Planning reform, rescaling, and the construction of the post-political:
The case of The Planning Act 2008 and nuclear power consultation in the UK

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Planning reform, rescaling, and the construction of the post-political: The case of *The Planning Act 2008* and nuclear power consultation in the UK

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Abstract

This paper explores the relationship between 'post-politics' and processes of rescaling enacted through planning reform. It centres empirically on the policy shift which has occurred in planning since the inception of the Planning Act 2008 – the new framework which will oversee the development of new nuclear power and other large-scale infrastructural developments in the UK. This act has radically altered the ways in which publics can engage with Government policy. Using interview data gathered from participants in recent nuclear power consultations, as well as participants in the old inquiry-based system of the 1980's, it is argued that processes of rescaling through the Planning Act have diminished the 'political opportunities' available for certain non-governmental actors to intervene in the policy process. This has contributed to the post-politicisation of the planning framework in certain arenas, which raises significant questions concerning public engagement and democratic accountability within the wider context of the modernisation of planning. The potential consequences of these developments are discussed.

Keywords: Post-politics, rescaling, planning reform, nuclear power, Planning Act 2008

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Introduction: Planning reform, politics, and the 'nuclear renaissance'

Recently there has been a turn towards 'non-instrumental' readings of the 'modernisation' of planning in order to assess the political and democratic consequences of this process (Allmendinger and Haughton, 2010; 2012; Cowell and Owens, 2006; 2010; Metzger, 2011). *The Planning Act 2008* (HM Government, 2008) represents an important milestone in the modernising trend. The act is a piece of parliamentary legislation designed to 'streamline' the construction of new large-scale infrastructure such as ports, roads, and power stations through the development of National Policy Statement's (NPS's). Here, 'sustainable development' is the guiding principle through which all development must be justified (HM Government, 2008). This paper focuses on the development of nuclear power within the context of the Planning Act, and the political consequences of the ways in which public engagement has been 'rescaled' between consultations on 'national' policy, directed by the Department of Energy and Climate Change (DECC), and 'local' consultations carried out by the lead investor in new nuclear power in the UK, Électricité de France (EDF). This is assessed in relation to the previous mode of public engagement for nuclear development in the UK – the public inquiry.

This paper draws on a series of interviews conducted with members of campaign groups critical of nuclear power, from both the public inquiry context of the 1980's, and the new consultative framework created by the Planning Act. This focuses on the case of Hinkley C nuclear power station in Somerset. In 1988-89, a public inquiry took place into construction at the site, however the power station was never built due to unfavourable economics following privatisation of the electricity sector and subsequent 'dash for gas' (Aubrey, 1991). The site at Hinkley C has again been proposed as the site of the first power station to be constructed in the UK's present day new build programme under the framework of the Planning Act (Morris, 2011). Twenty eight interviews were conducted with a particular public – the 'activist' or 'partisan' public (Braun and Shultz, 2010), assessing the differing political opportunities which exist within the different methods of public engagement for these groups. These groups represent the politicised nature of the nuclear power debate, and have utilised planning spaces such as public inquiries for their 'unofficial' role of intervening in government policy around the kinds of issues which have not been democratically addressed through traditional settings such as the ballot box (Cowell and Owens, 2006).

There is not the space to discuss the many on-going debates related to nuclear power (see Hultman, 2011; Sovacool and Valentine, 2012), however a basic premise must be established which is assumed throughout: it has always been the case that when the atom is split, so too is the public, but now the civilian nuclear power issue is more divided than ever before. Nuclear has become a more favourable option in the context of climate change and energy security, establishing what has been referred to as a 'reluctant acceptance' of the technology (Pidgeon et al 2008). However, in the wake of the Fukushima accident in Japan,

many countries, most symbolically Germany, have chosen to follow non-nuclear pathways (and in so doing affirm that nuclear is a political 'choice' rather than simply a technological 'necessity'), and public opinion continues to be divided (Ipsos Mori, 2012). Given this, Brian Wynne's (2011, page 1) statement originally made in 1982, that nuclear is the most "iconically controversial" of modern technologies, remains completely valid today. Nuclear is not merely a technical problem, but a "technopolitical" one (Braun and Whatmore, 2010), overflowing with numerous uncertainties, divisions, controversies, and social and political dimensions, which are generative in themselves in questioning the nature and structure of democracy in technologically complex societies (Callon et al, 2011; Marres, 2007).

The article centres on how the politicised and antagonistic dimension of the nuclear issue is played out through the differing means of public engagement. 'Public engagement' here, refers to the formalised mechanisms designed for public participation within the planning framework surrounding a particular development. Whilst engagement related to the development of renewables within recent policy frameworks has received significant attention (Barnett et al, 2012; Cass et al, 2010; Cotton and Devine-Wright, 2012; Devine-Wright, 2011; Walker et al, 2010), the new formalised public engagement related to new nuclear power development under the new Planning Act remains understudied.

In so doing, recent discussions around 'post-politics' are developed. The 'post-political' condition is conceived as that where politics proper, identified as 'dissensus' involving competing ideologies of socio-economic trajectories, is foreclosed, establishing a 'consensual' policy framework built around the underlying principles of neoliberalism (Swyngedouw, 2007). Others are critical of the term however, viewing it as missing the plethora of on-going political struggles (Cochrane, 2010; Dean, 2009; Marres, 2012). This creates a rather 'either-or' approach to understandings of post-politics however. Instead, this article is corroborative of more nuanced approaches which do not reject post-politics, but rather focus on how it develops within particular arenas, through specific policy reforms (Allmendinger and Haughton, 2012).

The term 'post-politicisation' is used to emphasise its partial and processual nature, focusing attention on the subtler ways in which politics operates within and outside planning frameworks. Thus the 'displacement' of politics, rather than a completed 'post-political' condition is emphasised, where politics returns via other channels of engagement. This paper relates such displacement to processes of rescaling - scale understood as being produced through social and political processes such as planning reform (Brenner, 2009; Jessop, 2008; Moore, 2008).

Public inquiries, in particular those related to nuclear, have been well-documented as being extremely problematic; often technocratic, authoritarian, and exclusionary (Kemp et al, 1984; Massey, 1988; O'Riordan et al, 1988; Wynne, 2011). Despite this, recent attention has focussed on the 'unofficial' roles these spaces have had in offering 'political opportunities' for the staging of 'subversive politics' (Cowell and Owens, 2006). Considerations of the informal role these spaces include acting as 'tools' of democracy for extending the issues

and spatial parameters considered relevant to the issue (Asdal, 2008), or fostering 'policy learning' (Grove-White, 1991; Owens and Cowell, 2002; Rough, 2011). Processes of rescaling have been integral to reducing these politicising moments, displacing politics from formalised settings of planning towards alternative means of engagement. This process is referred to as the construction of the post-political. This paper takes a similarly nuanced approach in addressing these unofficial, and more subtle, functions offered by spaces of planning.

The article proceeds in three main stages. Firstly the background to the Planning Act is outlined, with description of the alterations to public engagement around nuclear power. This is followed by a discussion of post-politics in the context of sustainable development and the modernisation of planning, outlining a more nuanced approach to post-politics where processes of 'rescaling' are key to the displacement of the political from formalised public engagement settings. After a brief discussion of methodology, the subtle ways in which the rescaling of consultation between the national and the local has diminished the political opportunities available to activists in comparison the previous setting of the public inquiry is discussed. In the concluding section the possible consequences of this are addressed, where other channels of engagement with nuclear policy, namely direct action and legal challenge are likely to become more prevalent.

Rescaling through the Planning Act: public engagement with nuclear power.

In the last five years substantial transformations have occurred in the British planning system. A series of White Papers written under New Labour called for improvements to the planning framework to meet the challenges of the 21st century, outlining the need to

> "achieve our goals for secure energy supply, reduced carbon emissions and international competitiveness, in a way that is timely, efficient and predictable" (HM Government, 2007).

These changes culminated in the unveiling of the Planning Act 2008 – an act of parliament which aimed to 'streamline' the planning process through two crucial developments; the creation of National Policy Statement's (NPS's), and a new decision-making body, the Infrastructure and Planning Commission (IPC), which has subsequently transformed into the Major Infrastructure Planning Unit (MIPU). These measures were designed to mitigate against developmental risks, and encourage investment through reducing the substantial upfront construction costs of large scale infrastructural such as airports, roads, ports, and large power stations over 50 Mega Watts including off-shore wind farms and nuclear power stations (HM Government, 2008). These were transformations considered necessary for new nuclear to be built (See Parker quoted in Meek, 2005)

As outlined by Government,

> These [NPS'S] will set out the national need for infrastructure and explain how this fits with other policies such as those relating to economic development. By setting out the Government's strategic, long-term approach to infrastructure development, national policy statements will provide greater certainty and clarity for promoters, planners, and communities" (HM Government, 2007, page 19-20).

NPS's therefore, are designed to answer and clarify questions of policy. The importance of policy is set out in relation to 'national need', which forms the basis for the decision making process. Once NPS's have been ratified by parliament, policy related questions – in the case of a power station – questions of need, siting, and safety, are decided and fixed. Therefore opportunities for challenging the basis of policy are undermined by the sequential nature of the new decision-making process under the Planning Act. These changes have raised concerns of a 'democratic deficit' in relation to new planning procedures (Cotton, 2011; Ellis, 2008; Planning, 2009).

This directs attention to the transformation of public engagement within the Planning Act. 'Public engagement' is a term which has come to prevalence in policy circles and academic work over the past twenty years. The term covers a broad range of activities as debate continues about what form public engagement between Government, stakeholders and citizens should take (Row and Frewer, 2004). In relation to technological development, Delgado et al (2011: 827) outline that public engagement

> "…should not simply be about generating public acceptance through the provision of information on science and technology, but about citizens' active involvement in the development of socio-technical trajectories".

A Government report similarly points out that, against the idea of 'stakeholder communication',

> "engagement programmes provide genuine insight and creative thinking to improve policy outcomes – giving the public a real sense that they have been able to contribute to government's work." (COI, 2008, page 1).

Government sponsored public engagements have utilised a variety of methods such as citizens juries, citizens conferences, consultations and deliberative polls (Mahony et al, 2010). Over the past two decades, the principles of 'public engagement' has increasingly been viewed as a necessary element of an organisation's activity across all sectors of society. This article focuses on the political differences between two methods of formalised engagement: the public inquiry and the consultative framework of the Planning Act.

It is important to note that these formalised approaches are not the only way in which publics can 'engage' with governmental policy. Various other channels – from direct action protest through to more proactive forms of activity including grassroots transformation

towards alternative low carbon futures such as Transition Towns, can all be seen as methods of 'engaging' with energy policy more generally. Additionally O'Neill and Nicholson-Cole (2009) make the significant observation that a positive correlation between public engagement and outcome cannot be assumed. A number of negative outcomes must also be considered. These include issues of public trust in institutions, and inclination to engage with policy in the future being adversely affected through negative experiences of public engagement. Indeed, the argument of this paper hinges around the ways in which policy reform has altered the spatialities of planning, and in so doing have impacted upon the locations and methods involved in engagement with government policy on nuclear power and wider issues of energy.

As there are multiple forms of engagement there are also multiple publics. Whilst notions of 'the general public' and 'the public interest' are often evoked by government in the rhetoric surrounding NPS's, there are in fact 'multiple publics' emerging around differing issues and channels of engagement (Mahony et al, 2010). This paper is focussed in particular upon 'activist' or 'partisan' publics (Braun and Shultz, 2010), those members of collectively organised campaign groups aiming to influence the political direction of government policy. The 'activist' public has been an integral element in the narrative of nuclear development over the past few decades (Herring, 2010). It is often seen as 'representing' the substantial proportion of the population sceptical of nuclear power, but without the time or economic means to challenge the incredibly complex and time consuming policy discussions surrounding nuclear power (Welsh, 2000). This relates to Warner's (2005, page 56) definition of a 'counterpublic', that "…against the background of the public sphere, enables a horizon of opinion and debate".

The kinds of issues which campaign and activist groups have played a key role in what Latour (2005) terms 'making things public' include the many ethical, moral, and political considerations of nuclear technology. These reveal planning decisions around new nuclear to be not only concerned with matters of objective technical appraisal, but also imbued with significant moments of politically charged uncertainty. Within the era of New Labour, organisations such as Committee on Radioactive Waste Management (CoRWM) took stock of these issues and recognised that they cannot simply be side-lined (MacKerron, 2011). In part this represented the 'slowing down' (Whatmore, 2009) of scientific decision making, to fully reveal uncertainties and allow the politically generative effects of these moments to take place.

As Chilvers and Burgess (2008) note, such a process of 'slowing down' transformed into a 'speeding up' at the end of the CoRWM process, as nuclear new build suddenly emerged onto the policy agenda, necessitating a definitive solution to the issue of nuclear waste. Processes of 'streamlining' involving the re-scaling of policy through the Planning Act surrounding nuclear new build reflects this trend towards speeding up planning decisions. This appears to represent a change in direction from the initial enthusiasm of the 'deliberative turn' (Goodin, 2008), and wider governance trends of localism, devolution and

community- focussed decision-making methods forming the basis of the third-way New Labour ideology (Giddens, 2000).

A report by DEFRA (2005, page 8) highlighted the importance of "actively promoting effective, participative systems of governance in all levels of society – engaging people's creativity, energy, and diversity". In the context to the build up to the Planning Act however, a changing stance towards such localised scales of engagement began to emerge, as they were increasingly identified as a hindrance to sustainability. Here it is outlined that

> "...these elements can also create difficulties for participants, including uncertainty, delays and sometimes significant upfront costs" (Department of Trade and Industry, 2006, page 135).

A key problem identified within the old planning regime relates to public inquiries, where:

> "...public inquiries can become embroiled in debate about *national* issues, rather than focussing on *local* issues related to the siting of the proposed development" (ibid, page 136, Author's emphasis).

Lengthy and costly inquiries, particularly the Heathrow terminal 5 inquiry, but also previous nuclear inquiries such as Sizewell undoubtedly contributed towards this (Cotton, 2011), but the spatial element identified above, is crucial to understanding the problematic nature of the inquiry in the eyes of government.

In the late 1970's and 1980's nuclear power became synonymous with the 'big public inquiry' (Kemp et al, 1984), including The THORP development at Windscale (Wynne, 2011), the 'Sizewell' inquiry (O'Riordan et al, 1988), and Hinkley C inquiry (Aubrey, 1991). The intermeshing of scalar practice within the setting of the inquiry is a common theme throughout. As O'Riordan et al (1988, page 97) describe

> "...it was clear from the beginning that although there was considerable opposition from local groups, the bulk of the opposing evidence would come from *national* pressure groups".

This relates to a body of literature on rescaling which focuses on scale not as a stable, fixed, or ontologically pre-given unit of spatial containment, but rather, as being constituted through social and political processes, such as policy reform (Jessop, 2008; Pemberton and Goodwin, 2010; Swyngedouw, 2000). Indeed, as Brenner (2009, page 70) puts it, "it is, in short, processes of scaling and rescaling, rather than scales themselves, that must be the main analytical focus to the scale question". He goes on to say "scales exist because social processes are scaled...scales are the provisionally stabilised outcomes of scaling and rescaling processes: the former can be grasped only through an analysis of the latter" (71-72).

There is a key link between the argumentative and the spatial: whilst government saw the space of the inquiry as relating to a specific development, activist groups saw the space of

the inquiry as being one of the few opportunities to engage with the basis of policy directing and justifying specific developments. This demonstrates the fluidity of scale and how it is produced through social processes including lines of argumentation. There is no natural scale of nuclear power development, but a political contestation over what constitutes the issues and spatial boundaries of the development under examination. Key to this are more grounded processes, such as the mixing of local and non-local publics within the same arena (Cowell and Owens, 2006). Thus the established scalar relationships and practices within planning frameworks around nuclear power are disrupted and reconfigured by such encounters (Staeheli, 2010). This paper focuses on the converse of this process; the ways in which rescaling through policy reform can diminish opportunities for the expansion of deliberation around particular developments. This is considered in relation to recent interventions on 'post-politics' within planning, to which the discussion now turns.

Post-politics, Sustainable Development, and Rescaling

'Post-politics' has become a key theoretical lens through which to examine a variety of recent policy developments (Allmendinger and Haughton, 2012; Catney and Doyle, 2011; Hilding-Rydevik et al, 2011; Kythreotis, 2011). These debates have been brought to the fore most notably by Swyngedouw's (2007; 2010; 2011) analysis concerning the diminishment of the public sphere, political engagement, and democratic accountability through the theoretical lenses of the 'post political' and the 'post democratic'. Swyngedouw's conceptualisation of a properly political moment, follows Ranciére, where "the essence of politics is dissensus" (2010, page 38). Post-politics refers to a consensual situation beyond disagreement and antagonism, driven by the dominant ideological convictions of neoliberalism in the guise of a 'value-free', technocratic governance regime. Here,

> "the democratic character of the political sphere is increasingly eroded by the encroaching imposition of market forces that set 'the rules of the game" (Swyngedouw, 2005, page 1993).

Another element of the post-political, is the supersession of a political framework structured around competing ideological convictions working towards certain normative goals, with a blurred distinction between left and right. Here, politics is the domain of a "...collaboration of enlightened technocrats" (Žižek, 1999, page 236) providing solutions rooted firmly within the confines of the current socio-economic establishment.

Post-political governance arrangements operate through what Gunder and Hillier (2009, page 1) refer to as 'comfort terms', terms meaning "everything and nothing. All things to all people". They identify 'sustainable development' as such a term, reflecting concerns elsewhere over the dangers of its potential vagueness and utilisation as a 'green-washing' strategy circumventing and even preventing serious discussions on substantial policy change (Briassoulis, 1999; Gunder, 2006; Richardson, 2002; Smith, 2005). Indeed, the 'slippery

nature' of sustainable development has received significant attention from planners and geographers alike (Jordan, 2008).

Swyngedouw (2007, page 27) similarly uses sustainable development as the prime example of post-politics. He argues that within governance arrangements surrounding sustainability,

> "...matters of concern are thereby relegated to a terrain beyond dispute, to one that does not permit dissensus or disagreement. Scientific expertise becomes the foundation and guarantee for properly constituted politics/ policies".

A post-political understanding of sustainable development is however contested by ideological accounts which view its potentially slippery nature as a signpost not of consensus, but rather as a mark of political contestation. For example Mansfield (2009, page 37) whilst acknowledging the extent to which politics is often 'written out' of discussions on sustainability, argues that it is nevertheless political because "it is the outcome of heated debate, much of it in the formal policy arena". This echoes similar literature which has identified sustainable development as "one of the most contested terms in the entire social sciences" (Jordan, 2008, page 18).

Similarly, Cochrane (2010, page 372) argues that,

> "[post-politics] understates the extent to which sustainability itself is a contested concept – indeed an important site around which conflict may be generated"

What emerges in the identification of these two perspectives is a rather dichotomous 'either or' understanding of the term however. A more nuanced account of post-politics in the broader context of spatial planning is provided by Allmendinger and Haughton (2010, page 804) who argue that

> "...the post-political condition and the practices of spatial planning are far from being a monolithic force; rather, the practices and discourses of spatial planning have evolved over time and taken on different complexions in different parts of the country, creating the context for diverse understandings and evolving practices".

This opens up the space for comprehending post-politics as being achieved through specific planning reforms and policy developments. Cowell and Owens (2006), whilst not using the term 'post-politics', explore the link between state restructuring as enacted through planning reform and 'political opportunity structures'. This addresses the affordances which activists have in terms of influencing policy as being context-dependent, and differing significantly in terms of the structural constraints of state strategy (Kitschelt, 1986; Meyer, 2004). Such an approach examines the 'argumentative' function of planning spaces, where they are viewed not merely in an instrumental sense, but rather as a domain in which policies are continually contested and remade. As Cowell and Owens state,

"planning inquiries have provided crucial institutional spaces for challenges to the status quo. Such opportunities have been skilfully exploited by coalitions of local and nonlocal actors, not only to resist specific developments (with mixed success) but also to articulate critiques of the programmes and policies from which individual proposals derive" (Cowell and Owens 2006, page 404-405)

Thus, public inquiries have been used in a highly political sense, and have been a method of democratic engagement with the kinds of issues which in the UK remain muted within the settings of parliamentary democracy.

The change from inquiry to consultation is based around the idea that the adversarial nature of public inquiries was problematic, necessitating the formation of more consensual forms of engagement (Pitt quoted in Hetherington, 2009). Whilst recognising the limitations of inquiries, Metzger (2011) argues that such changes run the risk of creating a 'democratic deficit', through the side-lining of critical voices from the planning process. Consensus here, is understood as problematic due to the ways in which it functions to displace oppositional voices from public engagement forums (Allmendinger and Haughton, 2012). This relates to recent 'non-instrumental' discussions which, whilst fully recognising the many limitations of inquiries, point towards their partial democratic and political function (Asdal, 2008; Cowell and Owens, 2006; Rough, 2011).

Asdal's (2008) account of a public hearing around an Oil-fired power station in Norway exemplifies the crucial role that extending the spatial parameters related to a particular issue plays in its politicisation. This brings us back to questions of scale: As Edwards et al write, the "...rescaling of government also constitutes a redistribution of power, raising issues of democracy and accountability" (2001, page 290). This provokes a question of how changes in the spatial logic of the planning system simultaneously alter the political opportunities of certain groups, in terms of the connection between the inherent spatiality of certain lines of argumentation.

The public inquiry around Hinkley C in the 1980's acted as a crucial point through which issues of both national and local issues were deliberated. The subtle opportunities presented to activists critical of nuclear power within this context included the ability to extend the scale and scope of the inquiry, but also crucially, the ways that both 'local' and 'national' campaign groups met within the same forum. This was politically generative in that it enabled the formation of 'subversive coalitions' (Cowell and Owens, 2006). In contrast, what is demonstrated in the following section is that contemporary rescaling of public engagement diminishes the political opportunities of activists, reduces the ability to spatially extend the nuclear issue, and fragments publics to curtail the disruptive meetings of differing interests in the same forum.

Public engagement with nuclear power: from Inquiry to Consultation

Twenty-eight interviews were conducted with activists who were members of campaign groups critical of nuclear power (See Table One). As part of the same research project, interviews were also carried out with policy makers and practitioners, addressing their understandings of the changing planning framework around new nuclear. This aspect of the research however will be explored in future publications, and the focus of this paper is solely upon perceptions and experiences of activists critical of nuclear power.

Campaign Group Name	Number of Interviewees
StopHinkley	7
Greenpeace	6
Friends of the Earth (FoE)	5
Nuclear Free Local Authorities (NLFA)	3
Nuclear Consultation Group (NCG)	3
Campaign for Nuclear Disarmament (CND)	4
	Total: 28

Table One: Campaign Group Interviewees

The groups members self-identified as 'campaigners' or 'activists' critical or nuclear power, and all sought to challenge the government's nuclear power policy. This individuals represent the 'partisan' or 'activist' public identified by Braun and Shultz (2010), who tend to hold strong collective opinions, and aim to influence the direction of policy. Such groups are often perceived as representative of substantial numbers of people sceptical or critical of nuclear technology who lack the resources to engage in the immensely complex and time-consuming issues surrounding nuclear new build. The interviewees were recruited from a wide range of NGO groups. It must be noted that StopHinkley is opposed to the development on 'in principle' grounds, and are thus part of a wider campaign against the technology. Interviewees included participants in both the 1980's Hinkley C public inquiry, and the present day consultative framework (See Table Two). These individuals were met directly at NPS consultations, through 'snowballing', or were contacted via mail.

Consultation Period	Number of Interviewees
1980's Public Inquiry	6
Current Consultation (2010-Present)	13
Both	9
	Total: 28

Table Two: Involvement of Campaign Group Interviewees in Current and Previous Public Engagement

Data was also gathered through textual analysis of the transcription of the Hinkley C inquiry at the National Archives in Kew, London; such documentation is only available on site. Similarly, the fully transcribed NPS consultations were also used to corroborate analysis. These are no longer available online, however can be requested from DECC. NPS consultations took place in Bristol, Manchester, and London. Considering this paper is comparing the two forms of engagement for Hinkley C in two different 'eras' of nuclear development in the UK, it could be said that consultations taking place in these locations are not of relevance to Hinkley C, as there are local consultations at the site run by EDF prior to application to the MIPU. However, this is exactly the point; the public inquiry concerned a specific infrastructural development in question, but was also used to discuss issues of national policy within the same setting, thus folding together local and national planning concerns into the same forum. Hinkley C is the first proposed station as part of Britain's 'nuclear renaissance'. Initial public engagement with Hinkley C is stretched between consultations on the national basis, addressing the reasons for its development, and localised consultations engaging with publics. Questions of how this 'rescaled' public engagement relates to processes of post-politicisation, and affects the political opportunities of activist groups, is of particular significance.

Coding and storage of data was carried out using the software NVivo©. Over half of the interviewees wanted to remain anonymous so anonymity was ensured for all participants. A coding scheme was developed focussing on experiences and perceptions of activists towards the new consultative system of the Planning Act, in contrast with the experiences and perceptions of the inquiry-based system of the 1980's. Of particular prominence during the interviews was a largely negative perception of the new system, particularly in contrast to more positive framing of the 1980's public inquiry. Many respondents felt the scale and scope of the public enquiry had facilitated more substantial public engagement, enabling the inquiry to be carried out in several significant locations, extending and democratising the issue. Following Asdal (2008), this was an unintentional 'democratic' by-product of a largely technocratic, biased and authoritarian public inquiry system, the substantial deficiencies of which are recognised.

Prior to the establishment of the Planning Act in 2008, 'in principle' consultations took place around nuclear power. They were mired in controversy, labelled a 'sham' and abandoned by many NGO's (see Johnstone, 2010). Despite these problems, the government concluded that 'in principle' consultations had fulfilled their purpose, enabling a pro-nuclear power decision to be made, and were thus no longer required. Subsequently, the decision was made to introduce consultative processes on the details of NPS's run by DECC between November 2009 and February 2010, and a second round of NPS consultations taking place between October 2010 and February 2011. Overlapping these national consultations were local consultations run by EDF required prior to application with the MIPU. Other 'issue' based consultations relevant to nuclear power, radioactive waste management, electricity market reform, strategic siting assessment, also took place run by DECC and the Office for Nuclear Regulation (ONR).

Whilst this development had been framed within the rhetoric of nuclear power as giving local people greater opportunities to be involved in the planning process, others are more sceptical. As a member of the NCG stated a less favourable reading of these changes

> "DAD – Decide Announce Defend may be partially over, but it seems that UNCLE – Unlimited Consultation Leading to Exhaustion may be the new trend...the way that policy is divided into separate parts like this, makes it extremely difficult to engage – it is a full time job to do so".

Metzger (2011, page 194) has referred to the overlapping, opaque nature of modernised planning frameworks as confusing and "Kafkaesque". Certainly, a general feeling amongst NGO's has been one of being 'overwhelmed' with the extent of consultation and information that has to be confronted in order to participate. One interviewee, a member of Greenpeace, describing a feeling of "constant frustration" towards the process:

> "sometimes it feels like the only way we can actually influence things, is by… well, deliberately trying to shut the whole process down!...well, delay it at least..."

The deliberate disruption of consultations has been a prominent strategy employed by other groups because, as one member of FoE stated

> "the democratic process has been bypassed, what's the point? The whole thing is designed so that you can't actually have a debate on nuclear!...how is this democratic?"

This was particularly evident at the Second Bristol National Policy Statement consultation on the 29th of November 2010, when the consultation had to be stopped temporarily as persistent shouting interrupted proceedings. Much of the focus in this consultation, and in the subsequent comments made by attendees from campaign groups, was on the

democratic implications of the ways in which DECC was running the consultative element of their policy. One CND member stating

> "I call these consultations their [DECC's] promotional roadshows...two hours In Bristol to discuss six NPS statements that will dictate our energy choices for the next 50-100 years? This is apparently our chance to discuss the details of the policy justifying Hinkley...I don't see any conversation though...I see an advertising campaign"

One participant from FoE during this particular consultation simply asked

> "Is there anything we can actually say or do which can change nuclear policy?"

This question was greeted with some laughter and applause by audience members creating an atmosphere resembling a pantomime. Later the participant in question, when interviewed, pointed out that this was a purely symbolic act, addressing a perceived power imbalance:

> "Everybody knew the answer was clearly 'no', but it was amusing watching him [the civil servant in question] attempt an answer!"

A general theme which emerged from interviews with NGO members was that the original Hinkley C public inquiry in the 1980's was a preferable form of engagement, despite the fact that the power station was given the go-ahead at the end of the proceedings, as well as the well documented problems with the technocratic basis of inquiries (Wynne, 2011; Massey, 1988). For one member of Greenpeace, who took part in both Hinkley inquiries, the original inquiry now represents

> "...the benchmark for how we would like to engage...we had expert witnesses and encouraged many members of the public to have their say."

This echoes other views from a member of the NLFA who felt that while inquiries certainly had their problems there were significant advantages when viewed retrospectively from the current system

> "A planning inquiry, would give people, for and against the application, the opportunity to give their views fairly into the process. It doesn't mean that it will stop the process...But it allows for a fairer opportunity...the new system doesn't really allow the same level of debate, and makes it much more difficult for anybody that's critical about it to get their views in"

From the NCG there was also agreement on this point:

> "It's about a balance of everyday knowledge against expert knowledge in order to achieve a democratic mean.... set piece inquiries are a good way that a society can really go about understanding what it [the issue] is about."

The focus of the paper now turns towards how spatial changes relate to these differing perceptions of the two public engagement frameworks detailed above. The fixed nature of the spatial framing of the new consultative framework is considerably different from the more fluid spatial formations which developed in the 1980's inquiry. The independent inquiry inspector, Michael Barnes, made the landmark decision to move the Hinkley C (Somerset) inquiry to Cardiff on the 22nd to the 24th of March, 1989, following demands made by campaign groups in both Somerset and South Wales. Similarly, as a result of public pressure, the decision was made to also hold the inquiry in Bristol on the 17th and 18th of July, 1989.

Conducting the inquiry in multiple sites broadened the issues of Hinkley C beyond the locality. This was problematic for the CEGB, causing delays and adding complexity to previously tightly spatially bounded concerns (Aubrey, 1991). What is revealed by the case of the Hinkley C inquiry of the 1980's, is that the spatial parameters defining the Hinkley 'issue' understood as containing those 'considered affected' (Barnett and Bridge, 2012), were open to manipulation by campaign groups. As a Greenpeace member stated during the inquiry

> "We had the chance at the start, to say to the inspector – and he was independent from government, "we want the inquiry to go here"; "we think these people in Wales need a say in Hinkley; "we think this is an issue for Bristol". We could take it places…"

Similarly, as can be observed with the consultation on the proposed Hinkley C development in 1989, the very nature of a 'general inquiry' ensured that greater numbers of people, and a variety of interest groups coalesced into a substantial force to influence policy (Aubrey, 1991). As a member of the StopHinkley group who has taken part in both Hinkley C consultations described,

> "the original Hinkley C consultation saw *local* effects of the building of a power station actually shaping and contributing to a *national* policy conversation because of the nature of the general inquiry....we could use it as a crucial space to question our concerns as well...That is something missing now"

It has been recognised that often the nuanced perceptions of local publics in relation to nuclear are generalised as being favourable on the whole (Venables et al, 2009). However, these views can become more complex through a generative process of deliberation, as more substantive issues related to nuclear power are encountered. This was addressed by an activist from the StopHinkley campaign, who described how in the 1980's many local

people became actively involved in the 'in principle' issue based discussions, through hearing the arguments of campaign groups during the public inquiry:

> "There was a local group set up to with their states aim of looking objectively at it [the proposed development of Hinkley C]. A month into the Inquiry, most of them were anti-nuclear! [laughter]"

Asked why this was, it was stated

> "We had a really good case and we had the time [in the inquiry] to put our points across and some people clearly found these arguments convincing as we had a good deal of support locally."

Michael (2009) considers publics in 'relation to other publics'. The above quote indicates a perceived divide between local groups interested only in 'local' issues, and campaign groups discussing 'national' and 'in principle' problems. However it is often more nuanced. The space of the inquiry also enabled campaign groups to discuss substantial issues related to nuclear power and propose a case for alternative policies.

The 2008 Planning Act reformed and compartmentalised planning into different 'stages' to enable a more 'fluid' and 'streamlined' planning procedure for large scale infrastructure. As already discussed, this involves separate consultations running based between several nuclear issues, but crucially, also through differing scales of engagement; national consultations run by DECC (DECC, 2012), and local consultations run by EDF (EDF, 2012). The local consultations, run by EDF who have a duty to consult under Section 37 of the Planning Act prior to application, have involved a number of consultations on development proposals. There is no doubt that this consultation has involved local groups from the beginning of the proposals and has been extensive. For NGO's such as Greenpeace, these consultations have not been worthwhile however. As one member involved in organising campaigns in the UK described,

> "…things have changed a lot. There's far more battles to be fought because of climate change. We have to think very hard about what to spend the money on. We funded two members of staff and gave money towards the Hinkley group in the 1980's. Greepeace remains resolutely opposed to nuclear power, but these consultations? Not worth it for those interested in the actual issues of nuclear.

The division of policy between the national and the local, as opposed to the public inquiry experience, has contributed to confusion as to what can be discussed within particular settings. Reminders were frequently made by civil servants during NPS consultations that care would have to be taken not to discuss 'local' issues, as the local context was not the concern of the NPS's, thus the spatial boundaries are carefully policed. Indeed the constitution of specific scales of engagement through planning reform related to planning for large scale infrastructure has significant implications for the forms of argumentation pursued and political content deliberated. Primarily it would appear that the 'coalitions'

which Cowell and Owens (2006) describe have not occurred to the extent to which it did in the previous consultations. As one StopHinkley activist described:

> "...we don't tend to get involved or even speak to people involved in the *local* consultations as they do not relate to our discussions".

Where previously the 'public inquiry' was described as a meeting place of a variety of concerns which could in turn affect general policy (Aubrey, 1991), dissecting policy into specifically 'local' and 'national' issues and forums without any crossover, successfully prevents the developments of the kinds of 'subversive coalitions' of both local and national groups (Cowell and Owens, 2006, page 405).

Asdal's (2008) account of the public hearing in Norway points towards the way in which an ordinary object of 'objective' point of public administration, is transformed into a lively and politicised 'issue', where tools or administrative government are in fact turned around and utilised to become "…tools for public involvement, for democratization or deliberation, as well`` (Asdal 2008, page 13). Key to this process, is the expansion of the spatial parameters of what constitutes the issue at hand. The counter-move that must be considered is how highly contested and politicized developments are rendered more 'administrative' and 'objective'. The dissection of policy into contained scales, side-stepping the possibility for a return to 'in principle' discussions, diminishes opportunities for this to occur. Thus the construction of the post-political is achieved in certain areas through spatial practices which dictate what the relevant space, and relevant spacing, of 'the public' is.

Whilst the justification for this has been described as 'speeding up' the planning process in policy documents, this was queried by an activist from FoE, an organisation who have been very critical of the new framework:

> "There is not really any indication that the process will in fact be speeded up. What we've lost from the process in our opinion is democratic engagement."

The question then becomes one of considering how campaign groups, many of them considered 'mainstream' stakeholders during the 'deliberative turn' view these changes, and what likely courses of action will be taken in the future in relation to the new policy landscape of the Planning Act.

Concluding Remarks: From consultation to where? A 'battle' against the planning system?

The above quote neatly brings us back to the tension within the modernisation of planning between drives for efficiency and democratic accountability. It also queries the extent to which the Planning Act will actually make nuclear development more timely and efficient. Despite streamlining, the UK's nuclear ambitions have become far more modest than those announced in 2008, and are shrouded in uncertainty for the foreseeable future (Chazan, 2012) EDF have delayed their final decision on whether to invest in Hinkley point (Carrington

and Macalister, 2012). 'Public opposition', often invoked as the reasoning for the staggered development of nuclear, cannot be held responsible on this occasion. This places focus on whether it is the 'self limiting' features of the technology (Romm, 2008), such as economics, rather than 'planning risks' caused by public intervention, which are the main opposition to new nuclear build. Indeed, summoning 'public opposition' as the main cause of nuclear's staggered growth, may function to distract from some of the more inherent uncertainties regarding large scale infrastructural development and the policy surrounding them (Flyvberg et al, 2003; Jenkins, 2012).

An instrumental view could be taken that side-lining oppositional voices is a positive move in order to speed up development. Aside from many democratic and procedural justice-based arguments against this position however, the idea that political dissensus can be 'solved' through policy reform is misplaced. Processes of 'rescaling' utilised to solve political issues can entail 'unintended consequences' (Goodwin et al, 2012); for example, devolution was expected to produce the by-product of ending the campaign for Scottish Independence, when it in fact strengthened it. As changes to the Planning Act were introduced, concerns were raised that it could cause "simmering frustration, resentment…and in consequence possibly more direct action and divorcement from the political process" (Vidal, 2009). As the limited opportunities presented in public inquiries for challenging policy are closed down, politics returns through multiple other channels. Increasing levels of legal action (Macalister, 2011), and direct action through blockades, occupations, large protests, and mass trespasses, have undoubtedly become more prevalent (BBC News, 2011; 2012a; 2012b; 2012c; 2012d).

Thus what must be considered is how relations of trust between publics, NGO's and government, vital to communication for the effective communication of nuclear risks (Science and Technology Committee, 2012), are transformed through the displacement of politics. Whether other methods such as legal action and judicial review may be more effective in stopping developments is not yet clear. The governing coalition however, is already identifying judicial review as problematic (Wintour and Bowcott, 2012). To reiterate, this article does not indicate a nostalgic position to the public inquiries of the 1980's, as the technocratic and exclusionary characteristics of this approach were unsatisfactory. It does point however towards the limitations of the choice only between problematic public inquiries or constraining consultations. What remains is the possibility that there are other ways to fully deliberate the substantive issues related to a development 'upstream', using "controversy as a mode of exploration" (Callon et al 2011, page 28).

What this paper has indicated however, is that questions of whether or not the planning process is 'post-political' should be replaced with more nuanced and empirically attentive questions of where and how politics operates in relation to specific policy developments. With regards to nuclear in particular, the presence of political antagonism should always be assumed; the location of where such contestation takes place however, should not.

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