



Campaign to Protect
Rural England
Standing up for your countryside

Public participation in major transport infrastructure planning

22 May 2013

OMEGA centre



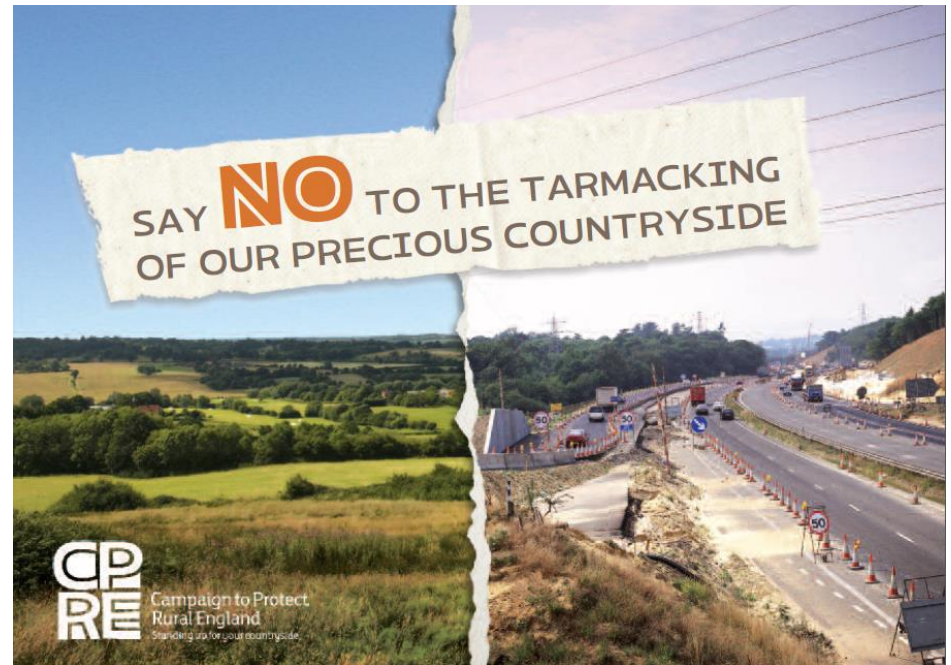
Overview

- Context
- Problems - HS2 as key example
- Participation - when, how, why
- Aarhus Convention - 3 pillars
- Open data
- French lessons
- Proposals for change



Campaign to Protect Rural England

- Established in 1926
- Membership: 70,000 & 1/3 of parish councils
- Shift from influencing road design in 1930s, objecting to particular routes, then by 1970s challenging principle
- Plan-led system seen as key to protecting countryside
- Tensions with ‘standing up for your countryside’?



CPRE & HS2

Many assume CPRE will simply be against HS2.

2008: five tests for sustainable HSR

2010: *Getting Back on Track*: our research about well planned HSR

2011: *Right Lines Charter* for 'doing HSR well' & CPRE consultation response

2012-3: welcome improvements to route but still 'long way to go'



CPRE influenced design of third Woodhead tunnel through Peak District National Park in 1950s

Key points

- Public debate needed early on in process, including strategies
- Reject appraisal trend to 'listen to numbers', i.e. monetise
- Apply principles of open data to facilitate public understanding and engagement in inevitable value judgments

Context

- Increasing public expectation of information and participation
- Expert views more contested
- Social media means more action, even if value inflation
- Future uncertainty - no longer job for life, can't be sure 'things will get better', disruption from new technologies
- Massive investment in infrastructure desired by political classes, needed for energy and for transport (whether safer cycle tracks or railway capacity)

Problems - strategy

- National Policy Statements (NPSs) in Planning Act 2008 welcomed
- Lack of thorough scrutiny and engagement problematic
- Ports NPS rejected by Transport Committee, still approved
- National Networks (road, rail & RFI) NPS due in 2009, now 2015?
- UK National Infrastructure Plan criticised as mere shopping list
- French National Transport Infrastructure Plan (SNIT) too expensive, not environmental or social - Socialist govt rewriting

Problems - schemes

- Wind: balancing climate change & landscape like comparing apples & pears?
- HM6L - consultation on basis road scheme going ahead
- No national policy, no challenge to NTM forecasts
- Promoters submit huge scanned in documents, so no searchable text
- National Infrastructure Directorate website poor

Highways:
Heysham to M6 Link Road
by Lancashire County Council

Decision **Post decision**

[Find out more about the process >](#)

i The Secretary of State has granted development consent for this application. For further information, please refer to the [Secretary of State's decision letter](#), [the development consent order](#) and the [Planning Inspectorate's recommendation to the Secretary of State](#).

Overview Application documents Project documents Advice given Representations Document search

The project folder includes any documents which relate to the project excluding the application documents.

Filter by category: **All** Correspondence Decision Environmental Impact Assessment

Other Outreach Event - 07-02-2012 - 1600 - Lancaster Town Hall Preliminary Meeting

Procedural Decisions


Show 10 entries

Showing 1 to 10 of 43 entries Filter:

Description	Details
110531 TR010008 Notification of application	Size: 576 KB, Pages: 2, Page size: A4
110531 TR010008 s.46 letter	Size: 242 KB, Pages: 1, Page size: A4
120221 TR010008 Certificates under s56 s59 and EIA Reg 13	Size: 546 KB, Pages: 3, Page size: A4
120221 TR010008 Letter from Lancashire County Council for Certificates under s56 s59 and EIA Reg 13	Size: 307 KB, Pages: 1, Page size: A4
120227 TR010008 Book of Reference - PART 2 - ACCEPTED TRACK CHANGES	Size: 398 KB, Pages: 65, Page size: A4

Next action
A decision has now been issued

Location
North of Lancaster M6 J34 to junction of A683 & A589



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High Speed 2

- Not just big project but new network
- 20 year project initially
- Lessons learnt from HS1 (CTRL)
- Consent via hybrid bill in two phases
- Powers to operate railway not included in 2008 Act, too large for T&W Act?



HS2 problems - government

- Absence of any long term transport strategy - other bodies forced to resort to quotes from ministerial speeches as substitute
- Dogged reliance on modelling journey time savings for next 60 years
- Public information weak: gimmicks, e.g. ‘Hammond’s headphones’
- Even rail stakeholders view communication strategy as poor
- Reasons keep shifting: speed, capacity, then engine of growth

HS2 problems - public debate

- Level of opposition much greater than road schemes
- Fear of unknown (e.g. alleged 80m vegetation death strip)
- No perceived local benefits and feeling of them imposing on us (interurban scheme on rural) - particularly as no choice of route
- Polarised debate, hard for middle ground to be heard
- Expert disagreement - but no unpicking of their assumptions?
- Focus on 'business case' ignores how it could be done differently

HS2 problems - Judicial Review

- No NGOs took part, unlike successful Heathrow 3rd runway case
- Confusion between ‘Decision & Next Steps’ (DNS) to proceed and decision through hybrid bill to grant development consent
- Failure to consider phase 2 impacts (actually less bad than phase 1) meant would be breach of SEA directive
- ‘not every project has a precursor plan’ - so no SEA actually needed
- Government won on 9 of 10 grounds in biggest JR in recent memory
- Yet reforms to tackle ‘problem’ of JRs holding up new infrastructure

Public participation

- Before planning control, general freedom to do what one wanted with one's own land, subject to impact on neighbours
- Private bills needed for infrastructure - draining, enclosure, canals, turnpikes, railways etc. - had to show some need
- Although society has changed immeasurably, HS2 development consent proposed to be granted via similar process, little changed since Victorian era

Range of options

- Public referendum - as in Switzerland
- Deliberative process - e.g. French CNDP
- UK public inquiry - right to cross-examine
- Passive public - early EIA, SEA pre public participation directive, public comment in USA?
- Imposition in Less Developed Countries?

Traditional consultation - why

- Allows expression...or just a bit of therapy?
- Improve quality of decision making
- Allows Decision Maker to take account of public views better
- Accountability and transparency
- Increases chance of public support
- Increases public awareness & understanding

Public participation - why

- Move from consumer to citizen / self-interest to public interest
- More consensual, helping justify interference in public rights
- Secure ownership in decision
- Uncover experts assumptions
- Radical view that representative democracy & periodic elections not enough for legitimacy

Public participation - fundamental challenges

- **Environmental justice** - process; distributive (benefits and burdens), intergenerational or ecological (deep green)
- **Time of engagement** - when all options are open means scoping?
- **Whose future?** Forecasting, scenarios, backcasting.
- **Assessment/judgment for DM:** monetisation - takes discourse away from public, often really flawed, e.g. landscape
- **Comparing incommensurable factors**

Aarhus Convention

- Evolved from 1992 Rio Declaration, signed in 1998, 45 ratifications + EU
- Quite vague and permissive, no direct effect in UK law
- Increasingly known and quoted in UK
- Unlike ECHR, about procedure not substantive outcomes - misunderstood
- Unique compliance mechanism and effect through EU incorporation



Aarhus - the three pillars in England

- Access to information: Environmental Information Regulations 2004
- Public participation in decision making - for NSIPs only: pre-application consultation under Planning Act 2008
- Access to justice - qualified one-way cost shifting introduced through April 2013 reform to Civil Procedure Rules

Aarhus - future changes on participation pillar

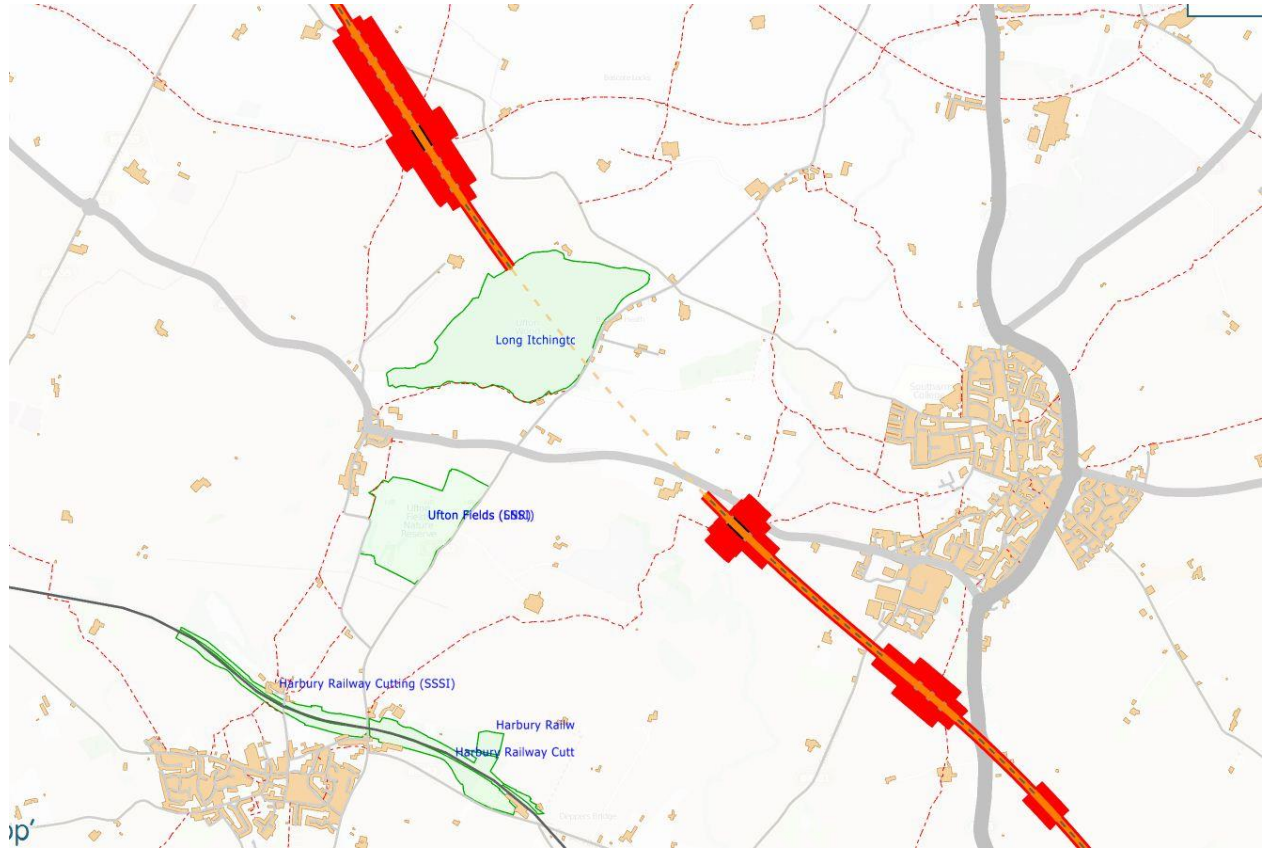
- Already good on tiered decision making, i.e. strategy, options, detail
- Considering electronic databases and social media to improve reach to younger generation
- Proposals include: electronic tools, such as user-friendly websites and option to comment on-line
- Does this shift the burden or balance of power in relation to huge proposals?

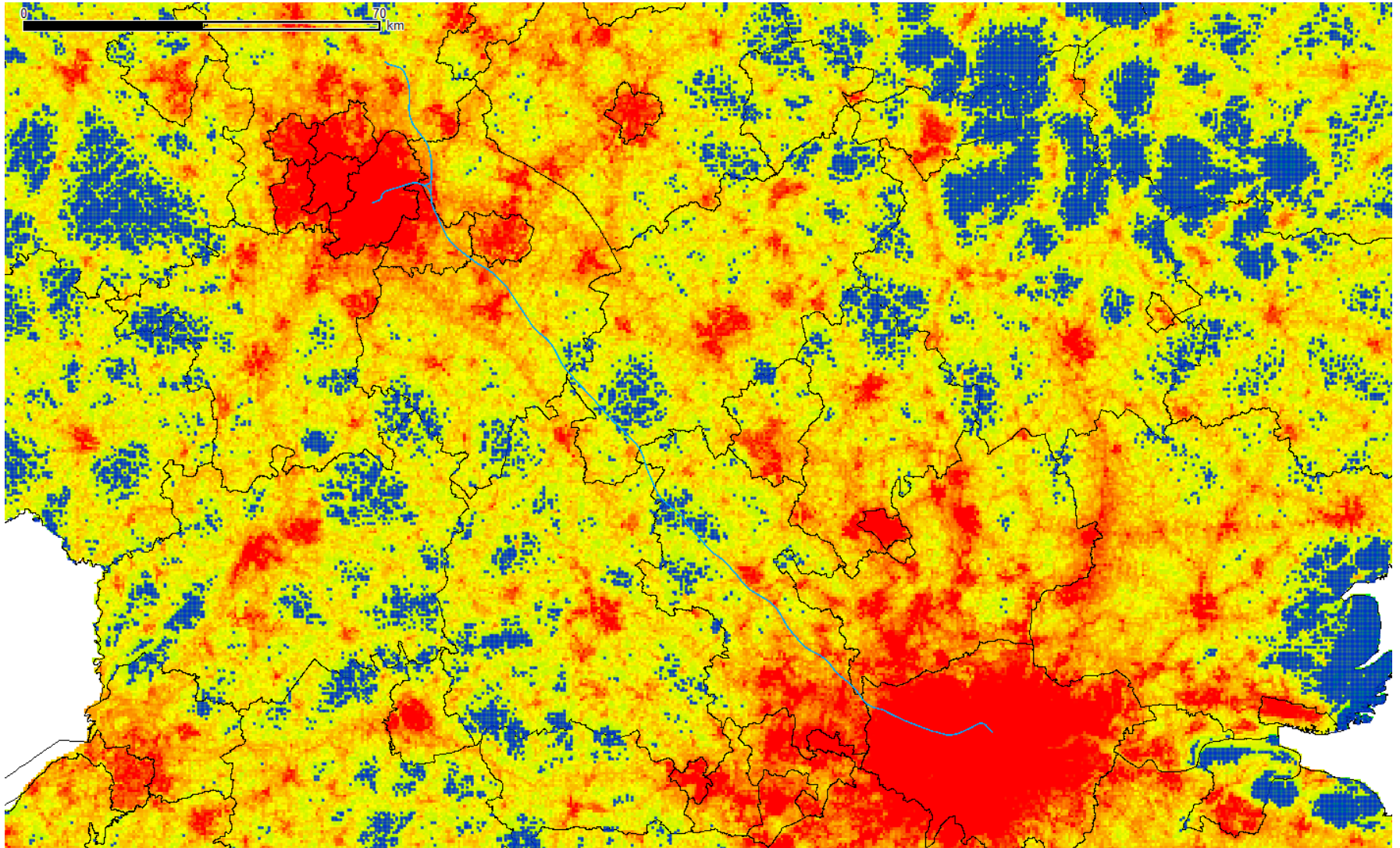
Open data

- Open Data White Paper (2012) - raw material of 21st century
- HTM economic model open, DfT National Transport Model not
- Data being available and free of charge not enough
- Raw data may be of use just to (costly) experts - Non-Technical Summary can educate but not much more use
- Semantic Web - converting current web dominated by unstructured and semi-structured documents into a “web of data”

Open data - uses

- Add data to OSM, Wikipedia of maps - e.g. HS2 EIA will be a cross-section of England
- Openlylocal.com planning application scraper
- Discipline of structure / mark up could make everything from EIAs to traffic signs more logical





HS2 route with most tranquil quintile in blue

French lessons

- Mitterand - ‘when draining the pond, you don't tell the frogs’
- Gradual change with Loi Barnier (1995), then Grenelle roundtable
- Perhaps best example of compliance with Aarhus 2nd pillar
- Not perfect - mass protest around proposed Nantes airport
- Public debate equivalent stage to pre-application consultation
- Followed by public inquiry and declaration of public utility

National Commission for Public Debate

- Trialling of different process for new High Speed Line in 1990s
- Steps in 1995 to create National Commission for Public Debate (CNDP) and made independent in 2002
- Representative due to tripartite nature: national & local politicians; lawyers; experts and representatives of civil society
- Can order public debate and/or give advice throughout process
- Large schemes automatically considered, smaller schemes can be referred
- Leads to recommendations to promoter rather than approval/rejection

Suggested proposals for England

- Create new public debate body for UK modelled on French approach
- Commit to drawing up long-term national transport strategy
- Introduce public debates for designation of NPSs rather than just Parliamentary committee hearings
- Replace current pre-application consultation on major schemes with this process
- Apply Open Data principles to all models for national forecasts and promoters documents, including metadata schema to help structure large documents

Questions, comments and discussion