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# Building Democracy?

Exploring community consultation  
in Nationally Significant (Energy)  
Infrastructure Projects

Dr Katy Wright & Dr Mark Davis  
November 2017



Making *a* World  
of Difference





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## ABOUT THE BAUMAN INSTITUTE, UNIVERSITY OF LEEDS

The Bauman Institute was founded by Dr Mark Davis in September 2010 to develop an international research and teaching community and is based in the School of Sociology & Social Policy at the University of Leeds. Our collective aim is to provide new insights and new directions of sociological research across disciplines with a particular focus upon rethinking the relationship between capitalism and democracy in the light of shared global challenges at a stage of modernity dominated by a neoliberal financialized capitalism.

We aim to be a home for stimulating intellectual debate across the social sciences, arts, and humanities in order to achieve new critical and empirical perspectives on contemporary social, economic and political life.

**For more information visit <http://baumaninstitute.leeds.ac.uk/>**



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# EXECUTIVE SUMMARY

## With the increasingly pressing need to renew and replace existing energy, transport and housing provision, infrastructure is once again high on the UK political agenda.

But how democratic is our national infrastructure, who decides what infrastructure we will get, and how are benefits and impact distributed?

The research behind this report explored the role of local communities in Nationally Significant Infrastructure Projects (NSIPs) with a particular focus on renewable energy developments. Our findings suggest that engagement in consultations is uneven, and shaped by a broader context of inequality, meaning that any gains achieved through participation are also unequally distributed.

Rather than trying to tackle uneven levels of engagement and the democratic limitations of consultation processes through institutional reform and the pursuit of 'more and better' engagement, however, our report concludes that alternative ownership models for large-scale infrastructure could better enhance the democratic role of stakeholders in infrastructure developments.

### To this end, we reached the following conclusions:

- **There is often a lack of understanding amongst the public of the meaning and purpose of Nationally Significant Infrastructure Project (NSIP) consultations, of planning processes more generally, and of what the outcomes of involvement in consultations might be;**
- **Amongst the public, there is a lack of familiarity with planning processes, and a pervasive scepticism about the meaningful of opportunities to participate;**
- **A lack of knowledge and understanding of energy policy, or of the relative benefits of different energy generating technologies, presents a challenge for effective consultation;**
- **Patterns of engagement differ amongst different groups – for example according to age, ethnicity and gender – although the reasons for non-participation are complex;**

- **The technical and bureaucratic procedures involved in the NSIP consultation process tend to privilege some groups above others, particularly those with relevant skills and knowledge; those with available time; and those able to pay for legal representation;**
- **Whilst modest gains can be made by the public through their engagement in consultation – for example adjustments to construction times – these are unequally distributed due to uneven patterns of engagement;**
- **There tends to be a preference amongst planning professionals for opposition to be contained within official processes, and to see 'insurgent' or informal modes of opposition as unhelpful, whilst others understand these forms of opposition as legitimate and effective in drawing attention towards the limitations of existing processes and institutions;**
- **We suggest that prescriptions for 'more and better' engagement to remedy a democratic deficit within infrastructure planning assume a latent demand for participation and overlook some of the barriers to engagement which we identify;**
- **Consequently, we suggest that exploring different ownership models for largescale infrastructure would be a useful way of making infrastructure more democratic.**

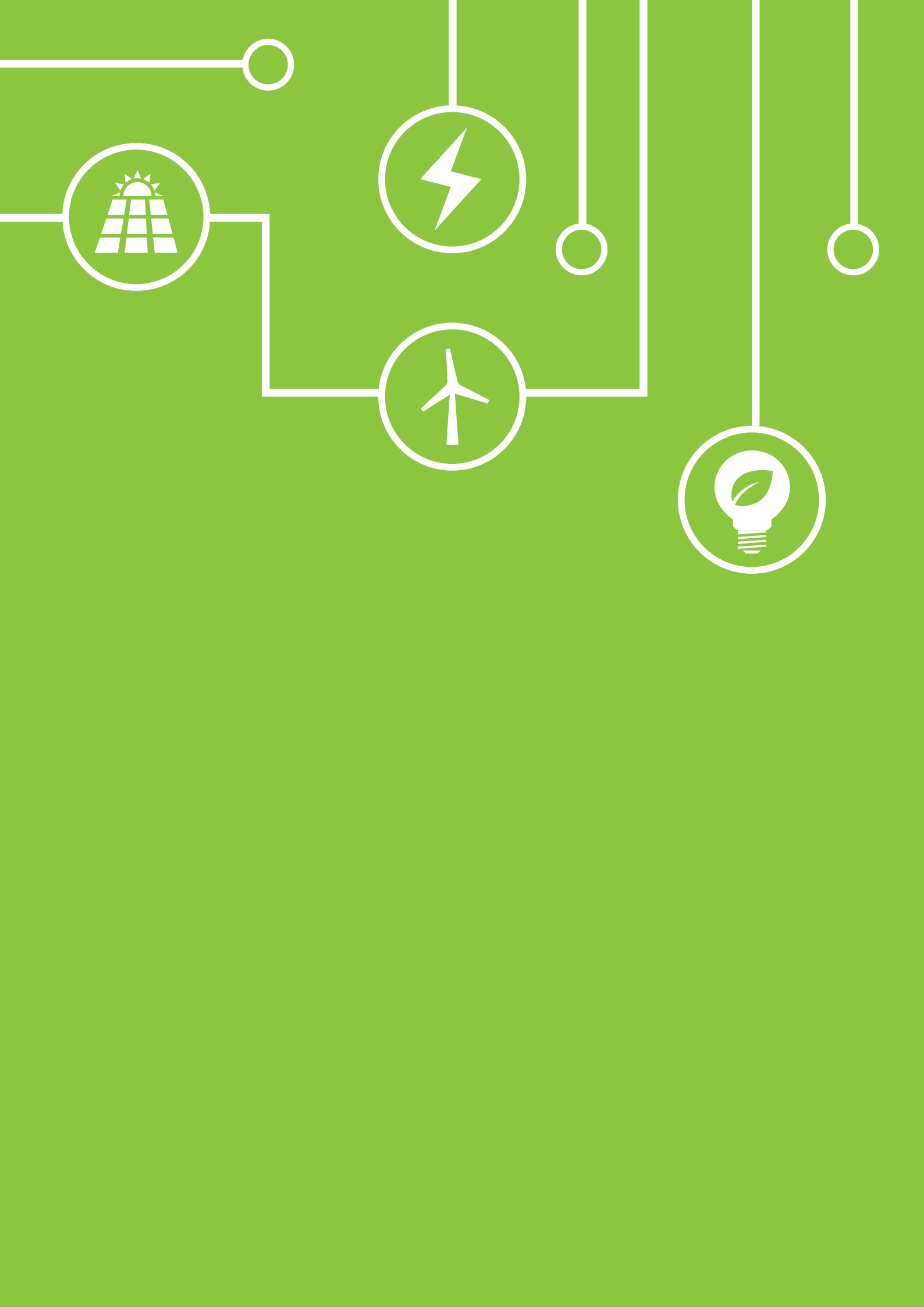
For these reasons, we conclude by suggesting that the focus should shift from simply focusing upon strategies for facilitating public involvement in decision-making processes to consider how the distribution of outcomes and benefits might enhance the democratic value of infrastructure.

We propose that democracy in relation to infrastructure does not just mean who gets to decide what gets built, when, where and how, but must also include decisions in relation to who profits and how from infrastructure development.

Our report concludes that it is alternative ownership models for large-scale infrastructure that could better enhance the democratic role of stakeholders in infrastructure developments.



\* Nationally Significant Infrastructure Projects are developments above a certain size and scale, and include different types e.g. energy, transport, water and waste



# FULL REPORT

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## Introduction

With the increasingly pressing need to renew and replace existing energy, transport and housing provision, infrastructure is once again high on the UK political agenda. But how democratic is our national infrastructure, who decides what infrastructure we will get, and how are benefits and impact distributed? This report outlines our research exploring the role of local communities in Nationally Significant Infrastructure Projects (NSIPs), with a particular focus on energy developments.

We explore the role of local communities in NSIP projects, examining how consultations are perceived, experienced and understood by different groups. For example, who is most likely to engage and what do they gain from their involvement? We also explore how public opinion about infrastructure developments is understood and represented by planning professionals.

Our findings suggest that engagement in consultations is uneven, and shaped by a broader context of inequality, meaning that any gains achieved through participation are also unequally distributed. However, we also suggest that a narrow focus on public involvement strategies and outcomes provides only a limited perspective on what constrains the democratic potential of infrastructure developments, by obscuring factors such as the ownership and financing of infrastructure developments.

In this sense, a focus on democratic process would seem to preclude engagement with democratic outcomes. Hence, rather than trying to tackle uneven levels of engagement and the democratic limitations of consultation processes through institutional reform and the pursuit of 'more and better' engagement, our report concludes that alternative ownership models for large-scale infrastructure could better enhance the democratic role of stakeholders in infrastructure developments.

## 1.1 - Policy context

The role of citizens in planning policy has evolved considerably since the introduction of the Skeffington Report (1969), which established the principle of more extensive and meaningful public engagement in local planning issues. Recent decades have been marked by efforts to increase public participation more widely in shaping policy, decision making, and influencing local issues across a range of different issues. This is not only seen as valuable in terms of making 'better' decisions, drawing on local knowledge and people's lived experience, but also as a means of cutting costs, building the capacity of 'ordinary people', increasing employability and building social cohesion.

Participation is also understood as intrinsically valuable as a fundamental characteristic of a functioning democratic society. Most recently, the Conservative government has made a rhetorical commitment to ensuring local people have "more control over planning", and more generally to an increased emphasis on infrastructure development, manifested for example in the establishment of the new National Infrastructure Commission (2016).

Since the Planning Act (2008), with subsequent amendments made in the Localism Act (2011), NSIP developments go through a specific planning process involving mandatory pre-application consultation with local communities and stakeholders, whilst broader strategic policy, including preferences for types/technologies and locations of infrastructure is set out in National Policy Statements.

When it was introduced, the aim of this new policy framework for largescale infrastructure was ostensibly to speed up and 'streamline' planning decisions (Newman 2009), with one implication of this being that public opposition has historically been a key cause of delay, and that therefore there was a need to tighten the timescales for public engagement (Marshall & Cowell 2016). As well as being more time-limited, another consequence of the NSIP planning process was the rescaling of opportunities to put forward lay concerns, through the division of consultation into national level input into National Policy Statements by government departments, and local level activities feeding into specific NSIP projects by developers (Johnstone 2014).

As Cass et al. (2010) point out, decision making rights for local communities do not really exist, rather consultations tend to "emphasise information provision and placation" of local populations (Cotton & Devine-Wright 2008: 117). The perceived value is that engaging with local people "reduces conflict" and enables developers to engage with 'local knowledge' which provides insight into "how a place works and functions" (RTPI 2012: 4).

The fostering of positive relationships of trust between developers and local people which is assumed to result from effective consultation is seen to limit the likelihood of mobilised opposition and associated project delays, to improve developments and limit their negative impact on the local environment and population.

Consultation is also seen to engender a sense of (figurative) 'ownership' over infrastructure developments amongst local people, and to increase the likelihood of planning decisions being accepted (Higgs et al. 2008). Despite the apparent enthusiasm for public involvement in infrastructure planning, responses to public opinion have been quite variable.

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\* Nationally Significant Infrastructure Projects are developments above a certain size and scale, and include different types e.g. energy, transport, water and waste



# FULL REPORT

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It has been represented, viewed and appealed to in different ways and to different ends in planning: sometimes blamed for infrastructure delays, and at other times used to justify policy changes, and this ambivalence towards public opinion has been particularly noticeable in relation to energy infrastructure.

For example, public opposition to fracking (which does not go through the NSIP process) was both criticised and dismissed by David Cameron who suggested that “Britain must accept fracking for the good of the nation” (Foot 2013). However, opposition to onshore wind developments apparently led to the decision to return decision making powers from the NSIP process to local planning authorities (Smith 2015: 3).

Before this change was made, Eric Pickles overruled the recommendations of the Examining Authority to deny planning permission to a number of onshore wind developments, and subsequently Greg Clark (then Community Sec) suggested that these developments would require “the clear backing of the community” in order to go ahead.

## 1.2 - Understanding consultation and engagement

Critical accounts of citizen participation draw attention towards the importance of the broader context in shaping its potential to produce certain outcomes (e.g. see Miraftab 2004; Cooke 2003; Pearce 2008).

They also suggest that participation can function as a form of co-optation, through which citizens are enrolled in the work of the state (Byrne 2006). This reminds us that public involvement is not necessarily a ‘radical’ option, and that there are often limits placed on citizens’ ability to achieve change or shape decisions. It is striking that levels of engagement in planning processes tend to remain fairly low, as is the case with many other opportunities for public involvement. Research has suggested that public engagement opportunities tend to be dominated by the ‘usual suspects’ and by particular social groups:

“The typical participants in local decisions vary according to activity, but generally are more likely to be white, older, better educated, richer, middle-class males.” (Pathways through Participation 2009: 3)

We also know that people are often sceptical about the meaningfulness of opportunities to participate, feeling that “the ‘rules of the game’ are set from above” (Anastacio et al. 2000), and that opportunities are “tokenistic” (Pearce & Blakey 2006: 12). Additionally, there are those who prefer to avoid formal engagement, either because “they believe their best interests would be best served in less formal arenas”

(Skidmore et al. 2006: 16) or because they have developed ‘survival strategies’ which might include “the need... to avoid the gaze of the state” (Mathers et al. 2008: 595). These kinds of ideas have been explored very little in relation to NSIP projects, as existing research has focused on the perceived limitations of the NSIP process.

For example, Allmendinger & Haughton (2012: 90) highlighted the limited scope of what concerns are considered relevant or valid within the “carefully stage managed” (Allmendinger & Haughton 2012: 90) process, whilst others have criticised the privileging of expertise and “apparently ‘hard’ scientific information” in the process (Lee et al. 2015: 148).

Meanwhile, others have suggested that the focus of NSIP consultations is on “how not whether” a development goes ahead (Lee et al. 2012). A lack of room for dissent within the NSIP process is seen to mean that “opposition is pushed into less formal spaces” (Mount 2015: 6), to emerge in “new insurgent forms” (Gualini 2015: 3).

Whilst we agree that there are limits to NSIP consultations in terms of enabling dissent or allowing the public to shape planning decisions, we suggest that maintaining a focus on what is not achievable within the NSIP process means that there has been a lack of engagement with what is actually at stake within NSIP consultations, how they play out in different contexts, and which groups gain from their involvement.

There has also been a lack of critical engagement with the assumption that it is necessarily the inadequacy of these specific consultation processes which motivates people to oppose projects through more informal / insurgent means, which in turn has implications for the prescription of ‘more and better’ engagement to address the perceived democratic deficit within infrastructure planning.

Furthermore, as we will argue, the continuing focusing of analysis on democratic procedure and engagement activities has meant that issues of ownership and outcomes are largely overlooked and obscured.

## 1.3 - The private sector and civic capitalism

Over time, the private sector has been allowed to become ever more separate from state and civil society. This sense of separation is manifested in the private sector’s confidence that it should be solely responsible for setting the agenda and determining the means of achieving its defined objectives, and in its gradual slippage from democratic control and accountability for the generation of public, social value as well as private, market value (Davis and Brauholtz-Speight 2016).

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But, in the current climate, societies are not short of grand challenges, including the pressing need to develop systems of renewable energy infrastructure.

Arguably, the private sector has a crucial role to play in shouldering the burden of tackling identified problems by becoming far more interested and proactively engaged in directing both their innovations and investments to the long-term public good of societies as a whole (Davis 2011; Mazzucato 2013).

As the sociologist Zygmunt Bauman (2010: 25) quipped, “When elephants fight, pity the grass...”. In other words, faced as we are with the reality of a growing polarisation between the elite and the rest, and a collective tolerance of these ever-increasing inequalities, there has been a gradual separation of power and politics.

Despite the rhetorical commitment to public involvement and participation, the elimination of post-war social rights through marketization has run in parallel to the development of a new form of ‘post-democracy’ (Crouch 2004) whereby citizens have been increasingly disconnected from policy, especially in the sphere of the economy (Streeck 2014: 73-74).

There has also been reluctance for either state or market to work in partnership with the groups and communities which constitute civil society in order to develop more socially and environmentally responsible agendas for the betterment of society.

Significantly, the UK relies heavily on the private sector to design, fund and deliver its large-scale infrastructure. At the other end of the scale, there has been a growing interest in decentralised, small-scale energy infrastructure and the use of different modes of community ownership (e.g. Roelich & Hall 2016).

Although these alternative models have been explored less at larger scales, there are also examples of innovative, not-for-profit energy companies being developed by local authorities, including Robin Hood Energy in Nottingham and White Rose Energy in Leeds. Furthermore, largescale infrastructure projects such as the Tidal Lagoon Swansea Bay project have offered relatively low-cost ‘community shares’ to members of the public who might ordinarily be unlikely to be investors (Wright & Davis 2015).

We suggest that exploring ways of embracing new forms of fair, transparent and inclusive ownership alongside efforts to promote knowledge sharing and agenda-setting with the general public, creates the potential to develop a new form of “civic capitalism” (Hay and Payne 2015).

At the same time, the duty of private sector organisations to engage with and consult the public imposed through planning policy creates a challenging new role for the private sector whereby they must develop effective mechanisms of public dialogue, balance competing interests and provide accessible, impartial and accurate information about development proposals.

It must also build trust with local communities liable to view them with suspicion in terms of their willingness to balance their commercial concerns with the potentially negative social and environmental impacts of their development. It is precisely these processes and challenges that are addressed in this report.





# ABOUT THE RESEARCH

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## 2.1 - Funding

This report is based on findings from two linked research projects carried out as part of a postdoctoral fellowship funded by Tidal Lagoon Power through the University of Leeds Alumni & Campaign initiative.

The research projects were independently developed by academics at the Bauman Institute, School of Sociology & Social Policy, University of Leeds and were not commissioned by or for the benefit of the funding body.

The research was carried out in compliance with the University of Leeds good practice and ethics standards in research, about which more information can be found at:

[http://ris.leeds.ac.uk/info/73/policies\\_guidelines\\_and\\_other\\_information](http://ris.leeds.ac.uk/info/73/policies_guidelines_and_other_information)

## 2.2 - Fieldwork

The first phase of the research was carried out between 2013-2015 and the second phase from 2015-17. As well as carrying out review and analysis of relevant policy, official documents, media sources and academic literature relevant to the study, our fieldwork activities included:

### Phase 1: Case study of the Tidal Lagoon Swansea Bay consultation

- Stakeholder interviews
- Ethnographic research at consultation events and elsewhere
- Focus groups with local people
- Online survey of investors
- Local people interviews

### Phase 2: Policy review and planning professional interviews

- Interviews with planning professionals
- Review of key policies and academic literature

A number of other reports detailing our findings from Phase 1 were produced and are available at:

<http://baumaninstitute.leeds.ac.uk/research/sled/>

## 2.3 - Glossary of acronyms

The following abbreviations have been used to refer to participants and sources of data in the report:

### PP1, PP2, etc. -

Planning professionals interviewed in Phase 2: these included planning lawyers, professional consultants, people working for development companies, and those working in roles supporting local communities to engage in planning

### LSH1, LSH2, etc. -

Local Stakeholders interviewed in Phase 1: these included a number of stakeholders working in and around the Swansea Bay area (including Swansea, Neath, Port Talbot and Mumbles)



# KEY FINDINGS

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## 3.1 - Understanding the role of community consultation

Planning professionals emphasised that consultations were “... not a vote on whether the application should go ahead or not” (PP1). Instead, they were understood to provide opportunities for local people to exercise some degree of influence over a project, with input potentially leading to adjustments to the nature of the development and the construction process.

In some cases this included influencing subsequent conversations about planning gain and community benefits. Consultations were also seen as a way of drawing on local knowledge to improve developments. As such, local people were understood as repositories of particular forms of local knowledge which could help to improve a development.

These were seen as distinct from their more ‘subjective’ opinions about or attitudes towards development proposals. One participant suggested that the consultation process involved “... managing [local people’s] expectations about what they can influence and what they can’t” (PP4), in this sense involving enhancing public understanding of the limits of engagement.

Consultations were also seen as key to “... getting people on board with a project conceptually” (PP3), and helping to prevent the mobilisation of opposition. They are widely understood to support the smoother running of the planning process, and to limit the likelihood of delays to projects or the emergence of concerns later on in the process. However, interestingly, it was suggested by one participant that these outcomes of consultation were not guaranteed, particularly in relation to particularly unpopular technologies (the most frequently mentioned being energy from waste), or those perceived as particularly risky. In such cases the question was raised of “... if everyone’s starting point is quite defensive and anti, how do you turn that around?” (PP3).

Several participants also suggested that consultations reflected people’s ‘right to know’ about local development projects and to be provided with accurate information about the details and potential impact of a development. This idea seems to appeal to the language of rights and – by implication – citizenship. Some of the planning professionals emphasised that consultations are a statutory requirement in the development consent process, and therefore functioned to enable developments to progress through to the next stage.

In the TLSB case study (Phase 1), it was clear that local people were often unsure about the purpose of the consultation, and what might be at stake in the process. Some were initially sceptical as to what extent there was any

real intention to adapt or refine the development proposals in the light of local concerns, or whether this was a key aim of the consultation. When we explored this further, their scepticism seemed to have been shaped by previous experiences or knowledge of a range of different consultative/participatory activities, and fundamentally linked to broader issues of trust in both governing institutions and private sector business. That is it was rarely, if ever, specific to NSIP consultations. The planning professionals interviewed agreed that members of the public tended to be unfamiliar with planning in general, and the NSIP process in particular, meaning that there was a great deal of work to do to support understanding and engagement:

“You might get a lot of parties who don’t know anything about the Planning Act, which means you have to spend a lot of time to educate them. Which is absolutely fine, we’re more than happy to take the time to explain the process to people, but quite often, quite a lot of times we have to say things like “Thank you for your email, but you can’t send it in now, because you have to do it like this....” And that can take time” (PP2). To a large extent, participants agreed that the public tended to lack understanding and awareness of planning processes, primarily because planning is “... just something you’re not exposed to” (PP3).

## 3.2 - What is at stake?

The planning professionals we spoke to focused on the ways that consultations could lead to proposals being adapted in ways which would lessen the negative impact of the construction process and the development itself on local people.

For example, it was suggested that it was quite common for local communities to raise concerns about planned construction hours, and several participants drew reference to examples of bans on weekend construction being achieved as a result of consultation with local people.

For one participant, such an achievement was understood as significant because it “... might mean that the project is bearable” (PP2), although other participants seemed to feel that such gains were relatively modest. One planning professional pointed out that there tended to be clear limitations on what developers were prepared to concede, as “... [t]hey don’t have to promote the best possible project, they only have to promote one that’s good enough to get consent” (PP5).

Several participants also suggested that local communities could utilise the consultation process to indirectly influence community benefits and/or planning gain, even though this was not an overt function of consultations:

## KEY FINDINGS

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“...depending on what options they select, that will influence what the planning gain is. Whether it’s additional highway works, or providing restoration schemes or whatever. So there’s no reason communities can’t say “We would like this out of it” or “We would like that out of it”. I mean, it has to be proportionate and reasonable, and it has to relate to the development directly, but there will be an indirect impact in terms of what is being proposed and what the gains to a particular community will be. And particularly when you’re consulting on options, you as a community are going to be talking about what the adverse impacts are, and the developer will be required to mitigate those, which again may result in planning gain for the community” (PP5).

In this sense, consultations would seem to have potential to inform and influence the nature of benefits packages and mitigation activities.

### 3.3 - Understanding patterns of engagement

As is the case with many other participatory opportunities, participants in both phases of the research suggested that planning consultations tended to attract the ‘usual suspects’, meaning those who are more generally engaged across different participatory contexts (e.g. activities like volunteering, or representation on decision making bodies).

In the TLSB consultation, local stakeholders reported seeing at events many of the ‘familiar faces’ active in other contexts, such as in local environmental groups. Several of the planning professionals interviewed in phase two of the research suggested that particular groups were perhaps more likely to engage with consultations, namely those with available time – particularly retired people – and those with higher levels of formal education.

However, there were also mentions of exceptions to these general rules, and two participants were keen to emphasise that consultations could involve a diverse group of participants, and that it was not necessarily possible to “... put a crude sort of marker on who is likely to get involved and who isn’t” (PP2).

In our ethnographic research (Phase 1) we noted that there tended to be higher numbers of older people, and more men than women, attending the TLSB consultation events. The study of the TLSB consultation suggested that those attending consultation events primarily tended to be motivated by an interest in environmental or engineering, or, more commonly, by concern about what the potential impact of the tidal lagoon development might be on the local area. Some of those who did not engage with the consultation suggested this was due to ambivalence about the project:

“I can see the area, as I say, and I think “Well it’s not going to impact substantially on my view, or be an issue”, therefore I’m happy on that basis, rather than I’m actively for it, I’m passively not against it, if that makes sense...It’s not a civil engineering project I have a strong opinion about” (LSH3).

Other non-participants we spoke to in our ethnographic fieldwork had not heard about the consultation and/or had little particular interest in the development or its impact, whilst others felt that they had “... better ways to spend their evenings” (LSH4).

In interviews, planning professionals suggested that sometimes people avoided engaging in consultations because they preferred not to confront the reality of a proposed project, and were “... just putting their heads in the sand” (PP5). One suggested that people who opposed a particular development were sometimes unwilling to engage in consultation processes because to do so was perceived to represent some sort of implicit validation of the proposed development:

“I think there’s...a public perception that if you say, “Well if this project goes ahead, I’d rather you did x, y and z” then people feel that somehow waters down their opposition in principle to the project. And they are reluctant to say things like that until it’s almost certainly going to go ahead, and it’s often too late to change it much by then” (PP1).

Several participants suggested that either/both positivity and ambivalence towards a project might be less likely to motivate someone to engage with a project than would opposition. Reference was also made to ‘hard-to-reach’ groups, and the need for developers to be proactive in involving these groups in consultation activities.

### 3.4 - Understanding capacity to engage

Certain kinds of skills, knowledge and other resources would seem to be beneficial in supporting meaningful engagement, and these resources tend to be unequally distributed between different groups. Overall, the planning professionals we interviewed felt that the public lacked understanding of factors such as future energy needs, or the relative benefits of different forms of energy generation.

Energy policy was described by one participant as “opaque” and it was suggested that improving public understanding would lead to a “... higher quality debate” (PP3). The availability of time was seen as an important resource for public involvement: “...obviously our hearings are usually during the week ... So we have quite a few people who are retired or semi-retired, and therefore have the capacity to get involved. But those who

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either have a genuine interest in the projects or who are real objectors...they have no choice but to get engaged, because if they don't they can't do anything. So they have to find the time. And we have had many cases where interested parties have had a day job, and then worked through the night to provide their submissions" (PP3).

The issue of 'biographical availability' clearly has important implications for which groups are likely to be excluded from participating fully in the consultation. In our ethnographic research of the TLSB consultation (Phase 1), we noted that sometimes people seemed unsure of how to engage with the information provided to them, for example one woman told us "I'm not sure what to ask".

However, we also noted that many attendees of the TLSB consultation events were very well-informed about a range of different issues, and as a result were able to ask searching and pertinent questions of the company representatives.

Participants in Phase 2 suggested there could be quite significant differences between different projects in terms of the level of support provided to facilitate the meaningful engagement of local people in the consultation process:

"You have applicants who try to facilitate people getting involved, those people who go the extra mile to ensure that OK, everyone knows about the development. Now we're going to go a step further and... try to give them the tools to get involved" (PP2).

Questions were raised in both phases of the research about whose role it should be to develop public understanding of energy policy and/or the planning process.

One planning professional noted that promoters are often required to outline the government's priorities for different energy technologies and questioned whether this was necessarily appropriate.

Reference was frequently drawn by research participants to the volume and complexity of information provided in consultations, particular in terms of environmental statements. However, this was understood to be somewhat unavoidable:

"... you can empathise with the promoters, because they... if they decided to slim it down, then it might be accused of being too short. You know, having bits missing, so...it's safer for them to put more in than to take it out" (PP1).

Furthermore, one planning professional suggested that it is not necessarily important for consultation participants to fully engage with the technical details of a project in order for their engagement to be meaningful, and it was more generally

agreed there was considerable diversity in terms of how much detailed information participants wanted to have, and to what extent they were interested in technical aspects of a project.

Participants tended to agree that the process inevitably favoured those with greater knowledge or understanding of bureaucratic procedures, legal language, and/or technical knowledge.

It was therefore suggested that "... it's very difficult for lay people to make effective representations" (PP1) in consultation processes, and that advocacy and support was important in facilitating meaningful engagement.

One planning professional who worked with low-income communities pointed out that there was help available to support the involvement of certain groups and that "... the government has recognised that particularly deprived areas do need more support" (PP5).

As well as knowledge facilitating meaningful engagement, the ability to pay for legal representation was seen as a distinct advantage in terms of protecting interests, however it was also suggested that it was larger organisations such as local universities or power companies who were more likely to do so.

It was explained by one planning professional that less affluent individuals and/or organisations were sometimes only able to pay for representation through part of the process, lacking the funds to be able to pay for representatives to attend all relevant hearings or engage with all relevant evidence.

Furthermore, collective assets including the organisational capacity of a particular neighbourhood would seem to be an important facilitator of engagement.

Formal bodies such as parish councils, third sector organisations and existing cultures / practices of engagement providing vital infrastructure through which collective engagement can be achieved, and collective responses were seen to have more weight within the process than aggregated individual responses.

### 3.5 - Perceptions of public opinion

Variations in opinions and attitudes amongst different sections of the public were understood as inevitable and ultimately difficult (or impossible) to resolve:

"Some people can't stand the idea of a development and they just don't want it there. Some people do, whether it's because, for economic reasons – particularly power stations and stuff, they're large-scale employers – but then other people might just be retiring in that area, so the economic



# KEY FINDINGS

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reasons might not be so high up their agenda. They might actually want tranquillity and peace and quiet” (PP5). It was therefore suggested that potentially, whatever refinements were made, certain groups were always going to remain opposed or dissatisfied.

Overall, public attitudes were viewed as “very subjective” (PP2), and hence not equivalent to, or appropriate to consider alongside, the forms of ‘hard evidence’ favoured by the NSIP process.

“I think communities should have a say, but it needs to be balanced. When you’re engaging with communities, you know, they know the area better than anyone...But at the same time you have to balance that up with the need to deliver the infrastructure...I wouldn’t say communities should have the absolute final say on everything, but there needs to be a requirement for communities to be engaged and for impact to be mitigated as much as possible” (PP5). It was suggested that opposition or negative responses were perhaps inevitable:

“...a lot of our projects aren’t desirable, and they tend to have big construction impacts, albeit temporarily. So I’m not sure anyone would choose to live next door to some of the things that get built” (PP2).

However, it was also suggested that over time people tended to become accustomed to, for example, the visual impact of a development, or even to change their minds about it.

## 3.6 - Opposition

Although achieving local acceptance of a project is not a fundamental feature of NSIP consultations, there was a sense that local opposition to a project could be problematic. Overall, planning professionals tended to agree that “... lots of people turning up to a hearing and saying

‘We don’t want this project’ is unlikely to kill an NSIP off” (PP2), and that an objection to the principle of a development – for example if objections are based on the idea of not wanting any nuclear power stations built – would be ineffective because at the point at which consultations take place “... that argument has [already] been lost” (PP5).

However, opposition was frequently linked by participants to delays which could potentially help to derail a project. During the TLSB case study, several local stakeholders felt that the developers would experience more difficulties if resolute opponents emerged. For the majority of participants, opposition to projects was seen to be most effective “... if it follows the process” as “... if you just sort of generally campaign outside there’s no obligation to listen” (PP1).

As such, “... lobbying groups who choose not to engage at all with the developer... can appear to be perhaps disconnected from the reality of what is on offer, and therefore perhaps miss opportunities” (PP4).

However, protest outside of formal processes was also sometimes seen as an effective way of drawing attention to a particular issue, which, if important, could then “... become something that’s relevant to decision-making on a project” (PP3).

Questions were raised by participants about the representativeness of those opposing development projects outside of the formal process, which is interesting when considered alongside the above discussion of the groups most likely to engage in consultations.

What seems clear is that the participants in this research, as is the view more widely, perceived engagement in formal processes to be preferable to engagement via other routes.

## 3.7 - Reflections on NSIP consultation process and good practice

The planning professionals interviewed suggested that the NSIP consultation process was simpler than previous iterations of planning policy for the public to negotiate. In particular, it was felt that there were advantages to having brought consultation further ‘upstream’, or making the process more ‘front-loaded’.

Two participants suggested that it might be beneficial to move public engagement even earlier in the process, to be incorporated in the policy or strategy development stage. However, this was also seen as potentially difficult due to the fact that the public was perceived to largely prefer “... to comment on something tangible, you know...an actual development” (PP1).

In contrast to a tangible and specific development, policy was seen as “... quite difficult for people to get their head around” (PP5). One participant also suggested that the fact that the NSIP process was (almost) a “one-stop shop”, means that it is more user-friendly to objectors as well as promoters:

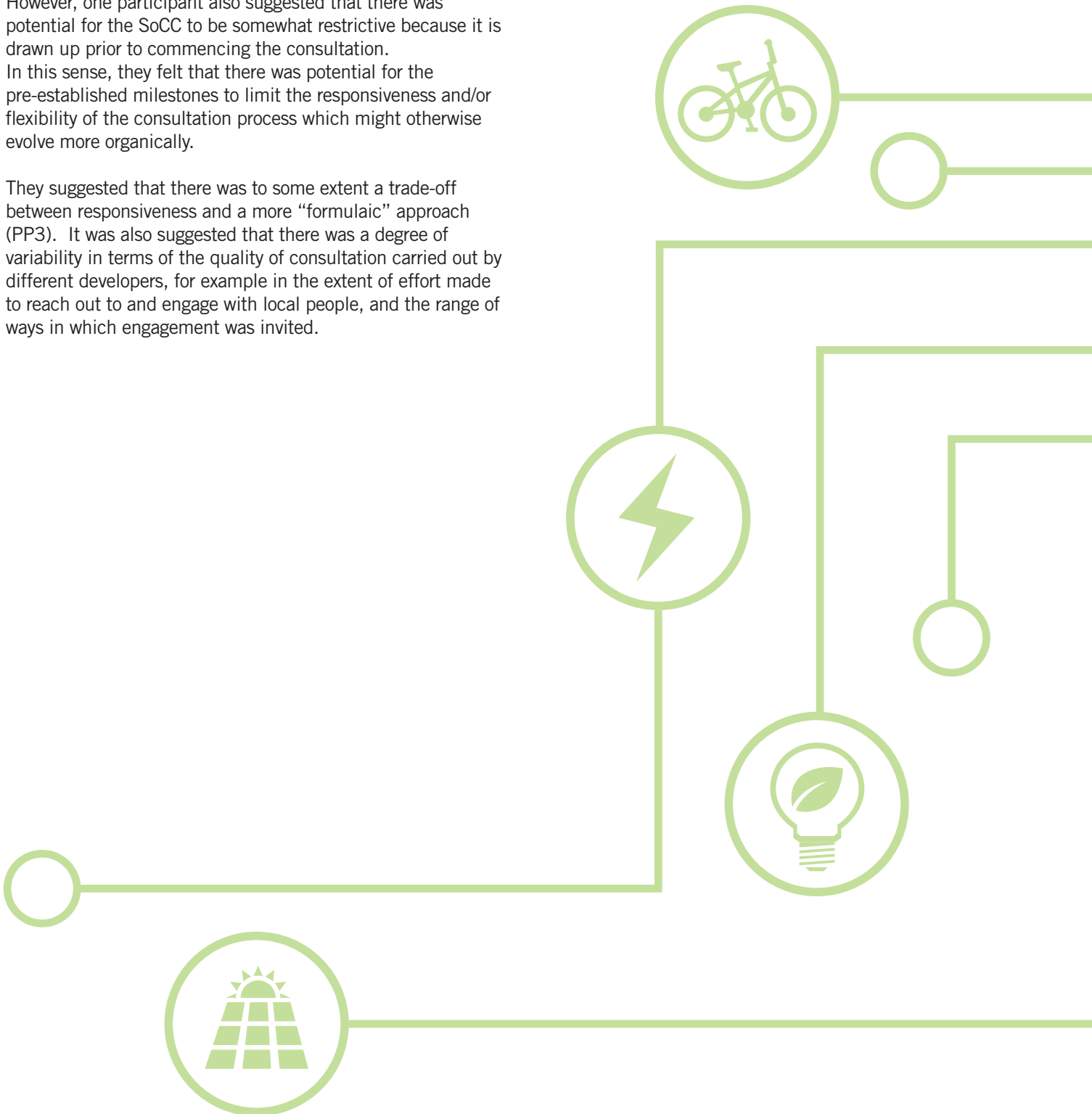
“... if you are a local person and you have to object to the consent applied to the Environment Agency over here, and the local council over here, and the government over there on three different things, then it’s quite difficult to keep track of there, whereas if you have it all in one place, that is actually easier for objectors as well as promoters” (PP1).

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It was seen as advantageous for all parties that developers were required to draw up a clear consultation strategy in their Statement of Community Consultation (SoCC), and to demonstrate that reasonable efforts to engage with local people had been made.

However, one participant also suggested that there was potential for the SoCC to be somewhat restrictive because it is drawn up prior to commencing the consultation. In this sense, they felt that there was potential for the pre-established milestones to limit the responsiveness and/or flexibility of the consultation process which might otherwise evolve more organically.

They suggested that there was to some extent a trade-off between responsiveness and a more “formulaic” approach (PP3). It was also suggested that there was a degree of variability in terms of the quality of consultation carried out by different developers, for example in the extent of effort made to reach out to and engage with local people, and the range of ways in which engagement was invited.





## SUMMARY & ANALYSIS

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### **Our findings demonstrate that consultation is largely not conceived or perceived as a democratic activity.**

Furthermore, although planning professionals are quite clear about their purpose, the public tends to lack understanding of what consultations are for and what kinds of influence they might have. The public is also often sceptical about the meaningfulness of consultation activities, which are seen as tokenistic, whilst planning rules and procedures are not widely understood or disseminated beyond the context of individual projects, and recent changes to planning legislation potentially create further confusion.

A lack of familiarity creates a need for planning processes to be explained to participants, which can be time-consuming. The scepticism about planning processes reflects a more generalised disillusionment with the responsiveness of institutions, and a pervasive sense that the public interest (civil society) is viewed as secondary to economic (market) and political (state) goals.

### **4.1 - Different patterns of engagement**

Although they do not provide decision making rights to participants, NSIP consultations are seen to offer opportunities for local gain and the mitigation of negative social impact.

There are, despite acknowledged limitations, certain advantages to the NSIP process. It is more user-friendly, and it ensures that a decent consultation is carried out, which is not the case for other planning processes. It also provides an imperative for developers to plan out and deliver an adequate consultation, and potentially does work as way of engaging with local concerns to some extent.

However, different patterns of engagement raise important questions about the representativeness of participants in NSIP consultations, and consequently about how positive/negative outcomes of infrastructure developments are distributed amongst and within different groups.

However, motivations and explanations for non-participation in consultation processes are complex and diverse, and can indicate a range of different attitudes towards development proposals from positivity to ambivalence and opposition. The range of ways in which inclination to engage in consultations is shaped suggests that there is no simple, 'one size fits all' solution to low levels of engagement. Indeed, it may be that certain groups or individuals may continue to avoid formalised participatory opportunities, preferring alternative modes of engagement and democratic activity.

We have much less understanding of non-participation than of participation, and there is a tendency to make assumptions about why certain people do not engage. The idea of certain groups being 'hard to reach' usually involves a range of demographic; cultural; behavioural; attitudinal; and structural factors which make up their "hard to reachness" (Brackertz 2007).

The concept of hard-to-reach groups has been criticised for perpetuating the idea that "it is people (individuals or communities) who are 'hard' to reach in the face of services that have been 'reaching out' to them" (Mackenzie et al. 2012: 516), or in other words that certain people are perhaps "uncooperative" or "fatalistic" (Freimuth & Mettger 1990: 234). Furthermore, the tendency for legitimate modes of participation to be defined 'from above' problematises the whole notion of non-participation (Mathers et al. 2008), and potentially obscures the range of ways in which people might act to control or shape the outcomes of a particular development project, particularly those which are informal or ad hoc.

Arguments that the limitations of the NSIP process in particular discourage engagement and provoke insurgent forms of opposition were not borne out in this research. Rather, disengagement more broadly reflects culture of distrust. There is little evidence to suggest that there is a significant latent demand for more or better engagement.

### **4.2 - Skills and resources**

The complex, technical and bureaucratic process of infrastructure planning would seem to privilege those who are more familiar with such activities and demands, as well as those able to pay for legal representation. Although support is provided for certain (disadvantaged) groups and neighbourhoods, it seems fair to suggest that there is differentiation and relative disadvantage within the process, despite evidence that there are "[p]ositive, localised examples of overcoming barriers" (Brownill & Carpenter 2007: 630).

These findings support other recent research which suggests that in neighbourhood planning the presence of "skilled, knowledgeable individuals" can be vital contributions to successful planning activities (Brookfield 2016: 14), and that previous experiences of planning processes are also helpful (Lee et al. 2012).

People who are extensively involved in participatory opportunities often develop high levels of relevant skills and knowledge over time, although perhaps, as Fung (2006: 680) suggests, "[i]t is unrealistic to expect that a large portion of citizens will invest so deeply".

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Collective resources and capacity, and the existence of particular cultures and institutions of participation are also seen as assets in the consultation process. Again, this raises questions about which kinds of neighbourhoods are most able to capitalise on their engagement. Critiques of participatory and deliberative approaches frequently draw attention to the importance of understanding “the wider unequal and unjust social and economic contexts in which any deliberative process takes place” (Barry & Ellis 2010: 32), and how wider relations of power can be replicated within participatory spaces.

Some of these issues are arguably outside of the scope of consultation processes, however clearly it is possible to identify aspects of good practice in community consultation which would help to address some of these issues. For example, addressing the timing of planning-related activities to enable more people to attend is a fairly straightforward but potentially very important way of creating a more inclusive process and for improving the representativeness of participants. But also the importance of supporting the public in understanding and engaging meaningfully with sometimes complex information is underlined.

### 4.3 - Understanding public attitudes and opposition

Participants’ views on the emergence of opposition outside of formal consultation processes reflects a more general urge to try to ‘contain’ democratic activity within (often narrow) formal participatory processes, and to understand the emergence of activities outside these formal mechanisms as undemocratic and/or to indicate a need for institutional reform.

As Blaug (2000: 148) suggests, issues with democratic engagement are often seen as a “problem of design” and that “[t]o be effective, to be politically relevant, deliberative input must be channelled, limited, managed”. This idea is also found in research/ which has prescribed the solution of ‘more and better’ public engagement, achieved through the creation of new institutions and mechanisms, and involving deliberative dialogue on strategic aspects of infrastructure planning (Mount 2015). However, as one participant suggested, ‘insurgent’ forms of

opposition have the potential to draw attention towards important issues, whilst informal and insurgent modes of opposition are also important in helping to reshape the terms and scope of public engagement and in challenging “the way in which the rules of the game are being determined and defined” (Barnes et al. 2007: 50).

Some degree of public opposition was viewed as inevitable, because of the disruption that developments – particularly during construction – imposed on local people. Furthermore, the competing interests and preferences of different sections of the public were perceived as irreconcilable. Public opinion and attitudes were seen as merely subjective: in other words, “beyond the scope of reason [and] not susceptible to evidence or argument” (Sayer 2011: 3).

At the same time, public attitudes were understood as to some extent dynamic and subject to change over time, as well as able to be shaped via the consultation process. These somewhat contradictory understandings are difficult to resolve, on the one hand representing public opinion as to some extent fixed and on the other viewing it as something which can be shaped.

### 4.4 - Towards more democracy in our infrastructure

A key theme of our argument here is that there are limitations to the NSIP consultation process, and that many of these reflect wider issues and concerns about accountability, transparency and social inequality. Our research clearly indicates a need to address key barriers to meaningful consultation including the timing of consultation-related events, public meetings and other activities to ensure that they are as inclusive as possible.

It also suggests that it would be beneficial to develop a wider, national conversation about our future energy needs, potential solutions and the impact of different technologies, and perhaps to look at ways of informing and educating the public about these issues. However, at the same time our findings suggest that there is not necessarily a significant latent demand for ‘more and better’ engagement, and that potentially it would be useful to explore other ways of enhancing the democracy of our infrastructure.

As we have argued here, however effective the techniques for involving the public in planning decisions, the UK’s reliance on the private sector to deliver largescale energy developments clearly limits the extent to which public opinion could feasibly shape our future infrastructure. Similarly, there is a raft of different policies and pieces of legislation – for example which establish tax incentives for different energy technologies – which mean that the government also plays a key role in determining which projects get built, whilst of course government also retains the power to overrule the recommendations of the Planning Inspectorate. Hence a range of factors influence planning decisions, and not all of these are necessarily particularly transparent.

## CONCLUSION

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### **This report has highlighted some of the difficulties inherent in facilitating public engagement in NSIP consultations, and how the process tends to privilege certain groups over others.**

Along with the limited scope of public influence allowed within the consultation process, this imposes limits on the democratic potential of infrastructure developments. As already suggested, the tendency to focus upon mechanisms for public engagement typically obscures the role of other factors in constraining the democracy of infrastructure.

No matter how effective the mechanism for feeding in the views and ideas of the public, we found that these factors will significantly limit the extent to which that input is realistically able to shape or influence future infrastructure developments. It is for all of these reasons that we suggest the focus should shift from engagement strategies that simply facilitate public involvement in decision-making processes to consider instead how the distribution of outcomes and benefits might further enhance the public – rather than only the market – value of infrastructure.

We propose that democracy in relation to infrastructure cannot only mean who gets to decide what gets built, when, where and how, but must always also include the capacity to shape decisions in relation to who benefits and profits from infrastructure development – across the triple-bottom line of social, environmental and financial benefits.

To this end, rather than a narrow understanding of civic engagement, we suggest that alternative ownership models for large-scale infrastructure have the potential to enhance far better the democratic role of stakeholders in infrastructure developments and thus radically increase the public value of such developments.

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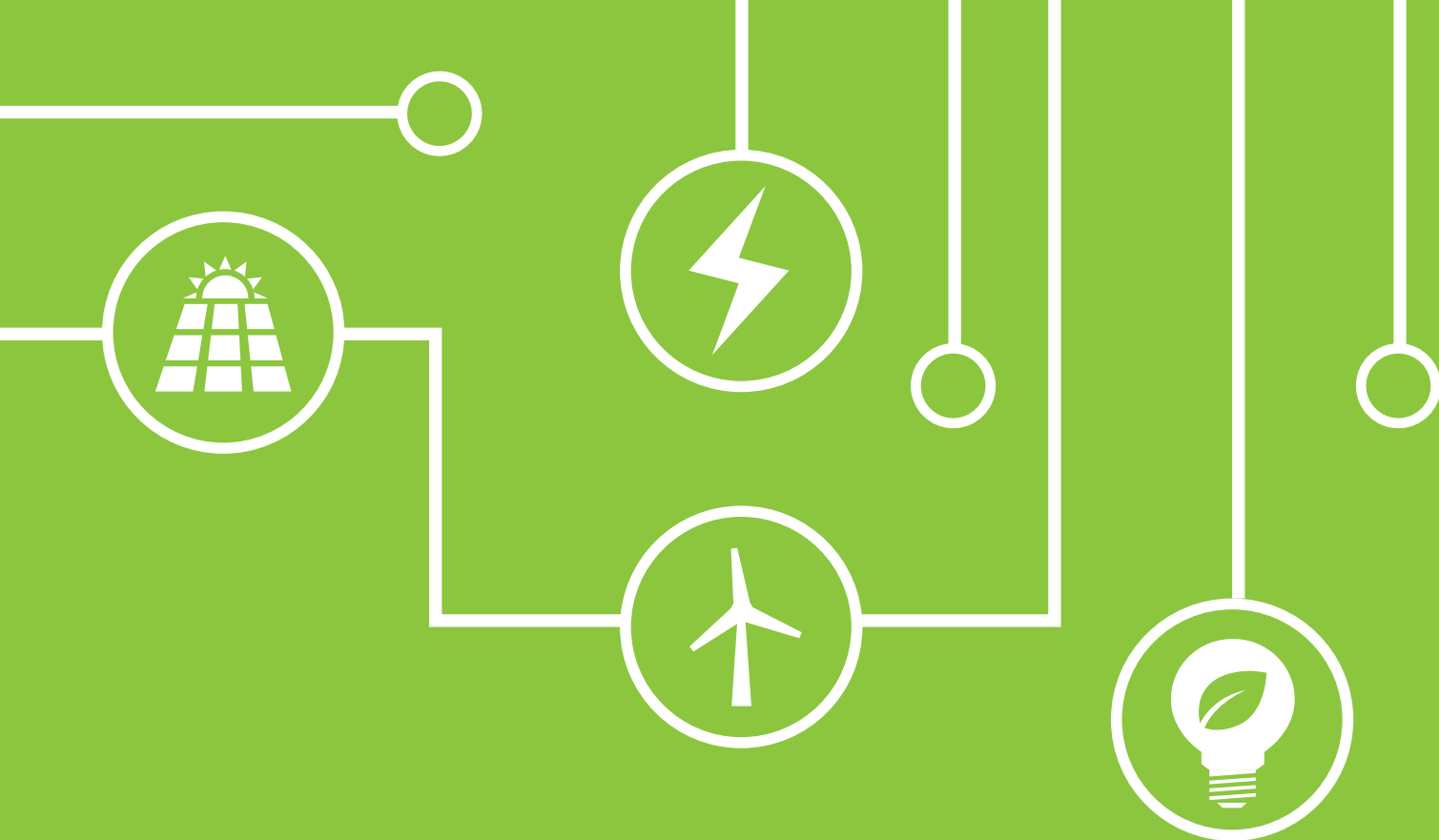
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## Further information

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