

NATIONAL INFRASTRUCTURE COMMISSION
CONGESTION, CAPACITY, CARBON: PRIORITIES FOR NATIONAL INFRASTRUCTURE
CONSULTATION ON A NATIONAL INFRASTRUCTURE ASSESSMENT
RESPONSE BY THE NATIONAL INFRASTRUCTURE PLANNING ASSOCIATION

About the National Infrastructure Planning Association

1. This is a response to the consultation launched by the National Infrastructure Commission in October 2017 on its interim National Infrastructure Assessment (NIA).
2. The National Infrastructure Planning Association (NIPA) is an organisation of over 500 members created to bring together all those involved in the planning and authorisation of nationally significant infrastructure projects (NSIPs) in the UK, particularly those projects requiring development consent under the Planning Act 2008 and to promote best practice.
3. NIPA's members are drawn from a wide variety of organisations including project promoters, local authorities, law firms, environmental consultants, planning consultants and surveyors.
4. NIPA is grateful for the further opportunity to participate in shaping the future direction of infrastructure in the United Kingdom through the final NIA. This response focuses on NIPA's view of the overall themes emerging from the interim NIA and provides NIPA's responses to the consultation questions which are particularly relevant to the work of NIPA and its members.

Overall themes

5. Echoing the comments made in its response to the NIC's consultation on the process and methodology for the NIA¹, NIPA considers that housing should be regarded as part of the country's national infrastructure in the same way as energy or transport infrastructure.
6. Further, NIPA considers that housing and infrastructure should be fully integrated at a policy level. Following the creation of the new Ministry for Housing, Communities and Local Government and of Homes England, the NIC's role in facilitating the delivery of housing infrastructure should be clarified.
7. The relationship between the documents prepared by the NIC and National Policy Statements should also be clarified. For example, the NIC Report on the Cambridge-Milton Keynes-Oxford (CaMkOx) arc is akin to a regional spatial strategy but does not have a formal statutory basis.
8. Greater clarity is needed as to how the NIC's recommendations in both the NIA (when completed) and specific studies are translated into government policy, particularly given that the NIC was established on a non-statutory basis. Importantly, the role of the NIC should not undermine government's formation of policy through new National Policy Statements.
9. While the policy support for additional infrastructure provided by the studies undertaken by the NIC to date is welcomed, the NIC's recommendations should not undermine delivery of existing

¹ https://www.nipa-uk.org/uploads/news/NIPA_NIC_NIA_consultation_response.pdf

projects. It is concerning, for example, that the consultation document places too great an emphasis on the untested benefits of truck platooning (versus the established requirement for additional rail freight capacity) and offers only limited support for nuclear energy.

10. NIPA remains concerned that the NIC, despite previous statements by its Interim Chair as to the importance of public engagement,² has to date undertaken very little in the way of public engagement.
11. Further, in its presentation, the NIC could be criticised for adopting too academic an approach, particularly in the way it presents its output on its website as 'literature reviews' and 'research papers'.

Q2. How might an expert national infrastructure design panel best add value and support good design in UK infrastructure? What other measures could support these aims?

12. NIPA considers that what is needed to support good design in infrastructure is a kind of Commission for Public Engagement, which would provide a mechanism by which public opinion could be fed into the decision-making process for national infrastructure projects. An issue to be addressed is the role of national design guidelines or principles where consultation and engagement is undertaken on a local level.
13. NIPA is also concerned that to date NIC has a fairly low public profile and has made little attempt at wider public engagement.

Q3. How can the set of proposed metrics for infrastructure performance (set out in Annex A) be improved?

14. NIPA considers that the metrics used for assessment should relate to the NIC's objectives, and projects should be assessed by reference to how they fulfil the objectives of the National Infrastructure Assessment.
15. It is noted that the NIC does not propose specific consultation proposed to ascertain which of the metrics are valued by stakeholders and the general public. Further to the above comments in relation to Q2, it is important for the delivery of future infrastructure that the NIC seeks to engage with the public when determining metrics for the performance of infrastructure.

Q4. Cost-benefit analysis too often focuses on producing too much detail about too few alternatives. What sort of tools would best ensure the full range of options are identified to inform the selection of future projects?

16. NIPA considers that the process of undertaking cost-benefit analysis does not in itself prevent consideration of alternatives, but rather the nature of the inputs into the analysis may sometimes lead to a narrower range of alternatives being considered.
17. There is also the (perhaps inherent) risk that the cost-benefit analysis process could be misused to engineer a favourable outcome for the preferred solution.

² <https://www.nic.org.uk/news/armitt-public-engagement-crucial-to-infrastructure-delivery/>

Q9. What strategic plans for transport, housing and the urban environment are needed? How can they be developed to reflect the specific needs of different city regions?

18. The NIA, when finalised, should identify additional areas where an integrated housing and infrastructure policy, such as the CaMkOx arc, could be adopted.
19. Regions should be given the power to determine their own infrastructure priorities, which would feed in to the NIA. Development corporations, strategic transport bodies, local enterprise partnerships and combined authorities have a key role in determining regional priorities.

Q10. What sort of funding arrangements are needed for city transport and how far should they be focused on the areas with the greatest pressures from growth?

20. Promoters are likely to view specific land value capture mechanisms adopted on a project-by-project basis as additional taxation or a form of levy and this would likely affect the planning for that project.
21. Project promoters are likely to prefer a nationally-determined land value capture mechanism.
22. However, trying to establish a national approach would be fraught with difficulty as the potential for land value capture exists predominantly in London and the south east.

Q11. How can the Section 106 and Community Infrastructure Levy regimes be improved to capture land and property value uplift efficiently and help fund infrastructure? Under what conditions are new mechanisms needed?

23. NIPA's view is that the priority for any reform of the existing framework must be to provide for the forward-funding of infrastructure costs so that sites could be opened up, with the costs being recovered by a means of land value uplift capture.
24. The existing section 106 and CIL regimes do not capture the land value uplift attributable to a project, as they secure commitments from the project promoter and not from those whose land benefits from a value uplift because of a project, for example adjoining owners near a new station.
25. As an alternative to amending the scope of the existing section 106 and CIL regimes, the council tax and national non-domestic rates regimes could be reviewed so that properties considered to have benefited from land value uplift could be re-valued for rating purposes so that the value uplift could be captured in this way. This would reflect previous specific measures such as the business rates supplement for Crossrail.

Q12. What mechanisms are needed to deliver infrastructure on time to facilitate the provision of good quality new housing?

26. Previous governments have been tinkering at the edges of the housing and planning system for over 10 years. What is now needed was a fundamental change in order to deliver the target of 300,000 new homes per year.

27. NIPA considers that meeting this objective will require a form of national programme or policy to determine housing allocation, but in partnership with local areas, so that housing is not perceived as being centrally imposed.
28. However, as the NIC's remit specifically excludes housing policy, it remains unclear whether the NIC will be able to fully participate in the development of national housing policy or whether, as seems likely, the government intends that ownership of this policy will be led by the newly-formed Ministry for Housing, Communities and Local Government and Homes England.
29. In relation to specific mechanisms, the new town development corporation model offers a template for national leadership in partnership with local areas and it is positive that the government has published and consulted on draft regulations providing for the creation of locally-accountable development corporations.
30. Further, the NIC should review the compulsory purchase powers of city and regional authorities. Such powers are currently contained in a framework of different legislation which provide for compulsory acquisition powers subject to different tests and for different purposes.
31. This patchwork of powers may hinder the most effective use of CPO powers as a tool in land assembly and housing regeneration. It would help if the CPO powers of the local and regional bodies responsible for the delivery of housing are co-ordinated and consistent so that they can be used effectively as a tool to deliver new housing infrastructure.

**National Infrastructure Planning Association
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