



# RTPI 2014

100 years of professional planning

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Patron HRH The Prince of Wales KG KT PC GCB

Sent to: [responses@armittreview.org](mailto:responses@armittreview.org)  
30 October 2014

Dear Sir John,

## **Independent Armitte Review of Infrastructure – draft bill and implementation programme**

The Royal Town Planning Institute (RTPI) is pleased to respond for comment on a draft bill and implementation programme for a National Infrastructure Commission as proposed by the Labour Party's Independent Armitte Review of Infrastructure. The RTPI is the largest professional institute for planners in Europe, representing some 23,000 spatial planners. The Institute seeks to advance the science and art of spatial planning for the benefit of the public. As well as promoting spatial planning, the RTPI develops and shapes policy affecting the built environment, works to raise professional standards and supports members through continuous education, training and development.

Planning is far more than a regulatory function. Planning facilitates the co-ordination of infrastructure provision and the delivery of sustainable economic growth. British planning is an important export to some of the fastest growing economies in the world, and RTPI-accredited planning schools are internationally recognised for their expertise.

From the outset the RTPI has supported the focus on long term infrastructure planning. If successful the National Infrastructure Commission would go some way to addressing this problem. It is therefore, reassuring that it would be among the first government bills of the next parliament. To ensure its success the bill should have cross party support. The Armitte Review and others should be building this support now.

Sir John Armitte would be aware of the RTPI's leadership on infrastructure planning, given he launched [Transport Infrastructure Investment: Capturing the Wider Benefits of Investment in Transport Infrastructure](#) at the RTPI's General Assembly in January 2014. This policy paper identifies a number of key challenges the creation of a National Infrastructure Commission is designed to address. A lack of consensus and narrative about how, when and why infrastructure should be delivered across the UK; a lack of joined up thinking about how infrastructure provision can tackle problems in other sectors and; projects which could unlock economic growth and development are held back through not meeting rigorous but limited government appraisal processes.

The RTPI recognises that this Review is concerned with national infrastructure. The RTPI has a particular concern with subregional infrastructure which can enable or entirely frustrate local housing and economic growth. In the RTPI's recent discussion paper [Beyond](#)

Cooperation it recommends that local authorities should be rewarded for coming together with plans for housing growth with infrastructure investments from central government to support those plans. The corollary is that where areas such as counties do not do this, investment should be withheld. All previous efforts to exhort cooperation or to impose housing targets have not been all that successful, but the RTPI believes that “money talks”.

There are cases where, in the interest of national infrastructure, an area might in any case be awarded infrastructure investment, such as the electrification of the railway through Oxford. However, for incentivisation it would be necessary to ensure that any local spin offs from such investment, such as new rolling stock or stations, be conditional on a forward-looking attitude on the part of groups of local councils. This is why the RTPI is concerned with clarifying the definition of “national” as outlined later.

### **Sector Infrastructure Plans**

The RTPI has consistently advocated for strategic infrastructure projects to be planned in parallel across sectors in a strategic fashion. The RTPI is pleased that many of the proposals it put forward in its initial consultation response in January 2013 have been adopted. However, it is important to re-emphasise the importance of taking a joined up, collaborative and strategic approach to infrastructure planning. As such, Sector Infrastructure Plans should be required to state how they are working in parallel to each other.

The RTPI is pleased to see the report recommend the consideration of a wider range of input factors in the assessment of infrastructure requirements, including forecasts of housing demand, and how such strategic elements directly impact the nation’s infrastructure needs.

It is important that the Commission has broad information and data gathering ability in order to base its recommendations on the best available evidence. The RTPI welcomes the measures to allow for data collection from government departments, regulators, delivery organisations and to commission additional studies.

The RTPI is pleased to see the Commission would review the work of the sector committees to “ensure that all interdependencies had been acknowledged”. However, the Commission should go further and prioritise strategic and collaborative planning to identify common goals and objectives across sectors. Given the fiscally constrained funding environment, the Commission should prioritise projects with multiple benefits across sectors. The SIPs should identify how they relate to each other and how the organisations and government departments involved in their delivery and implementation will work together in order to create efficiencies, achieve common goals and deliver multiple benefits.

The Review may wish to consider whether legislated timeframes should be established to ensure the preparation and approval of SIPs is not held up by government departments or the parliament. Given the importance of infrastructure to the UK the consideration and approval of SIPs in parliament should be given priority over other business, the Review should consider how this could be achieved.

### **Appointment of Commission Members**

The RTPI made it clear in its initial consultation response that members should come from a wide range of sectors and is, therefore, pleased to see this in the suggested programme.

### **Infrastructure UK**

To avoid duplication and losing skills, expertise and experience, it seems logical to incrementally phase Infrastructure UK and its staff into the Commission.

## **Draft National Infrastructure Bill**

### General comments on the bill

The following comments do not constitute a comprehensive review of the bill nor should the omission of comment on a particular section or provision of the draft bill and schedule constitute an endorsement of it. Feedback is intended to be of a general nature and does not constitute legal advice.

The RTPI recommends the Review undertake an independent expert assessment of the bill to consider its robustness, possible interpretation by users and the courts, legality and constitutionality.

While the role of the parliament is critical to maintain democratic accountability and transparency there is a high risk of the process and outcome being politicised during parliament's approval. For example, members may seek to remove plans or projects that are ambitious, controversial or perceived to be politically unpopular despite their importance to the long term infrastructure needs of the UK. The Review should consider how this risk can be mitigated in the bill.

The Review may want to consider the role, if any, of the opposition of the day should play in the process and work of the Commission.

The RTPI is concerned about how the definition of "national infrastructure" might be interpreted. It is an area of uncertainty about the extent of the Commission's remit. The Review should further consider how the definition would be interpreted and how projects or programmes would be classified, particularly marginal projects that could be considered national or regional. The RTPI strongly encourages the Review to consider utilising the definition already provided in the Planning Act 2008 for "nationally significant infrastructure projects" to provide consistency between the legislation and certainty for interpretation.

### Part 1

#### Section 3

##### Subsection 1

The definition of 'time to time' should be clarified. The Review should be cognisant of the capacity for this section to give rise to the politicisation of the work of the Commission through the guidance provided by Treasury. This would be anathema to the broader aim of long term de-politicised decision making around infrastructure.

##### Subsection 5

In order to maintain transparency any guidance provided under subsection 3(1) should be published in a way available to the public.

### Part 2

#### Section 5

##### Subsection 3(c)

The Review may want to consider being more explicit or prescriptive about the Commissions' requirement to 'engage with the public', for example, length of engagement, minimum requirements for advertising and any members or public organisations that should be required. The Review may also want to consider how the definition of 'as the Commission considers appropriate' would be interpreted. This would reflect the broader aim and importance of engaging with the public to build support for long term infrastructure planning and implementation.

#### Subsection 4

The Review may want to consider including a minimum list of members of the public or bodies that the Commission should be required to consult. Again, the Review may also want to consider how the definition of ‘as the Commission considers appropriate’ would be interpreted.

#### Subsection 6(i)

The RTPI is pleased to see the explicit reference to the need for the Commission to have regard to the spatial consequences of its assessment.

#### Section 7

##### Subsection 1

The Treasury should provide a statement outlining the reasons why the national infrastructure assessment is no longer consistent with the priorities of the government or, specifically, the significant changes in the circumstances of the basis of the assessment. The statement should include detail about how the changing priorities or circumstances affect the long term infrastructure needs of the UK. The Review may want to consider what constitutes a ‘significant’ change and the extent of inconsistency with the government’s priorities required to trigger this subsection. This is to maintain the broader aims of transparency, accountability and depoliticising long term infrastructure planning.

### Part 3

#### Section 9

##### Subsection 2

The Review should include (c) with consideration of other sector infrastructure plans. If it is not included here it should be considered for inclusion elsewhere. The RTPI has consistently stated the need for a cross sector approach, the importance of this to the Commission’s work should be reflected by inclusion in the bill.

#### Section 13

##### Subsection 8

The Review should consider the ability for the proposal to become politicised during approval by the House of Commons. The Review should consider what additional measures could be included in the bill to avoid this. Where changes are made by the House, to maintain transparency and accountability, a measure might be in the form of a statement justifying the changes and how the changes are consistent with the long term infrastructure needs of the UK. The Review may wish to consider the level of support required for the changes, for example, should it be a simple majority of the House or two thirds support. Again this would assist with depoliticising the process, for example, through minimising the opportunity for members to scuttle plans that might be perceived to adversely affect their constituency.

#### Section 14

The Review should consider whether a time frame or deadline is imposed on the Secretary of State to review a sector infrastructure plan.

### Part 4

#### Section 22

##### Subsection 1

The Review should outline why the infrastructure sectors covered by the bill are different in each of the nations of the UK. The Review should consider how this might affect the Commission’s ability to wholly and completely assess the UK’s long term infrastructure needs, for example, even though a railway may be completely contained within Scotland this still impacts on railway infrastructure that crosses nations.

## Schedules

The Review should consider how the Commission would assess and respond to members (including the chair, Section 1) and staff (including the chief executive, Section 7) potential, perceived and real conflicts of interest when being appointed to, or employed by, the Commission. For example, if a member or staff member was formerly employed, sits on a board or has a substantial interest (for example, shareholdings) in a company, organisation or any other entity that might be adversely effected or benefit from a sector infrastructure plan, a recommendation or work of the Commission. The Review should consider how conflicts of interest might be mitigated in the bill, for example, the requirement for a register of declarations of interest.

### Schedule 1

#### Section 1

The Review should further consider how the process of appointment of the membership of the Commission may be politicised, particularly by a government of the day. The Review may want to consider what additional provisions could be made to mitigate this risk. Membership should be made on the basis of relevant skills, experience and knowledge.

The RTPI reiterates the importance of planning and planners and the significant value they could add to the Commission's work.

#### Section 4

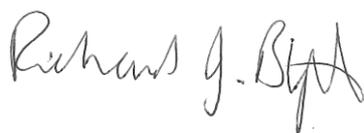
The Review should provide examples to support the inclusion of the provisions for payment to be made to members who cease to be a member (2(a)) and the circumstances which make it right to receive compensation (2(b)). If this section remains in the bill the Review should consider how this might be interpreted and whether the bill should be more prescriptive about the circumstances under which payments are made to former members. This would assist with mitigating the risk of payments to former members being inappropriate or abused.

#### Section 15

The Review may want to consider the circumstances and appropriateness of the Commission having powers to accept gifts. There is a risk that gifts may be (perceived or real) used to achieve favourable outcomes or, at worst, bribery. The Review should consider measures to mitigate the risk of gifts being abused, for example, requiring all gifts over a certain value being declared. More broadly, the Review should consider and outline the circumstances under which it would be appropriate for the Commission as a body or individual members or staff of the Commission to receive gifts, including their value and the origin of the gift.

If you require further assistance, have any queries to the above or require clarification of any points made, please contact the RTPI Head of Policy, Practice and Research, Richard Blyth on 020 7929 8178 or email [Richard.Blyth@RTPI.org.uk](mailto:Richard.Blyth@RTPI.org.uk).

Yours sincerely,



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