



Navigating the participatory processes of renewable energy infrastructure regulation: A ‘local participant perspective’ on the NSIPs regime in England and Wales

L. Natarajan*, Y. Rydin, S.J. Lock, M. Lee

University College London (UCL), Gower Street, London WC1E 6BT, United Kingdom

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ABSTRACT

This paper presents the results of research into local people's involvement in energy infrastructure planning, in the context of the regulatory processes for ‘Nationally Significant Infrastructure Projects’ (NSIPs) and focusing specifically on major renewable energy infrastructure (REI) in England and Wales. It builds on recent work around public views of REI, by looking at the new opportunities for public involvement established through the participation mechanisms of the NSIPs regime. A survey explored opportunities for influence, perceptions of influence and confidence in the results of decisions; local people's responses signaled areas of concern. Reflections on these perspectives in light of interview data from community facilitators and the survey responses of other actors suggest that the new duties within the processes shape the participatory experiences. Conclusions consider the implications for practice.

1. Introduction

Local people's views of renewable energy infrastructure (REI) planning are, broadly speaking, characterized as skeptical in the literature, and commonly presented as a socio-institutional barrier to realizing renewable energy (Eltham et al., 2008; Wolsink, 2000). Some public concerns about energy infrastructure planning processes center on not being able to influence decisions on whether consent should be granted, and others have been associated with a variety of procedural aspects. Investigations into renewable energy infrastructure planning often focus on the use of decide-announce-defend style processes and how local opinions are not heard (Breukers and Wolsink, 2007; Devine-Wright, 2005; Haggett, 2008; Wolsink, 2007a, 2000). In the UK, a new system of regulating major renewable energy infrastructure (REI), involving significant changes to the opportunities for public participation in decision-making on such development, was introduced by the Planning Act 2008. As described in more detail in the following section, this new system for consenting ‘Nationally Significant Infrastructure Projects’ (NSIPs) provides certain opportunities to members of the public to engage directly in the formal regulatory stages of planning examination, and passes responsibility for mandatory pre-application consultation processes to the developer applying for development consent. This paper builds on the literature on public participation in REI decision-making, with an investigation of the experiences of these new

means of participating in the consenting processes for major energy infrastructure projects in England and Wales.

This paper examines the participatory processes for NSIPs consenting in 12 cases of REI, with a focus on the experiences of the public via an online survey conducted in early 2017 and a series of interviews with public engagement facilitators working for developers. The survey provides key data for reporting on the views of the public (local residents, local businesses and local groups), as well as other actors (Local Authorities, NGOs and Statutory Bodies), in light of their involvement. The interview data covers the approaches to enabling public participation adopted by those responsible for pre-application consultation on NSIPs. This paper first outlines the statutory processes for NSIPs, considering the new shape of public participation it offers. It then presents recent research into public views of planning and regulation of REI. The subsequent methods section describes the approach to the survey and interviews. The analysis is then presented, and finally, conclusions consider the theoretical and practical implications of the findings.

2. Participating in the new NSIPs processes

The Planning Act 2008 (TSO, 2008) introduced new regulatory processes for consenting what it calls ‘Nationally Significant Infrastructure Projects’ (NSIPs) in England and Wales. The NSIPs regime was brought about as a result of the Labour administration's political

* Corresponding author.

E-mail addresses: lucy.natarajan@ucl.ac.uk (L. Natarajan), y.rydin@ucl.ac.uk (Y. Rydin), simon.lock@ucl.ac.uk (S.J. Lock), maria.lee@ucl.ac.uk (M. Lee).

aspiration for a *national* framing of infrastructure development (Marshall, 2012). The changes were supported *inter alia* by arguments for the urgency of transitioning to a ‘sustainable economy’ (Jackson, 2009), although it is doubtful whether the new system has produced quicker decision-making and infrastructure development (Marshall and Cowell, 2016). The new regime included new processes for regulating major REI, defined by thresholds for generating capacities¹ and provided for the issuing of a series of National Policy Statements, including on Energy (DECC, 2011a) and on REI (DECC, 2011b).

Decisions on whether to grant consent to NSIPs are made by the relevant Secretary of State, who is advised by an Examining Authority (ExA) appointed by the Planning Inspectorate. The ExA conducts an examination, lasting up to six months, and produces a report with a recommendation and detailed reasoning. The key responsibilities for local authorities in the regulatory processes of NSIPs in their area are: advising developers on their pre-application consultation strategy; producing a Local Impact Report for the examination; and working in ongoing governance arrangements especially for construction. Statutory Bodies, such as Natural Resources Wales or the Environment Agency, are required to give advice to the ExA on matters within their remit.

Before its application for a development consent order can be accepted for examination, the intending applicant must prepare a draft Development Consent Order (DCO) and conduct consultations with statutory and non-statutory bodies, and with local people. There is a requirement for the applicant to consult with the Local Authority(ies) in the development of the strategy for these pre-application consultations and submit a report on consultation to the Planning Inspectorate as part of its application. Otherwise the format of the pre-application consultation is not specified.

Once an NSIP examination begins, local people who have registered as ‘interested parties’, whether residents, interest groups or businesses, can make representations. The Planning Act of 2008 grants an interested party (IP) rights to submit ‘relevant representations’ before a deadline, which is given in the application acceptance notice. The processes for the public to engage at the examination stage primarily involve the exchange of written material and the use of the Planning Inspectorate’s website. Section 102 of the Act clarifies that IPs have “the right to be invited to a preliminary meeting; the right to require, and be heard at, an open-floor hearing; the right to be heard at an issue-specific hearing, if one is held; the right to be notified of when the Examining Authority has completed its examination; and the right to be notified of the reasons for the decision.” Thus, in addition to written submissions to the examination, local people can make oral representations at hearings (open floor, issue specific or related to compulsory acquisitions), and further they may be permitted to accompany the ExA during site visits. The conduct of the examination is essentially at the discretion of the ExA; however, there is a general presumption against cross-examination at hearings and against speaking to the ExA during site visits.

So, the Planning Act 2008 offers a new shape for public participation in the regulation of major REI, with very clear opportunities for members of the public. The relationships between local people and local authorities are very different from under more familiar local planning processes. The Planning Act provides new routes through which the public might participate, including giving written and oral evidence in the examination, as well as taking part in pre-application consultation work by the developer. Local authorities are consulted on the format of those consultations. The Examining Authority will assess the application, and must consider written and oral contributions from

¹ The threshold for energy generating stations was set at 50 Mw onshore and 100 Mw offshore. The Energy Act 2016 (TSO, 2016) in effect devolves consenting power for onshore wind energy generating stations to Local Planning Authorities in England and the Welsh Assembly Government in Wales. Although all onshore wind farms were returned to local planning control in 2016.

multiple interested parties and advice from statutory bodies and LAs. Thus people can contribute directly to consideration of proposed development in their local area, including likely impacts and any mitigation of these.

3. Views on participation in REI

This study draws on a wealth of earlier research into public views on renewable energy infrastructure (REI) decision-making, including significant work around views on the outcomes of decision as well as the processes leading up to decisions. This section briefly outlines the development of debates around views towards REI planning, and highlights the importance of institutional contexts and views of participation within that work.

The importance of participation to decision-making capacity has been well established (Aitken et al., 2008; Breukers and Wolsink, 2007). Previous studies have established that the acceptance of REI cannot be taken for granted (Barry et al., 2008); opposition is seen by some as problematic for achieving decarbonization of energy production systems (Ellis et al., 2009). However, public views are known to be complex (Cass and Walker, 2009). Bell and colleagues’ work on the ‘social gap’ (Bell et al., 2013, 2005), between high UK wide support for wind farms and opposition in local areas, highlights the need to understand attitudes in detail because, for instance, support may be ‘qualified’.

A relationship has been suggested between positive experiences of consenting processes and subsequent more positive views of the development, adding to the importance of a deeper understanding of local peoples’ views. For instance, communities have been shown to be more likely to accept development for wind energy generation where processes are perceived to be fair (Firestone et al., 2012b; Kempton et al., 2005). The same is said of other infrastructure, e.g. waste facilities (Gallagher et al., 2008). In addition, the openness of processes may influence views on REI development. In particular, this includes dialogue over the price of energy, environmental impacts and being part of a ‘wider project’ (Firestone et al., 2012a), has been shown to positively affect acceptance of development. As Aitken notes, engagement will even link to post-consent relationships (Aitken, 2010a).

Several studies in the Netherlands have demonstrated the value of understanding the effect of the consenting regime on ‘stakeholder perspectives’. In one study, the national environmental organization for the Waddensea region took a more conservative stance than its collective membership, in an attempt to hold on to “precious bargaining power in the decision-making process” (Wolsink, 2000, p. 62). In another, local authorities were shown to make assumptions about local views on development (taking them to be either NIMBY or ‘generally positive’ towards REI) and, by bringing those perspectives into the decision-making, they closed out opportunities for debate over critical issues (Wolsink, 2007b). Of particular note in the latter example (Wolsink, 2007b) is how the site was implicated for REI development by zoning ordinances, which bounded what topics might be consulted on.

Further work unpacks the perspective of the community on those actors who are in control of consenting processes. Walker et al.’s study of community renewable energy projects have shown how trust in ‘groups that take projects forward’ influences views on processes (Walker et al., 2010). This is further substantiated by focus groups on energy system innovation in the UK (Ricci et al., 2010), which demonstrated how communications with the public should be underpinned by trust. That work shows how public views of the value of any information provided within participatory processes depends on their opinions about the source of the expertise. That trust is critical is perhaps unsurprising, but this is a key point in the context of REI as it confirms that it enables ‘bridging’ relationships between local people and authorities (Mandarano, 2015).

The studies discussed thus far support the notion that it is important

to understand public views in relation to the procedural context. They present views of local communities as important to delivering on REI goals, and there are two particular concerns about participation related to that. Firstly, negative views on procedures are said to undermine public confidence in the decision-making system. For instance, in the Scottish context the voluntary nature of community benefits arising from REI and lack of guidance on them can reduce trust in the system (Aitken, 2010b). The same can be said as regards fishing communities in the UK, where the lack or insufficiency of mitigation options undermines perceptions of fairness (de Groot et al., 2014). Secondly, perceptions of procedural unfairness have been shown to have effects on levels of active citizenship. For instance, where discussions are limited to ‘elite groups’ public protest can emerge in response (Bell et al., 2013; Parkins and Sinclair, 2014). Perceived injustices in relation to wind farms have even been shown to negatively impact on social cohesion (Gross, 2007).

Community perspectives on processes are understood to hinge on the ability to have influence (Parkins and Sinclair, 2014). Studies suggest that certain institutional limits that restrict the ability of local individuals and organisations to challenge and shape development may be built into decision-making systems. In many cases, the power of communities in local planning can be limited to delaying rather than preventing developments, which are subsequently decided at the ‘higher’ level (Aitken et al., 2008). Further, planning procedures are known to draw on scientific evidence for a mantle of legitimacy (Aitken, 2009). By contrast, public views on major infrastructure are not dependent on having ‘expert’ knowledge of new technologies (Lock et al., 2014). Planning processes can entrench the well-known dichotomy between lay and expert knowledges (Wynne, 1996). And the rigidity of engagement procedures, where they are pre-defined, can lead to the perception of social control. For example, in processes for mitigating offshore REI, fishing communities wanted to have a say in the design of the consultation practices (de Groot et al., 2014).

Existing studies on public views in relation to REI decisions have established the importance of local perspectives on procedures. This paper builds on these studies by looking at the views of people participating directly in the NSIP examination. It responds to the suggestion that the UK’s Nationally Significant Infrastructure Projects (NSIPs) planning regime is a ‘how-not-whether’ framework in respect of public influence (Lee et al., 2013; Rydin et al., 2015). It examines views based on personal experience of the regime as participants, expressed in an online survey. In addition, recognizing the interconnectedness of the examination with the pre-application consultations, it presents the results of interviews with public engagement facilitators responsible for those consultations. The next section describes the survey and interview methods.

4. Methods

This study uses data from an online survey, along with interviews with engagement professionals. This set of empirical data was gathered as part of a programme of work on NSIPs.² Empirical work for that programme was structured around 12 cases of renewable energy NSIPs,³ whose regulation was complete by the time of sampling⁴ and included mainly wind energy generation stations. Deskwork on these 12 cases was undertaken and focus groups were conducted with a subset of 8⁵ of these⁶ plus one control case, to triangulate findings with a non-REI

² ESRC Award No: 164522

³ Kentish Offshore Wind Farm Extension; Galloper Offshore Wind Farm; Burbo Bank Offshore Wind Farm Extension; Rampion Offshore Wind Farm; Walney Offshore Wind Farm Extension; Triton Knoll Offshore Wind Farm; Navitus Bay Offshore Wind Farm; Brechfa Forest West Wind Farm; Clocaenog Forest Wind Farm; Swansea Bay Tidal Lagoon; North Blyth Biomass Plant; Rookery South Energy from Waste Plant.

⁴ At September 2015, 15 major RE cases were decided under the NSIPs regime.

⁵ Galloper Offshore Wind Farm; Burbo Bank Offshore Wind Farm Extension; Rampion

NSIP.⁷ Focus group events were held near to the location of those developments, with local people who had been involved in the examination stage, and the discussions at those events covered both the examination and the pre-application consultation. Participants identified a number of areas where participation was challenging: getting involved in the developer’s pre-application consultation; not being heard; not having influence in the examination; trust in other parties; and having confidence in ongoing governance arrangements. These insights from the focus groups fed into the survey design.

The survey was designed to provide further evidence of the experiences of participation in regulatory processes under the NSIPs regime. There were 9 ‘closed’ questions. Questions 1, 2, 3 and 9 ascertained basic details for the types of respondents, NSIPs, and modes of involvement, and whether respondents had prior experience of major infrastructure decision-making. These are reported in the section below on survey response. Questions 4, 5, 6, 7 and 8 (listed at Fig. 1) were informed by the initial themes that emerged from focus groups. Question 4 had an open text box for explanatory detail of the rating of pre-application consultation, and the final question (10) was an open text box for extra commentary. The section on survey findings presents descriptive statistics for questions 4–8, and qualitative analysis of open text material. Around half of all respondents commented in these open text boxes (57% of local Interested Parties, and 65% of others). The qualitative work comprised inductive thematic coding of dominant narratives, for sets of responses that were isolated (for respondent groups and response categories).

The sample for the survey was identified using records from the publicly available information on the UK’s Planning Inspectorate’s infrastructure planning portal⁸ for the 12 deskwork cases, and the extra focus group case. Email addresses were identified via online searches for 394 individuals including focus group participants, who were all invited to respond to the survey. The survey was open for responses for a period of 2 months starting in February 2017, and each individual could only respond once. In total 110 online responses were received, giving a response rate of 28%.

Respondents included local Interested Parties and other actors. Local Interested Parties in offshore cases included coastal communities in the vicinity of the cabling onshore landing points and grid connections, or construction and maintenance facilities and works, and businesses were most typically from the fishing and tourism industries. The other actors were Local Authorities (LAs), Statutory Bodies, and non-governmental organisations (NGOs). These parties were included in the survey as a reference point for comparison with the local perspective. The statutory bodies had mainly nature conservation responsibilities, and the non-governmental organisations were national charities as opposed to locally-based NGOs.

The interviews with the engagement facilitators addressed pre-application operations, in light of a possible inherent bias involved in the survey. Specifically, we identified our sample from interested parties participating in the examination, when people satisfied by pre-application consultation would generally not feel the need to proceed to involvement in the examination stage. Hence we wanted also to address the pre-examination stage. Interviews with facilitators were conducted by telephone, using a semi-structured set of questions about consultation under the NSIPs regime. The engagement facilitators were

(footnote continued)

Offshore Wind Farm; Walney Offshore Wind Farm Extension; Navitus Bay Offshore Wind Farm; Brechfa Forest West Wind Farm; Clocaenog Forest Wind Farm; Swansea Bay Tidal Lagoon.

⁶ Resources allowed for that number and the case were selected as follows. Bio-mass and energy from waste cases were de-prioritized, as this technology was potentially contestable as renewable energy. Within the remaining cases, after building lists of potential participants those with larger numbers were prioritized to ensure sufficient recruitment to the events.

⁷ Thames Tideway Tunnel.

⁸ <http://infrastructure.planninginspectorate.gov.uk/projects/>.

Question 4

Please tell us about the consultation process conducted by the developer, was it...

- Very good
- Good
- Neither good nor bad
- Poor
- Very poor

Question 5

Thinking about being heard during the process, which of these statements best describes your experience...

- fully heard and understood
- heard and misunderstood
- not heard
- ignored
- or 'I'm not sure'

Question 6

Would you say you had any influence on...

[MULTIPLE SELECTION]

- the information provided to the examination
- the discussions in the examination
- the decision whether to give consent to the development
- decisions about the construction of the development
- decisions about the ongoing operation of the development
- decisions about the monitoring of the development

Question 7

Please rate how you perceive the influence on the examination of:

[5 POINT RATING SCALE WITH END LABELS "Very high" and "No influence"]

- Local people
- Local businesses
- Large or national businesses
- The developer
- Large or national associations / society
- Statutory bodies
- Local Associations / societies

Question 8

Please rate your confidence in the following:

[RATING SCALE: Really confident / Confident / Neutral / Not confident / Really not confident]

- The project will be constructed as agreed in the examination
- The protective measures that were agreed in the examination will be effective
- Construction will be monitored
- Progress will be reported

identified from the public records on the Planning Inspectorate's website and initially approached by email. In total five interviews were conducted with people who had run the public consultation stages of REI projects in the project sample.⁹

5. Survey response

As shown in Table 1, there were two types of respondents, 79 'local people' and 31 'other actors'. Local people were residents (31), businesses (4) or representing a local group, such as an association or society (44), and other actors were from national non-governmental organisations (10), LAs (8), Statutory Bodies (8), and consultants who provided professional services in the examination for local groups (5).

Respondents were asked which NSIPs they had been involved in. All

Fig. 1. survey questions about involvement in NSIPs regime.

Table 1
Survey response, by local people and other actors.

	Number	%
Local people		
A local resident	31	39
A local business	4	5
A local association / society	44	56
Total	79	100
Other actors		
A large or national NGO	10	32
A Local Authority (LAs)	8	26
A Statutory Body	8	26
A consultant	5	16
Total	31	100

⁹ We do not list those cases for reasons of confidentiality.

Table 2
Types of projects mentioned.

	Local People			Other actors			
	Residents %	Businesses %	Groups %	LAs %	Statutory Bodies %	NGO %	Consultants %
An NSIP	100	80	98	100	100	100	90
A Renewable Energy Project	91	100	78	90	95	95	90
A Wind Farm project	88	100	63	90	84	82	60
A consented project	82	60	80	80	89	91	90
Total # projects mentioned	33	5	49	10	37	22	10

Table 3
Local people's and other actors' experiences of NSIP involvement.

	Local People			Other actors			
	Residents	Businesses	Groups	LAs	Statutory Bodies	NGO	Consultants
Prior experience of an NSIP	30%	25%	26%	38%	75%	60%	75%
# Respondents	30	4	43	8	8	10	4

Table 4
Modes of involvement, of local people and other actors.

	Local People			Other actors			
	Resident %	Business %	Groups %	LAs %	Statutory Bodies %	NGO %	Consultants %
Via early developer consultation	52	50	61	100	100	60	40
Attending a developer event	71	100	75	25	38	40	20
Written submission to the planning exam	87	75	70	88	100	80	40
Attending a hearing	74	75	64	63	50	40	40
Speaking at a hearing	58	75	52	63	50	20	40
Attending site visits	26	50	23	38	13	10	40
Base	31	4	44	8	8	10	5

respondents had participated in at least one NSIP, and around a fifth (21 respondents) mentioned more than one infrastructure project.¹⁰ As shown in Table 2, most projects mentioned were REI NSIPs, and had received planning consent. The others were either non-renewable energy generation or decided under the previous regime.

For most local people and LAs this was their first experience of the NSIPs processes, while the Statutory Bodies, consultants and non-local NGOs had much more prior experience (Table 3).

Local people participated in the NSIPs in a variety of ways (Table 4). Local residents and groups tended to go to developer events and examination hearings and to make written representations. This was similar for businesses, but they also tended to speak at hearings. LAs, Statutory Bodies, and NGOs focused on early developer consultations and written submissions to the examination. Across the board, site visits were the least common means of participation.

6. Results

6.1. Pre-application consultation

Pre-application consultation is the first opportunity to engage with the planning of the development (Table 5). Local residents mostly said that the developer consultation was 'poor' or 'very poor' (64%), as did consultants (75%). Local businesses and groups were less clear-cut with around half reporting 'poor' or 'very poor'. However, LAs, Statutory Bodies, and NGOs tended to report that the developer consultation had

been 'good' or 'very good' (63–88%), indicating a clear split in perceptions.

Commentary on 'poor' and 'very poor' experiences of developer consultation showed that practices were seen as either unskilled or unfair. Unskilled practices related to communications, information or the attitude in conducting the consultation. A prominent critique was that communications were one-way, and developers were perceived as ignoring or being uninterested in local views and not engaging in dialogue. As one local person put it "No matter how professional they are set up, developers fail to hear what they don't want to know, however reasonable the argument put to them". Poor information involved incorrect, insufficient or poorly produced material, or organisers having limited knowledge. Criticisms of attitudes related to perceptions of people either not listening or not being open towards those involved. In the words of a representative of a local group "The Developer didn't appreciate the need to be open about the development plans". This came across as offensive as some of the vocabulary demonstrates: "contempt"; "arrogant"; "dismissed"; and "overrode".

Turning to unfairness, respondents highlighted issues with pre-application consultation processes, information and possibility of influence. Some perceived the developer as not playing by the procedural rules, for instance when events seemed to be designed to be logistically difficult and thus limit input. As a representative of a local group recalled, "Exhibitions held outside the immediate area - there was no public transport available to one of the locations." Poor processes also included inputs to consultation which were not managed appropriately, for instance misrepresenting what groups had said. Reports of misleading information included deliberately confusing or obfuscatory information and communications. In the words of a local business representative "They were trying to pull the wool over our eyes". A final

¹⁰ The combinations of projects mentioned prevents analysis of response by type of project.

Table 5
Ratings of pre-application consultation, by local people and other actors.

	Local People			Other actors			
	Residents %	Businesses %	Groups %	LAs %	Statutory Bodies %	NGO %	Consultants %
Very good	3	25	9	13	0	11	0
Good	10	25	18	50	88	56	0
Neither good nor bad	23	0	25	38	13	33	25
Poor	37	25	25	0	0	0	25
Very poor	27	25	23	0	0	0	50
Base	30	4	44	8	8	9	4

critical perception was that in effect a decision to grant permission had already been taken. Respondents identified how government policy was aligned with granting permission. Perceptions of “predetermined outcome” were strongly associated the view that the consultation had been a token; “It was a farce - it was NOT a consultation, but an imposition of a wind farm onto the local residents, most of whom were dead against the proposal” (local resident).

Turning to the interviews with pre-application consultation facilitators, those provided substantial detail on their approaches and the means employed to enable the community to have a say. The interviewees made it clear that their work under the NSIPs regime is distinct from work in other contexts. They noted that it was not possible within the legal framework of the process to debate the national need for the project, which was in most cases assumed, and that developments were characteristically larger than other developments. They emphasized that having a Statement of Community Consultation agreed with LAs was fundamentally good practice in that it front-loaded engagement, and promoted collaboration and clarity in procedures. However, all interviewees stated that it was critical to go further than the basic agreement, e.g. being flexible if extra events were needed.

The need for flexibility in operations was repeatedly raised. Interviewees noted that the processes were characteristically subject to strict timeframes. Collaborating with LAs could produce a legalistic approach to logistics, rather than a responsive or adaptive one. For example, an interviewee said their team needed to prepare materials in advance and pass them to others in advance of events, and so were not able to adapt during events.

The position of the developer in running the consultations appeared to require significant collaborative and management efforts. The interviewees all said that the relationship with the LAs was key, especially in understanding who needed to be invited and identifying key locations. However, they also strongly stated their need to have the final say on consultation, as it was their responsibility to ensure good practice, and in order to ensure the decision-makers were satisfied and the reputation of the developer was protected. Some considered themselves a communications bridge between communities and councils. Consultation professionals needed to liaise internally with colleagues too, to ensure technical accuracy, timely communication of changes to the development proposal (which would be evolving at the time of the consultation), and to produce the report for the Inspectorate.

As regards communications, the goal of providing a range of materials in quite diverse formats (including interactive digital simulation of the development, maps, social media, leaflets, with in-person explanation from scientists) was prominent in the interviews. This was seen as essential to ‘not leaving anyone behind’. Interviewees generally put a great value on a ‘human face’ to the contact with local people, and frequently saw telephone communication as important in this. By contrast, events were seen as a small part of the wider consultations, and liable to only capture a small segment of the overall community. Nonetheless they were felt to have value in the context of the technical matters, and the possibility of reassuring people through face-to-face contact. Practical factors were said to be critical for events, including

adequate parking and size of venue.

The general scope of such projects created particular challenges. It was highlighted that in some instances consultation had already started, e.g. where the NSIP was an extension to an already operating wind farm, and in all cases continued during and after the examination. The technical nature of the material meant that there was a greater need for explanation than (e.g.) during local development applications with subject matter that was more familiar to communities. At the same time, it was acknowledged that some communities were well versed in REI. The complexity of the routes for the community to have contact with different actors throughout NSIPs processes was a further point of focus for facilitating engagement, where the interviewees had needed to provide a good deal of explanation to local people, in one instance even producing a ‘roadmap’ guide to navigating the participatory processes.

It is clear that often substantial efforts were made to provide outreach and information, and that multiple, diverse engagement opportunities were afforded. Overall the work involved was thought to be onerous and complex for all involved, but very worthwhile. It was noted that many people ‘dropped out’ of further engagement, as they were satisfied. There was value for the developer as they could communicate their own intentions to the community to garner support.

In summary, data from local people and community facilitators helps identify the challenges in pre-application consultation. In the survey, local people gave forceful reports of feeling dismissed at consultations, which contrasted with the reports of significant outreach work on the part of the developers. While facilitators had produced a range of materials, the local people in the survey reported that some areas of knowledge were lacking. These points suggest that the good practice evidenced in the interviews was not universal across NSIPs, and that some people were left behind. Interviews suggest two possible causes for this: including the complexity of navigating through the NSIPs and difficulties in reaching the whole community. The reliance on other actors such as local authorities and the strictures around protocol, may exacerbate the latter. Both sets of data showed that it was challenging to provide material to the right groups at the right moment. For these elements, support from the Local Authority in terms of local knowledge and connections was critical, although developers had to take the initiative and make extra efforts beyond their statutory duties.

6.2. Perspectives on examination processes

Having discussed the pre-application consultation, attention now turns to the survey results regarding the examination process.

6.2.1. Influence

The survey asked two questions on influence, which were assessed together with open text data in order to gauge perspectives on the processes. The first asked respondents about their own influence, with regards to specific aspects of the decision-making. As shown in Table 6, local residents and local groups reported low levels of influence in the examination (below 50% across all aspects). The rest of the respondent types reported influence in some aspects: local businesses felt they had

Table 6
Aspects of decision-making where local people and other actors said they had ‘any influence’.

	Local People			Other actors			
	Residents %	Businesses %	Groups %	LAs %	Statutory Bodies %	NGO %	Consultants %
The information provided to the examination	42	75	48	88	100	60	20
The discussions in the examination	26	0	41	88	63	50	20
The decision whether to give consent	23	0	16	50	75	20	20
Decisions about the construction	3	25	18	50	88	60	20
Decisions about the ongoing operation	0	0	14	50	63	40	0
Decisions about the monitoring	6	0	7	50	63	20	0
Base	31	4	44	8	8	10	5

Table 7
Local people's and other actors' ratings of different parties' influence (5 = none, 1 = very high).

	Local People					Other actors				
	5 %	4 %	3 %	2 %	1 %	5 %	4 %	3 %	2 %	1 %
Local residents	42	24	14	8	11	19	15	38	23	0
Local Businesses	24	33	21	8	7	8	31	42	8	0
Local Groups	26	25	25	8	15	8	27	35	23	0
Large/national businesses	18	11	10	13	33	4	4	27	31	15
Large/national NGOs	10	17	25	28	11	4	19	31	35	8
Statutory Bodies	4	13	17	32	31	4	12	19	38	27
Developers	4	6	6	14	65	4	0	12	38	42

Base: local people 72 / other actors 26.

an influence on the providing information (75%); LAs on information and discussions (88% for both aspects); and NGOs on information and decisions on construction (60% for both aspects).

The second question on influence asked about perceptions of the level of influence of all the different parties in the examination. A scoring system of 1–5 was used where 1 is “very high level of influence” and 5 is “no influence”. For analysis the responses were grouped together for all local people and all other actors as shown in Table 7.

Previous work on public views on REI decision-making suggests an interpretation of limited local influence in terms of a sharp imbalance of power between the public and the developer (Aitken, 2010a, 2009; Aitken et al., 2008; Devine-Wright and Howes, 2010). The survey data examines views of the influence of different actors within the examination, and suggests that the developer is perceived as influential by all types of actors. Large proportions of both local people and other actors report that developers have very high levels of influence (65% and 42% respectively selected rating 1). Perceptions of the other side of the imbalance are more varied. The lack of influence of local residents was reported by 42% of all local people, but by only 19% of other actors. In addition, 11% of local people say local residents have a ‘very high level’ of influence. This suggests that the lack of influence of the public, which is the subject of so much of the literature, is not perceived by all actors during the process.

Table 8
Local people's and other actors' reports of their confidence in NSIPs exam outcomes.

	Local People			Other actors		
	Lack of Confidence %	Neutral %	Confidence %	Lack of Confidence %	Neutral %	Confidence %
...the project will be constructed as agreed	49	17	30	17	20	63
...protective measures will be effective	59	21	20	23	13	63
...construction will be monitored	54	18	28	20	17	60
...progress will be reported	41	24	34	13	30	53

Base: local people 71 / other actors 30.

Turning to the open text box material, commentary on the processes of NSIPs examination as a means to influence was predominantly, though not exclusively, provided by local people. For some people the NSIPs system appeared impenetrable due to the obscurity around their input and the efforts required to take part. Difficulties identified suggested that local people found the NSIPs processes ‘opaque’, either not knowing whether their say ‘counted’ or feeling blocked by protocol. In the words of one local group, “There was no avenue for compromise and certainly no compromises were communicated to me.” In addition some local people wanted to discuss issues that were beyond the DCO, such as “the costs and benefits of the proposed location with other locations” and the proximity of other facilities, and felt the developer benefited from the exclusion of such discussions. Such problems were compounded by the practical difficulties of getting involved on voluntary basis. A very strong argument was made repeatedly by local people, LAs and national NGOs, about the onerous level of resourcing that was required to participate. In the words of one national NGO, “As a charity it can be difficult to secure appropriate funding to have the resources to attend relevant meetings and comment on all documents. There was a considerable time demand (and expense) to ensure that the concerns ... were appropriately taken into account.”

6.2.2. Outcomes of decisions

The survey looked at perspectives on the outcomes of decisions though responses to question 8 on ‘confidence’ in follow-up after the decision, and through the commentary provided in the final open text box. The survey asked about confidence in four aspects:

1. the project will be constructed as agreed in the examination;
2. the protective measures that were agreed in the examination will be effective;
3. construction will be monitored; and
4. progress will be reported.

The response categories were ‘really confident’, ‘confident’, ‘neutral’, ‘not confident’, and ‘really not confident’. Given the cognitive subtleties between the category ‘really’ and the less strong option either side of the confidence scale, where respondents said they were ‘not confident’ or ‘really not confident’ those answers were bundled together

to give the total proportion reporting any level of 'lack of confidence'. Similarly responses of 'confident' and 'really confident' were taken together to indicate any level of 'confidence'. Table 8 shows these grouped responses for all local people and all other actors.

It is clear that levels of confidence vary. Dealing first with lack of confidence, a high proportion of local people lacked confidence in the regime, with over 40% reporting a lack of confidence in each of the four aspects of NSIPs outcomes. Other actors appeared more confident, with over 50% reporting confidence across the same four aspects.

Turning to respondent commentary about the outcomes of NSIPs, this came mainly from local people, Statutory Bodies and LAs. These frequently drew on post-decision experiences and mainly focused on mitigation and construction. There was a strongly voiced argument that specific protective measures had been insufficiently explored in the examination. For instance, a Statutory Body noted that "cumulative and in-combination impacts are still not wholly addressed [...] or compensated for in many areas." One explanation, prominent amongst local people, was that surrounding political narratives had generally narrowed considerations. For instance one local group suggested that local government had encouraged skimming over impacts, saying there was "Far too much supportive noise from politicians who have no idea of the details and of the likely problems and who just see the jobs, not the subsidy grabbing environmental disaster that it's going to be." As regards construction, firstly it was noted that contractors responsible for delivery were sometimes not operating as expected. For example one LA explained that "Despite requirements (conditions) being in place, the contractors appear to do as they wish. Construction has now taken place for a year and we have a battle with them about every two weeks." Secondly, as regards construction there was a lack of independent monitoring. As one local person put it, "As construction proceeds now, again the information comes out but if you query anything you get ignored".

6.2.3. Being heard throughout

Question 5 asked about 'being heard' generally, i.e. overall in the NSIPs processes. As shown in Table 9, most local businesses, LAs, Statutory Bodies and NGOs said they had been 'fully heard and understood', while most consultants reported being ignored. It is notable that most local residents and groups did not select 'fully heard and understood', and were therefore misunderstood, not heard, ignored, or unsure whether they had been heard.

The theme of 'not being heard' was prominent within open text responses from local people. These gave more detail on the difficulties with being heard and highlighted two key aspects. Firstly, respondents described local people not being heard in contrast to other parties who were perceived as receiving different, more attentive or 'serious' treatment. As one representative of a local group put it, "the developers and organisations who could afford specialist and legal representation won out and were listened to - and we were the amateurs to be patted on the head, and basically ignored." Secondly, the perception of not being heard went beyond involvement in the formal consultation and examination processes per se, and involved not being able to read

subsequent reports from the decision and to observe ongoing processes around the development. The lack of effect on the decision was related to this perception; however the absence of any mention of local people's points in the report and treatment during attempts at judicial review, and throughout the period of construction, may have reinforced this. Not being heard produced a sense of frustration; "at the end of the day, the points weren't even mentioned in his report" (local business).

7. Conclusions

This paper builds on recent literature exploring the importance of process to public views of major REI decisions, and draws attention to perspectives on involvement in regulatory decisions under the NSIPs regime in England and Wales. The new system provides opportunities to address 'qualifications' (Bell et al., 2013, 2005) within local people's perspectives on REI developments. Pre-application consultations are a key opportunity for participation prior to the examination and earlier focus group work with local people had highlighted challenges associated with that stage. Our study used survey data from those who had experienced NSIP decision-making and outcomes, which provided depth to insights into local views on regulatory processes, and interviews with consultation facilitators, which shed light on developers' aspirations regarding pre-application engagement. The survey uncovered the prevalence of local publics participating in regulatory processes who are left without satisfaction from the pre-application stage, and are frustrated by regulatory examinations. To conclude we discuss these findings about local people's perspectives and the implications for practice.

The perspective of those involved in the regulatory processes was not universally negative; however groups of local people expressed strong concerns and provided substantial detail about where the meaningfulness of their involvement had been reduced. Overall, local respondents reported that they felt they were not heard, and there was a sense of not being seen to be heard. As regards pre-application consultations, local people criticised processes and mind-sets, as they described not being able to access channels of engagement and information deficits, and encountering insufficient openness to comments, even disrespect and misrepresentation. It is clear that participation facilitators do a lot to enable and creatively address issues, but this is variable across projects and relies on productive co-working with other bodies particularly LAs.

Criticism also permeated the perspectives on the examinations. Local people wanted to be heard and to be seen to be heard, but often reported that this had not happened. This was keenly felt where points made by local people did not appear, or possibly were not identifiable, within the ExA reports. Further, there was evidence that local people's concern about not being heard went unacknowledged, in the report of influence across different groups of actors. The strongly expressed views of local people about their own low influence was not recognized by others whom they encountered in the processes. In addition, some people noted that there was no facility to ask questions on matters that they felt were important, and the means to establish protection

Table 9

Local people's and other actors' own reports of 'being heard'.

	Local People			Other actors			
	Residents %	Businesses %	Groups %	LAs %	Statutory Bodies %	NGO %	Consultants %
Fully heard and understood	23	75	34	75	71	89	0
Heard and misunderstood	20	25	11	25	0	0	25
Ignored	33	0	20	0	0	0	75
Not heard	3	0	11	0	0	0	0
Or 'I'm not sure'	20	0	23	0	29	11	0
Base	30	4	44	8	7	9	4

measures and project management for delivery of the infrastructure were often considered inadequate.

The NSIPs processes provide specified routes for involvement of local publics; however the strength of critique from participants in the NSIPs regulations serves to warn against any assumptions of procedural inclusiveness. There are significant opportunities for influence; however particular internal workings of the system allow local people's contributions to be quite easily diverted. It is clear from the examination reports that examining authorities try to facilitate the engagement of local people; however there was a strong negative angle in local people's perceptions of not being heard, not having influence, and being 'blocked' in the processes of regulation. In our view this situation could give rise to questions from the public over the legitimacy of the system. In addition, earlier work suggests it may undermine critical aspects of community-building (Bell et al., 2013; Gross, 2007; Parkins and Sinclair, 2014).

The implications are that the regime needs to recognise better how the different parts of the engagement processes relate to each other, in order to ensure openness to the sometimes controversial input from the public. Thus the practical implications of the findings of this study relate to the roles of LAs, developers, and Examining Authorities. To begin with LAs, in comparison with the much more common engagement processes for local development, LAs have reduced responsibilities and their contact with the local public is less direct. Nonetheless, LAs should engage robustly with pre-application consultations and ensure that the full scope of local communities is included at that early stage. LAs also have obligations to monitor and enforce compliance with the development consent order. They should work with their local communities, to explain post-consent procedures and to address concerns as they arise. Considering the developer role, following best practice in making events accessible and having variety in communication options is essential, and flexibility in interactions is equally critical. Interactions with the community must be built on mutual respect. Additional time spent building trust and community relations from the pre-application stage all the way through the process, extending to clarity on responsibilities for the monitoring of construction and operation, will contribute to more meaningful exchanges in consultations. As regards the Examining Authorities' role in including local people, good practice extends to ensuring the recognition of their contributions, from the pre-application stage and within the examination. These good practices should be shared more widely within the Inspectorate. Such measures may go some way to reassure local people who after all bear a weightier burden in their efforts to engage compared to others involved in the examination, and experience impacts of developments over the longer term.

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