not have to implement changes suggested by the public in debates.

Figure 5: Impact of Commission Nationale du Débat Public debates on projects, 2002–2012



Source: Marshall T, 2016⁷⁶

However, it has been argued that some of the CNDP's most important impacts are harder to quantify, and often relate to culture change.⁷⁷ For example, all of the non-governmental organisations (NGOs), and semi-public or public developers who regularly engage with the CNDP have set up teams staffed by social scientists and engagement experts specifically to deal with the public debates which it orchestrates. This suggests that, at the very least, these organisations consider the process to be important. It may also indicate that the CNDP has brought about a positive culture change in how these organisations view public engagement. Since the introduction of the CNDP, developers of all stripes have come to treat it as part of their planning processes and expect public debate to be part of the options-generating process at around 'year 3 of a 10-year route to construction'.⁷⁸

Overall, the CNDP is widely regarded to have reduced local opposition to strategically important infrastructure projects, while increasing the ability of communities to shape decisions which affect them. Arup concluded that the CNDP 'provides a much needed

* Data about more recent projects are unavailable. A representative of the CNDP told us that impact assessment and evaluation were areas of its work which could be improved.

remedy to help overcome the difficulties caused by mobilised campaigns and opposition to infrastructure consenting'.⁷⁹ It works because:

- it engages communities as early as possible in the life of projects, and usually before the principle of development has been established
- it is seen as genuinely independent from government and industry, and is *not* involved in decision making; this means that it is regarded as credible and fair, but also means it can be 'genuinely exploratory'⁸⁰ during the debate process
- it treats all participants, including the project sponsor, fairly and equally
- it has considerable in-house expertise in public engagement, after working on a large and diverse number of projects over a period of more than 15 years.

The CNDP is relatively cheap to run

Considering the work it undertakes, the CNDP is surprisingly low-cost. Its current annual budget is around £3.5 million. These running costs are a drop in the ocean compared with the overall cost of infrastructure investment, the costs incurred by project overruns brought about by local opposition, the cost of making poor decisions, and the potential loss of the net benefits of bringing new major projects forward on time.

A key reason for the low cost is that the CNDP has a small permanent staff team. It currently has one president, two vice presidents and nine other full-time staff, plus 25 commissioners. The commissioners include the president (selected by the government) and vice presidents in their number, as well as representatives of environmental and consumer organisations, trade unions, and a *commissaire enquêteur* (investigating commissioner).

The role of a 'Commission for Public Engagement' in the UK

As others have argued,^{81, 82, 83} infrastructure decision making in the UK would benefit from an independent actor that improves the quality of engagement on major national projects, and that acts to promote higher standards. We propose the creation of a Commission for Public Engagement (CPE), modelled on the CNDP. This body would have three main roles:

1. Facilitating in-depth deliberations with representative but randomly selected panels of citizens to discuss policy options for inclusion in the National Infrastructure Strategy.
2. Facilitating public debates when new or revised National Policy Statements are developed, or at the 'options' phase before projects begin their journey through the Nationally Significant Infrastructure Project planning regime, with communities that are likely be directly affected.

3. Providing advice to project sponsors undertaking consultations during the 'pre-application consultation' stage of the Nationally Significant Infrastructure Project planning regime.

Developing policies for the National Infrastructure Strategy

The National Infrastructure Strategy should set out how the Government intends to respond to the recommendations in the NIA. Where there are limited resources and multiple politically and economically viable options for responding to an identified need or objective, the Government should ask the CPE to engage with the public on the options available. The CPE should accept these requests automatically.

Research suggests that 'long form' deliberation, in which a representative but randomly selected panel of citizens meet over a period of months to discuss a range of policy options with support from experts, would be particularly effective at this stage. This would provide valuable, in-depth data about public preferences and needs in particular scenarios. But, most importantly, it would build ministers' legitimacy for making politically contentious decisions about where and how to spend limited money, as early in the process as possible.

Engaging affected communities

As noted above, one of the main reasons for the CNDP's success is that communities are engaged before the principle of development has been established. At this point, plans are detailed enough that the public can understand the potential impact, but there is still a significant opportunity to influence the final shape of a project, including scrapping it altogether.

The UK's main planning approval process for nationally significant infrastructure projects – the Nationally Significant Infrastructure Project regime – does not operate in the same way as the French system, but the same principle should apply: communities should be engaged at the point in the decision-making process at which they can meaningfully comment on and influence proposals that will affect their lives. Depending on the project, there are two formal points at which this may be the case in the UK system: developing and revising National Policy Statements; and pre-application consultation on major projects.

Figure 6: Key stages and statutory timescales of the Nationally Significant Infrastructure Project planning regime



Source: Nathaniel Litchfield & Partners, 2015⁸⁴

Once new National Policy Statements have been formally consulted on by the Government, and approved by Parliament, they establish the 'principle of development'. This means that applications made under the Nationally Significant Infrastructure Project regime do not need to prove that a particular type of development should happen in a particular place – just that it conforms to national policy and other relevant standards.

Local communities often do not realise this is the case. The fact that they are unable to propose alternative projects or locations during examinations is a great source of frustration, which generates opposition. In some cases, local communities see no other way of having their grievances heard than launching legal action.

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Public engagement is particularly difficult at this stage due to the lack of specificity and spatiality in some National Policy Statements. In the words of Morphet and Clifford: 'While each of the NPSs [National Policy Statements] went through a period of public consultation before being approved by parliament, their general lack of spatial content and specificity meant it was hard to determine how they might be used in practice, and they did not attract much public attention.'⁸⁵

The CPE would work to rectify this; identifying which communities are likely to be affected, raising awareness among these groups and facilitating their engagement in the creation or revision of relevant National Policy Statements. This will be easier to do if, as we recommend above, the National Infrastructure Strategy takes a spatial approach and this is reflected in the National Policy Statements that flow from it.

For sectors in which relevant National Policy Statements remain relatively vague, the CPE could perform a similar role for particularly controversial projects, by working with public sector project sponsors before the formal Nationally Significant Infrastructure Project planning process begins, and ensuring that communities are fully and productively engaged in discussions about options. We envisage that, like the CNDP, it would take on around five projects of this type per year.

In both cases, the CPE would engage over a period of three to six months, based on the example of the CNDP, and would:

- promote the public engagement process, broadening community interest and involvement
- provide support to the project sponsor, community groups and others to produce a range of publicity materials making their case
- host a series of public meetings to discuss the key issues, potentially also using deliberative mechanisms such as citizens' juries

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- produce a report clearly summarising the arguments that have been made by interested parties.

This would be the core responsibility of the CPE.

Improving the quality of consultations undertaken by project sponsors

During the 'pre-application consultation' stage of the Nationally Significant Infrastructure Project regime, developers must consult potential stakeholders (including local communities, landowners, local authorities and statutory consultees) to identify key issues, and ways of mitigating or resolving them, before applying for development consent.

The way in which this process is carried out is determined by the developer, in discussion with the local authority. This provides valuable flexibility, but can also result in the quality of consultations varying greatly, depending on the resources and experience of the organisations involved.⁸⁶ Some developers and local authorities see the process as a valuable opportunity to gather rich data about the public's views and build more effective projects. Others see the process as an unwelcome procedural hurdle, which can result in an adversarial process and less effective design. Different communities' ability to take part in the process also varies according to the level of resources they have.

Unlike other stages of the Nationally Significant Infrastructure Project regime, there is no statutory timescale for the pre-application consultation stage. It is generally by far the longest; a recent analysis found that this stage had a median duration of 16 months.⁸⁷

The CPE could help overcome these issues by identifying and sharing best practice on public engagement during the pre-application stage. This might include advising project sponsors on:

- the use of innovative and deliberative approaches (possible because of the inherent flexibility of the pre-application stage), which research suggests are more effective than traditional approaches to consultation, because they 'help communities feel more confident about the proposal'⁸⁸
- how to deliver consultations in more efficient and timely ways, which would increase certainty and reduce costs.

Much of this advice could be provided free and online. More project-specific and tailored guidance could also be offered on a consultancy basis to project sponsors, subject to the agreement of a reasonable fee.

To be considered by the CPE, projects should meet the various sector-specific thresholds for the Nationally Significant Infrastructure Project regime, and come by one of three routes, each of which have different consequences for fees:

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1. **Requests by central government:** The CPE should accept these requests automatically. Whether government would need to provide additional funding would depend on the generosity of the CPE's core grant (see below) and the size of the project.
 2. **Requests by community groups and local authorities:** These would have to be approved by the CPE according to published criteria. The CPE would also have to seek approval from the scheme promoter, who, certainly if they are from the private sector, would need to agree a fee in order for the CPE to take on the project.
 3. **Requests by project sponsors:** These would have to be approved by the CPE according to published criteria, and a fee negotiated with the project sponsor.

Improving public engagement in Hybrid Bills

Occasionally, the CPE could also facilitate public engagement with the Hybrid Bill process. This would be relatively rare though, as there have only been three Hybrid Bills since 1997: Crossrail Bill, High Speed Rail (London–West Midlands) Bill and High Speed Rail (West Midlands–Crewe) Bill.^{89,90} Given their infrequency, we would expect the CPE to automatically take on all infrastructure-related Hybrid Bills.

Hybrid Bills tend to be used for projects of national importance which are in a specific area of the UK. The Government can choose to use Hybrid Bills because they allow more time for a decision to be made than the Nationally Significant Infrastructure Project regime, and can grant more flexible and extensive planning powers. However, critics argue that Hybrid Bills also represent an attractive option to government because they require significantly less direct engagement with impacted communities.⁹¹

The public are able to engage with a Hybrid Bill by petitioning at its second reading. Only those 'specially and directly affected' by proposals are guaranteed the ability to petition against them, and project promoters can challenge petitions where they feel this is not the case (more than half of the petitions made on HS2 Phase One were challenged in the Lords).⁹² There is no opportunity for the public to directly challenge the principle of development with Hybrid Bills, and the process and language of petitioning is itself off-putting to the public; being opaque, complex, imposing and generally old-fashioned (though a package of reforms is currently being implemented following a review of the petitioning procedure).⁹³

A lack of public understanding about petitioning Hybrid Bills also has negative consequences for Parliament, which has limited resources (in terms of both time and personnel) to give all views a thorough hearing. Because of the way the process is designed, many petitions repeat the same claims. In the case of HS2 Phase One, this led to a serious drain on parliamentary resources.^{94,*}

* For these reasons, the House of Lords is currently undertaking a review of Hybrid Bill petitioning procedures (due to report before the end of this year), and how they could be simplified and modernised.

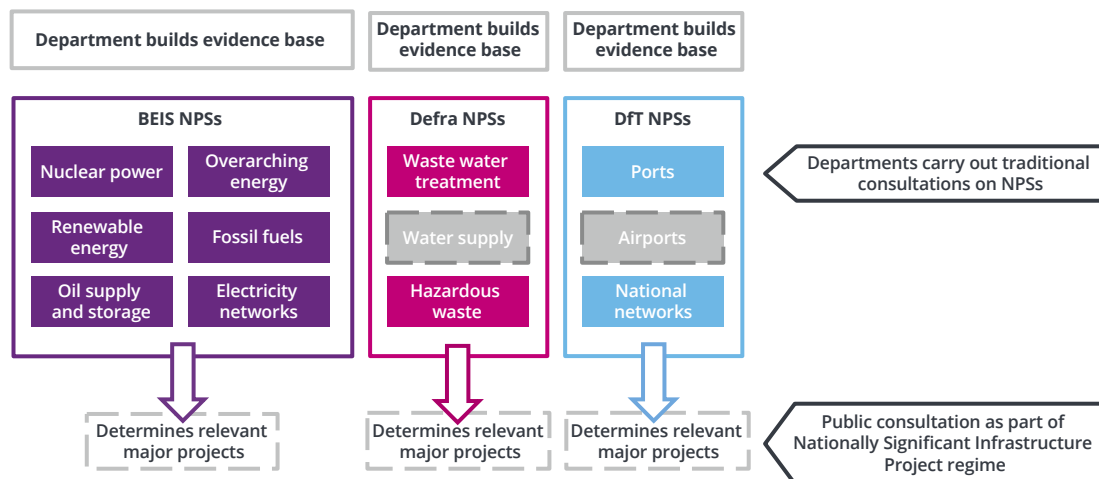
The CPE could play a key role in improving this process, by supporting affected communities to engage in a more effective and structured way. This would be beneficial to both the public and Parliament.

Relationship with the NIC

As noted above, effective public engagement is an important part of the NIC's credibility. While it has made a positive start, conducting social research and welcoming public input into consultations, more must be done ahead of the publication of the first NIA, and particularly for subsequent NIAs. This should include use of 'long form' deliberative techniques such as citizens' juries.

To avoid organisational overlap and confusion, responsibility for public engagement around the NIA (and other NIC studies) should remain the sole responsibility of the NIC. While the NIC should work closely with the CPE, particularly to share best practice on public engagement methods, it must develop its own in-house expertise on these issues.

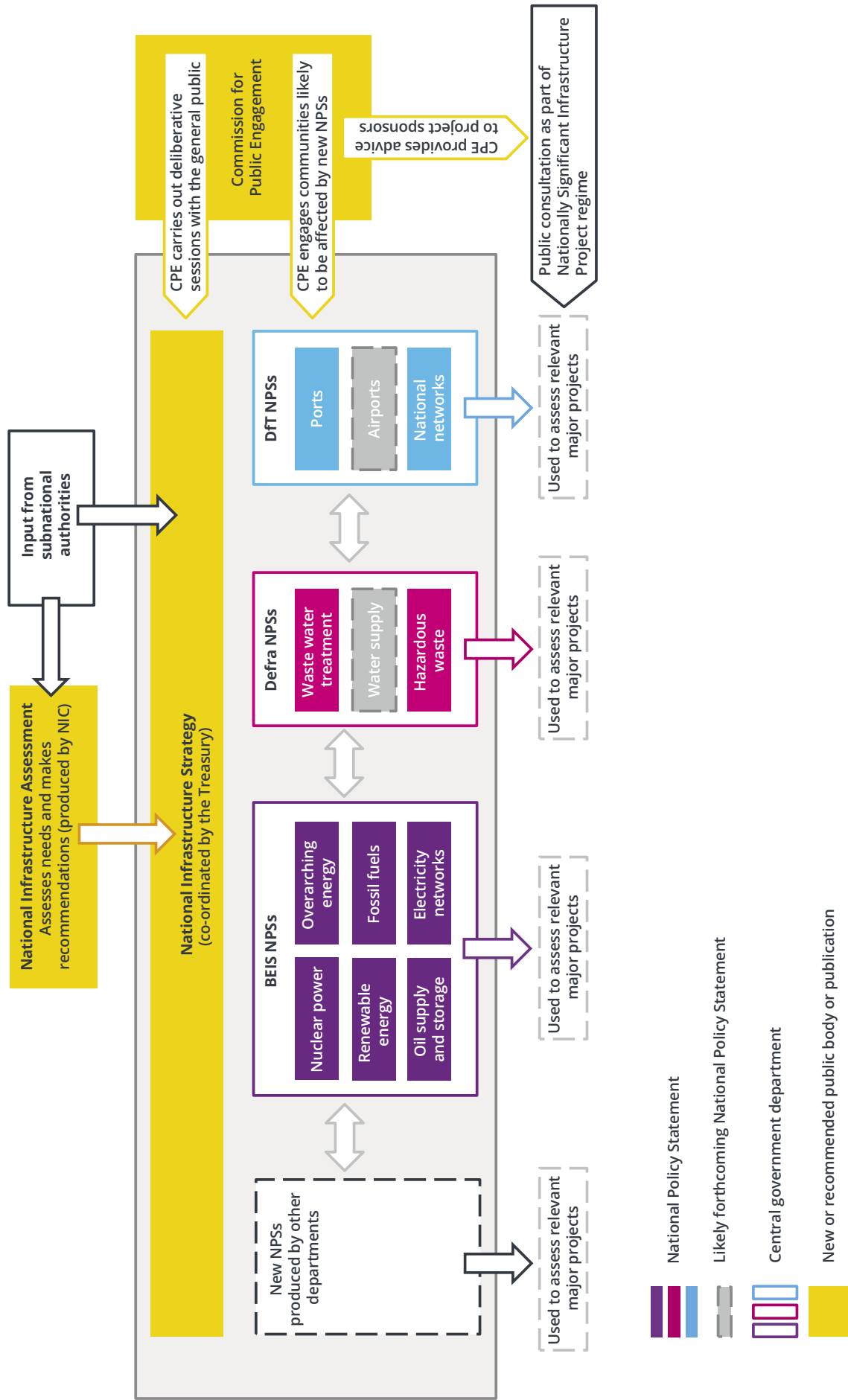
Figure 7: Current National Policy Statement (NPS) process and public engagement



BEIS, Department for Business, Energy and Industrial Strategy; Defra, Department for Environment, Food and Rural Affairs; DfT, Department for Transport.

Source: Institute for Government analysis

Figure 8: Proposed National Policy Statement (NPS) process and public engagement



BEIS, Department for Business, Energy and Industrial Strategy; CPE, Commission for Public Engagement; Defra, Department for Environment, Food and Rural Affairs; DfT, Department for Transport; NIC, National Infrastructure Commission.

Source: Institute for Government analysis

Institutional set-up and funding

Following current Cabinet Office guidance, the CPE should be established in the same institutional form that we recommend for the NIC; namely an executive non-departmental public body.* This would grant it the level of autonomy required for it to be seen as being independent from government, as well as the power to raise fees from project sponsors that it provides advice to.

We envisage the CPE receiving core funding from government that is roughly in line with the CNDP, and comparable to executive non-departmental public bodies in the UK such as the Office for Budget Responsibility** and Committee on Climate Change***. This would be between £2 million and £5 million a year. This should cover the majority of government-requested work, though additional funding may be required for particularly large projects.

As noted above, the CPE should also negotiate fees from private sector promoters of projects for which it is facilitating public engagement. Currently, fees for Nationally Significant Infrastructure Project regime planning applications are relatively low (in the high tens of thousands of pounds for projects regularly worth tens of millions and sometimes billions). It would not be unreasonable for the CPE to ask scheme promoters to cover its costs, particularly given that its work should reduce public opposition to projects, and save the promoters significant time and money overall. We would hope that most scheme promoters would recognise this and agree to reasonable fees.

As is the case with the CNDP, we expect the costs of running the CPE to be very small compared with the money it saves taxpayers and consumers by preventing delays in the delivery of major projects.

Benefits of the CPE

A key strength of this proposal is that the CPE does not alter formal processes relating to the current planning system, which has been subject to almost constant disruptive and costly reform since the 1980s.⁹⁵ As such, it could be established with relatively little fuss, building on and improving the existing system, rather than starting from scratch. It would do so by:

- providing an opportunity for genuine public input into major infrastructure decision making, particularly those whose voices are not currently heard
- helping communities navigate existing engagement processes which are complex or opaque
- providing institutional memory about what works in public engagement, and in doing so:
 - institutionalise and spread awareness of how important genuine public engagement is for project sponsors and policymakers

* As outlined earlier, we continue to argue for the rationalisation of the current taxonomy of arm's-length bodies.

** The Office for Budget Responsibility had net operating costs of £2,427,000 in 2016/17.

*** The Committee on Climate Change had net operating costs of £3,472,236 in 2016/17.

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- test, develop, harness and popularise deliberative approaches to engagement, as well as new techniques (for example using new technology or 'gaming')
 - improving public awareness of the key issues and processes relating to nationally significant infrastructure in the UK.

5. Conclusion

Implemented separately, each of our recommendations would improve aspects of infrastructure decision making in the UK. Taken together, they are a series of interlocking steps towards a stronger, fairer and more stable national infrastructure decision-making system.

With enhanced independence, more extensive public engagement and a remit that includes housing, the NIC will provide the credible, long-term evidence base needed for effective decision making. A cross-government, National Infrastructure Strategy would build on this, helping to ensure that the projects of individual government departments and subnational authorities are far better co-ordinated, maximising their potential benefits. A new Treasury minister would provide necessary capacity in the heart of government, supporting the Chancellor to oversee the development and implementation of the strategy.

Balancing out this political leadership and expert input, a Commission for Public Engagement (CPE) would ensure that communities have a genuine opportunity to influence the development of the National Infrastructure Strategy and the National Policy Statements which should flow from it. In doing so, the CPE would help reduce the public opposition – and the unnecessary delays and additional costs this results in – that can occur when communities feel unfairly treated or insufficiently consulted.

Individually, these proposals are incremental, but combined they would represent a comprehensive – though cheap and easy to implement – response to the policy instability and inconsistency that have long dogged UK infrastructure decision making.

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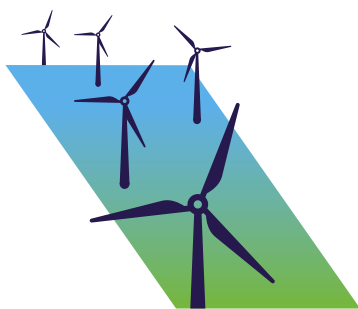
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