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UCL Laws, UCL Grand Challenges and UCL Public Policy

Policy briefing: Public participation and climate change infrastructure

Summary

Wind power and carbon capture and storage (CCS) are expected to form an essential part of the future energy mix in the UK.

This briefing summarises the main points from the UCL Public Participation and Climate Change Infrastructure research (to be published in the *Journal of Environmental Law* in 2013). The research explores the space for public participation during the consenting process for nationally significant wind energy or CCS infrastructure projects.

Technological change and infrastructure development on the scale anticipated raises complex questions around the distribution of costs and benefits, as well as divergent assumptions about risks and potential conflicts between deeply held values. **It is difficult to promote this sort of change without some degree of public engagement.**

Legal obligations to provide opportunities for public involvement in the consenting of wind and CCS projects can be found in national, EU and international law. However, an examination of strategic planning policy suggests that in practice, very little will be up for discussion by the time individual projects are authorised.

This is consistent with a certain mistrust of the public in high level policy discourse on climate change infrastructure.

Paying lip service to participation creates a risk that participation becomes frustrating for both communities and policy makers. We argue that **policy-makers must engage more fully with the role of the public in consulting on major projects, and clarify what is open to public influence.**

important possibility, but whilst deliberative forms of involvement are typically deep, and highly valued by those involved, they are also narrow in the sense that few are able to take part. In that respect, they would not on their own meet legislative requirements for public participation.

Consultation is the default option, with positive potential. But it often leads to frustration, and an associated reluctance to take part, precisely because of a suspicion (in this case not unreasonable) that the views expressed will have no influence.

Representative decision making is another alternative, and is the traditional solution (alongside more participatory mechanisms) in planning, where many decisions are made by locally elected councillors.

Conclusions

- The legal obligations to provide participation around wind farms and CCS projects mean that public participation can neither be avoided nor ignored. However, **the legal and policy framework is very tightly drawn around strategic policy decisions already taken in the NPSs**, leaving decision makers on individual projects with relatively limited room for manoeuvre.
- There is a danger that we may find ourselves in the worst possible situation. Frustration on the part of publics with legally required participation processes results in less engagement by affected communities and increases the superficiality of those processes; policy makers are also frustrated and resort to tick box bureaucratic exercises rather than seeking genuine opportunities for the public to influence development. This risks becoming a **self-perpetuating vicious circle**.
- The sense that there is a hollowness in participatory exercises at the consenting stage for major projects is reinforced by the very low expectations for public participation in the high-level policy discourse on climate change.

RECOMMENDATIONS

‡ **There are no easy policy solutions to the conundrum we have identified.** Abolishing the legislative obligations to provide opportunities for public participation is neither politically very likely, nor desirable. And whilst a little more flexibility at the authorisation stage would be possible, we might say the same thing about introducing a local veto over wind or CCS development.

‡ **A more thorough engagement by key policy makers should make it far clearer what is open to consultation and what is not;** cynicism toward publics and cynicism within publics must not be allowed to become mutually reinforcing.

‡ **Decision making that only the 'how' is open to debate, and not the 'whether', it also needs to be clear why that is the case.** The legitimacy of decisions in this 'how-not-whether' framework demands credibility in climate change efforts more generally, if the local area is not to be perceived as simply a symbolic sacrifice.

‡ **Addressing the uneven distribution of the costs and benefits associated with major infrastructure projects needs much more careful consideration.**