Are climate policies fairly made?

A socially just transition to a low carbon economy and society will not take place without socially just decision-making. However, it is not clear what this might mean for the decision-making process: is giving everyone an equal say in decisions the fairest way to devise policies – or should power be distributed according to how much (or little) individuals and groups will be affected by climate policies?

Key points

- Policies that aim to shift the UK to a low carbon future are not as fair as they might be. We need fairer decision-making processes if social justice is to be achieved and the interests of the poorest people in society protected.

- Questions of fairness are important now, in part because of new policy frameworks being introduced by the Coalition Government for land use planning and energy. These frameworks could have important consequences for how decisions are made, and by whom.

- Applying the principle of proportionality is one way of ensuring greater fairness in decision-making. To make things fairer we need to consider how much different people have at stake in any decision, and who will be most affected by it.

- Everyone who is affected by a decision should have some power in the decision-making process.

- Local policies and decisions relating to emissions reductions are likely to have impacts on people beyond the local community. Fairness requires that non-locals affected by those decisions should have some power in making those decisions.

- In most cases, some people will be more affected by a decision than other people. Decision-making processes should be designed to distribute power in proportion to stakes – the more that anyone has at stake in a decision, the more power they should have in making that decision.

- Since the least well-off people will often be most affected by decisions to do with climate change, they should often have the most power in making climate policies and decisions.

- The practical implications of the principle of proportionality can be seen in three case studies: local authority climate change strategies; congestion charging in cities; and wind energy developments.

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Introduction

Policies for achieving a low carbon economy and society should be 'socially just'. But what does this mean – in principle and in practice? Discussions of social justice often focus on distributive justice but procedural justice (or fairness in the process of decision-making) is also important. How can decision-making processes be made fairer? Would democratic processes that gave everyone an equal say in decisions necessarily be the fairest?

Questions such as this are important, with the Coalition Government's new policy frameworks for land use planning and energy generation intended to move the UK further in the direction of becoming a low carbon economy and society. These frameworks could have important consequences for how decisions are made, and by whom.

Box 1 Justice

Political theorists normally distinguish two kinds of justice:

- *Procedural justice* – fairness in the process of decision-making and policy-making;

- *Distributive justice* – fair distribution of the benefits and burdens resulting from policies and decisions.

Box 2   National Planning Policy Framework

The Localism Bill (DCLG, 2011) introduces new reforms to land use planning that aim to sweep away a plethora of land use policies and replace them with a simplified, over-arching policy framework.

Ministers want to remove barriers to development, housing and growth. Controversially, the Bill proposes a general presumption in favour of sustainable development, whilst giving local communities more power to determine the future of their areas via a new system of neighbourhood planning.

Government also wants to speed up the development of major energy projects such as wind farms and nuclear power stations, with decisions over major infrastructure being taken by ministers once the Localism Bill is passed. Developers will also be required to consult local communities over major proposals before planning applications are submitted. These policy frameworks could have important consequences for how decisions are made, and by whom. Gains for local communities over decisions affecting their neighbourhoods could be offset by top-down, less democratic decision-making processes for major developments, possibly representing a net loss to fairness overall.

Democratic decision-making and impacts beyond borders

Policies and decisions relating to climate change should be made democratically by the people. But who legitimately make up 'the people' or 'demos'? Many decisions that are made by the people of a territorially-defined democratic community, such as the UK, have effects beyond the boundaries of that community. If the UK decides to generate a large proportion of its energy from fossil fuels, it will contribute to global climate change. But global communities don't generally have a say in the climate policies of the UK, except perhaps where we've signed up to international climate protection commitments.

Equality v proportionality

Perhaps the right approach is to include all of those affected by the decision-making process (Dahl, 1970). But then that suggests many decisions relating to climate policy are not made democratically because not all of those affected are necessarily included or have equal power in the decision-making process.

The principle of proportionality may be a fairer framework for decision-making. Power in any decision-making process should be proportional to individual stakes (Brighouse and Fleurbaey, 2010). Everyone affected by a decision should have *some* power in the decision-making process. But their power should be in proportion to the stake they have in that decision, i.e. how much it is likely to affect them.

The principle of equal power, normally associated with democratic decision-making, allows a majority with little or nothing at stake to impose its will on a minority with much more at stake. The principle of proportionality ensures that a minority has power proportional to the significance of its interests.

Poorer people will generally have more at stake in decisions that affect the allocation of resources and opportunities than rich people. The least well off are often more vulnerable to the negative effects of climate change and to the negative effects of policies to mitigate climate change. Any benefits that a climate policy delivers are likely to make a bigger difference to the less well off than to the better off. The more limited a person's resources and opportunities and the more impact a decision is likely to have on them, the greater their stake.

Box 3 UK Climate change policy

Climate policies aim to avoid or reduce the risk of dangerous climate change.

The 2008 Climate Change Act committed the UK to cutting carbon emissions by 34 per cent below the 1990 baseline by 2020 with a target of 80 per cent reduction by 2050. Under the Act Government sets five-yearly carbon budgets for the UK to help achieve the transition to a low carbon economy and society.

The draft Carbon Plan (DECC, 2011) sets out a range of policies and actions by Government departments to help meet the targets. These range from generating more low carbon energy, including renewables and nuclear power, to tackling emissions from agriculture and industry.

Case studies

In this *Viewpoint*, we examine three climate policy case studies (local authority climate change strategies, congestion charging and wind energy). We look at how decisions are made and how the processes involved could be fairer. Each case study is preceded by a summary of current policy, before looking at the nature of the fairness challenges and some possible solutions. How would decision-making processes be different if they were designed to satisfy the principle of proportionality?

Local authority climate change strategies

Policy Background

A clear role for local government in tackling climate change was set out in the White Paper of 2009 –*UK Low Carbon Transition Plan: National strategy for climate and energy.*

> "People should increasingly be able to look to their local authority not only to provide established services, but also to co-ordinate, tailor and drive the development of a low carbon economy in their area, in a way that suits their preferences" (DECC 2009).

The draft Carbon Plan confirms that commitment:

> "Tackling climate change and demonstrating leadership through action is the responsibility of every part of government, central and local, and the wider public sector" (DECC 2011).

By 2009, over 340 local authorities in the UK had signed the Nottingham Declaration, which "commits the signatory authority to developing plans to address the causes and impacts of climate change according to local priorities" (DECC 2009). By 2010, at least 147 local authorities in England had developed climate change strategies (Swaffield and Bell, 2010).

Middlesbrough's Climate Change Strategy

One of the most pro-active local authorities in tackling climate change, Middlesbrough Council conducted a substantial consultation exercise to inform the development of its climate change strategy. The council did more than many local authorities to engage stakeholders and the public in the strategy development process. However, there were some important fairness challenges that were not addressed in the process. See 'Fairness challenges and potential solutions (1).'

Stakeholder engagement

A network of climate change partners was established to consult with key stakeholders in Middlesbrough. The group consisted of representatives from environmental, business, public, voluntary and residential organisations. "The role of the group has been to offer an expert steer from the perspective of all sectors in Middlesbrough" (Middlesbrough Partnership, 2004).

The group was involved in the development of the strategy at several points. Its members:

- participated in a workshop to outline directions and priorities;

- steered the development of the Draft Framework Document for Consultation; and then commented on it;

- considered the results of the public consultation and provided responses to issues raised.

Fairness challenges and potential solutions (1) – stakeholder engagement

Fairness challenge	Fairness solution
Participation in the consultation excluded participants from outside the local area. The greenhouse gas emissions generated in Middlesbrough will contribute to *global* climate change, which may affect the lives of people anywhere in the world (now and in the future).	Non-locals should have some power in the process of strategy development. Local authorities could develop climate change strategies that are designed to limit local emissions to a level decided by a larger (national or global) demos. The local demos could decide *how to meet* the emissions target but the more inclusive demos would decide *the level of* the emissions target. National Government should aim to set fair emissions reduction targets for local communities.
Some local people were members of the partner group because they represented organisations while other local people were regarded as members of the public. Partners were allowed to contribute to the development of the strategy at more (and different) stages of the process. This gave them privileged access to the decision-making process and more power to shape the outcome of that process.	Power should be distributed among representatives in proportion to the stakes that they represent. Membership of the partner group should be informed by the principle of proportionality and the make-up of the partner group should be adjusted to reflect the relative stakes of different stakeholder groups. The partner group should not only include representatives of organisations, such as businesses and public services, but also 'ordinary people' as representatives of local communities.
There was a relatively low level of public involvement in the consultation (less than 500 comments and just over 100 people at meetings) and only an awareness-raising 'road show' that specifically targeted 'hard to reach' groups.	The least well off are likely to have most at stake in many climate policies. They should have most power in the development of local climate change strategies. More time and effort should be spent ensuring they have the best access to the officials responsible for delivering the climate change strategy, and better access to knowledge resources. Community facilitators could help promote better engagement with the key issues.

Community engagement

The Draft Framework Document was used as the basis for an eight-month period of public consultation.

- One thousand copies were distributed to schools, businesses, local authorities, regional agencies, charities, community organisations, all council departments, health organisations, community councils and other organisations.

- Three thousand copies of a short summary leaflet outlined the main messages in the Draft Document and encouraged residents to make their own Climate Change Pledge.

- Five public meetings were held in venues across Middlesbrough to allow residents from all wards to learn about the issues and to comment on priorities.

- A road show was held in shopping centres and supermarkets across Middlesbrough to reach residents "that do not normally engage in public meetings".

Fairness challenges and potential solutions (2) – congestion charging

Fairness challenge	Fairness solution
The Labour group made a strategic decision (for electoral reasons) to hold a referendum on congestion charging. A referendum was not required under the Transport (Scotland) Act 2001. Therefore, the rules of the congestion charging decision-making process were changed as a result of the more general rules governing elections to – and decision-making in – local government.	Inter-connectedness between sets of rules and the issues that they govern may be unavoidable. However, if possible there should be a proportionate distribution of power on each issue. We should seek to ensure that the distribution of power in decision-making about congestion charging (or any other issue) reflects the relative stakes of different people on that issue. We should aim to identify stakes on each issue and distribute power proportionately.
The 'no' campaign dominated the coverage in the local newspapers during the ten weeks prior to the referendum, with a ratio of three negative articles for every positive one. The no campaign may have had privileged access to voters. Moreover, there is evidence that many voters didn't understand the charging scheme, which led to greater opposition (Gaunt *et al.*, 2007).	Information about the options should have been better regulated and more effectively disseminated to all members of the public. Voters should have had a stronger incentive to develop a better understanding of the proposed scheme (e.g., voting rights in the referendum might have been made conditional on providing correct answers to basic factual questions about the scheme).
The decision whether or not to introduce a congestion charging scheme is likely to affect the levels of carbon emissions from the region, which will contribute (in a small way) to *global* climate change. In addition, people living outside Edinburgh may have had their economic interests as well as their interests in clean air and mobility affected positively or negatively but they did not have any power in the referendum.	Non-locals should have some power in the process of transport strategy development. Local decision-making on congestion charging, like all emissions-related issues, should take place in the context of local targets for emissions-reduction set by national and global democratic processes. Moreover, when there are other effects (e.g., economic, health, mobility, quality of life) on non-locals, representatives of non-locals should be included in the decision-making process and should have power proportionate to their stakes.
Some people may have more at stake than others: for example, people who suffer from illnesses caused or aggravated by traffic pollution or who cannot afford a car but might benefit from increased public transport (funded by a congestion charge). The stake of these (relatively poor) non-car owners is likely to be greater than the stake of (relatively affluent) car owners who would have to pay £2 per day if the congestion charge were introduced.	Power in decision-making should be distributed in proportion to stakes. The more limited a person's set of available opportunities and the more impact that a decision is likely to have on their set of available opportunities, the greater their stake in that decision. Therefore, a referendum with one vote per person might not have been the fairest way to decide whether to introduce a congestion charging scheme.

Fairness challenges and potential solutions (3) – wind energy

Fairness challenge	Fairness solution
Large developers have selected controversial, windy sites without meaningful consultation with local communities. Under the rules of the planning system the power of local people, who have the most obvious stake in a development, has been limited largely to intervening late in the process. This has made it difficult for communities to influence the siting and design of wind farms.	Local communities should have more power earlier in the decision-making process. This could give local communities greater power over siting and design. It would increase the transparency and fairness of the development process.
Despite the increasing rhetoric of community engagement, power in the earlier stages of the decision-making process has not been transferred to local communities. Instead, developers are increasingly providing community benefit payments to communities as compensation for the effects of hosting a wind farm in their area (Cowell *et al.*, 2011).	There should be more community ownership of wind energy developments or rules that require that developments are community-led. If local communities were set fair renewable energy generation targets by national government, they could choose what renewables to commission, where to locate them, and which developers to work with, and they could also negotiate the division of benefits and burdens with development partners. More generally, if local communities had responsibility for meeting emissions reduction targets, they might even choose to meet them (partly) by reducing energy use rather than developing new renewable energy capacity.
Local people (or their representatives on the local authority) may have too much power over whether developments are finally approved. If the development of wind energy capacity is assumed to be necessary for the UK to meet its obligations to reduce greenhouse gas emissions, everyone who might be affected by global climate change has a stake in decisions that affect how much wind energy is installed in the UK.	Local communities should not have a veto power over developments in their area. A larger (national, regional) demos should determine how much wind or renewable energy capacity should be developed in each local area while a local demos determines the siting and design of wind energy developments in that area.
There is some evidence that local opposition to wind farms is most likely to be successful in more affluent communities. Power in the decision-making process may be proportional to wealth rather than stakes (van der Horst and Toke, 2010).	Power should be proportional to stakes. Local authorities should consider whether some members of the community have more at stake (and whether some outsiders have a stake) in siting and design decisions. In practice, this might require more engagement and discussion with some people than with others (e.g. people with limited mobility who might live close to and in sight of one of the potential local areas for development). It could also involve representatives of visitors to the area being included in discussions about potential sites and designs.

Responses

Three hundred and twenty-two comments were received directly during the consultation and 103 people attended the public meetings. A stakeholder conference generated a further 150 comments.

Congestion charging

Policy background
Regulating car usage through road pricing is controversial and congestion charging has had a chequered history. Plans for a national road pricing scheme have been shelved currently and "the Coalition Government has ruled out national road pricing for cars on existing roads, and any preparation for such a scheme, for the duration of this Parliament" (Department for Transport, 2011).
In the absence of national road pricing, cities and towns have pursued their own congestion charging schemes in order to reduce peak time demand, with mixed results. Whilst schemes in Durham (which was the first UK city to introduce congestion charging, in 2002) and London have been relatively successful, other cities have dropped their proposals. Public opposition has been clearly demonstrated in the results of two referenda on congestion charging in Edinburgh (in 2005) and in Manchester (in 2008). In both referenda, a large majority voted against the introduction of the proposed congestion charging schemes (74 per cent in Edinburgh; 79 per cent in Manchester).

Congestion charging plans have also been abandoned in Cambridge and Birmingham following initial bids to the Department for Transport's Congestion Charging Transport Innovation Fund (C-TIF) (Centre for Cities, 2008).

Edinburgh's Proposals
Edinburgh City Council undertook extensive public and stakeholder consultation over several years culminating in a local referendum in 2005 on the introduction of a congestion charging scheme in the city (Gaunt *et al.*, 2007). As a form of direct democracy, the referendum would seem to give all Edinburgh citizens equal power to decide whether or not to introduce congestion charging. But does that mean that a referendum ensures that power is distributed fairly in decision-making? We believe that there were some important fairness challenges that were not adequately addressed in the decision-making process in Edinburgh.

Wind energy

Policy background
Energy generation produces 35 per cent of UK greenhouse gas emissions (DECC, 2011) so it is not surprising that renewable energy is a major aspect of UK climate policy. The UK has to meet legally binding EU commitments, with 15 per cent of energy needing to come from renewable sources by 2020, and there are ambitious targets for increasing the proportion of energy generated from renewable technologies.

Wind power (both on-shore and off-shore) is a major element of the renewables picture. However, the development of wind energy capacity in the UK has been slow despite the potential of the available wind resources. Localised opposition to wind energy has been blamed for slowing development. Proposals for both small-scale and large-scale wind farms can be controversial, raising opposition from local communities and pressure groups over cumulative impacts on natural amenity and other impacts such as noise and shadow flicker from turbine blades (Bell *et al.*, 2005). There is also increasing evidence that opposition may be motivated by perceptions that planning processes are unfair (Wolsink, 2007).

A new Energy Policy Statement for Renewables (DECC, 2011) sets out the planning framework for large-scale wind farms above 50 megawatts, with final decisions being made by ministers (once the Localism Bill is passed). But this seems unlikely to address – and may exacerbate – the fairness challenges that have been a feature of wind energy decision-making in the UK.

Conclusion

A socially just transition to a low carbon economy and society will not take place without socially just decision-making.

But the equal distribution of power may not be the fairest way of distributing power when other benefits and burdens are *unjustly* distributed. To overcome this problem power should be distributed in proportion to stakes.

This will often mean that non-locals should have some power over decisions that have effects beyond the borders of a community, including decisions on congestion charging, wind energy development and local climate change strategies. Local communities should be required to 'do their bit' to tackle the problem of climate change in line with national or global decisions about the fair distribution of responsibilities. However, local communities should be free to choose *how* to reduce their emissions e.g. they should be able to choose where to site wind turbines or whether they might even meet their emissions reduction obligations in other ways.

The principle of proportionality is also likely to mean that the least well off, who will often be most affected by the negative effects of both climate change and policies designed to prevent climate change, should often have more power than the most well off. We should aim to design decision-making processes so that they cannot be dominated by the better off. Instead, we should systematically seek to identify the relative stakes of different people and ensure that power is distributed proportionately.

This is not likely to be easy to achieve – especially in the current context of budgetary constraints. However, justice demands that local authorities improve the fairness of decision-making. We might, for example, expect local authorities to undertake a formal review of the social impacts of major proposals and, in particular, the distribution of those impacts within (and beyond) the community. The results of this assessment might be used as the basis for a stakeholder mapping exercise, which would, in its turn, inform the make-up of a stakeholder committee to critically review both the initial social impact assessment and the proposal. If local authorities take seriously the advice of a stakeholder committee constituted in accordance with the principle of proportionality, we should be able to say that the decision-making process is fairer. Practical changes to decision-making processes are needed if we are to have a socially just, low carbon future. The new policy frameworks being introduced by government will have important consequences for how decisions are made, and by whom. It's important that we understand their impact on the distribution of power, especially between local and national interests and between different interests within local communities.

There is a serious risk that the Coalition Government's proposals will exacerbate current injustices by further concentrating power in the hands of business interests and more affluent communities. Local communities may find it more difficult to influence or resist large-scale developments, including new energy developments, proposed by developers. Moreover, where localism gives power to communities, we may find that it is better-off communities (or better-off groups within communities) who take and make use of that power, while less well-off communities (and groups) may be less able to access or use their formal opportunities to influence decision-making processes.

The Coalition Government is right that radical reform of local decision-making processes is required. However, the proposed reforms seem unlikely to promote a fair distribution of power in local decision-making. We should only make changes that take us closer to realising the principle of proportionality in our local decision-making processes.

Acknowledgements

More information

The longer 'thinkpiece', *Procedural Justice and Local Climate Policy in the UK* by Derek Bell, on which this *Viewpoint* is based, is available from http://www.climatefairness.com or email derek.bell@ncl.ac.uk.

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