



Original research article

Procedural justice in Canadian wind energy development: A comparison of community-based and technocratic siting processes



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ABSTRACT

Though there is a growing literature on the value of participatory siting processes for increasing local acceptance of wind energy development, there has been much less unpacking of how residents view the siting process itself. We explore differences in the ways governments and developers enact planning and how this impacts both acceptance/support and procedural justice outcomes. This mixed methods study employed in-depth interviews ($n = 54$) and surveys ($n = 252$) with multiple stakeholder groups to understand perceptions of procedural justice across two Canadian provinces. We compared Ontario – which has built a strong base of wind energy capacity using technocratic siting procedures with Nova Scotia – which has anchored its development strategy more explicitly with a community-based program. We find stronger levels of perceived procedural justice in Nova Scotia across the majority of principles tested. In Ontario, opposition to local developments was highly conflated with a lack of procedural justice including few opportunities to take part in siting. Across both provinces however, specific aspects of planning processes – mostly related to ‘the ability to affect the outcome’ – were strong predictors of local approval of wind. This paper closes with a discussion of how future policy programs can more effectively engage with principles of procedural justice.

1. Introduction

Governments are turning to renewable electricity production to address climate change, reduce air pollution and increase energy sovereignty. Though many have hailed the Ontario government for leading Canada in wind energy capacity, this has often come at the cost of considerable turmoil in rural communities [1,2]. Though there is a significant literature on the value of participatory siting processes for increasing local acceptance/support of turbine developments, there has been much less empirical work regarding how residents and other stakeholders view the siting process as opposed to the turbines.

In the context of Ontario, Canada pressures to stop wind energy production in the province have increased significantly since the implementation of the controversial Green Energy Act (GEA) and Feed-In Tariff (FIT) program – which together took away local decision-making ability and led almost exclusively to technocratic, corporate-led development [3,4,5][3, 4, & 5]. Opposition to these policies have been expressed in many ways including through the provincial conservative party's call for a moratorium on all development [6] and 90 Ontario townships and counties passing resolutions declaring themselves ‘non-willing hosts’ for turbine development [7]. Meanwhile, such a list of unwilling communities cannot be found in

Nova Scotia, where through its Community Feed-In Tariff (COMFIT) program, the province implemented a more bottom-up, locally-based renewable energy program. Recent research has suggested this approach has led to relatively high levels of support [8–10].

2. Background literature

Technocratic, top-down development which removes real power for locals to veto development usually leads to relatively fast build-out of wind energy capacity by limiting the opportunities for opposition [11,12]. However, development done in this way has been said to increase claims of injustice that may have political traction and thus threaten the long term growth of the industry [13,14]. This has prompted considerable interest in community-based wind development as a model for addressing both procedural and distributive fairness [15]. Despite its theoretical advantages, some research has suggested the ‘romanticized’ narrative of community energy [15,16] may be hiding some practical or ‘on the ground’ shortcomings including the degree to which communities will benefit in terms of process and/or outcomes [17,18]. For example Walker and Baxter [9] identify serious concerns about distributive justice in terms of the sharing of local financial benefits to those living closest to turbines. Perhaps because

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this ‘questioning’ of community energy is still new, there has been little empirical work to date that has focused on procedural justice. Looking at wind energy in the UK, Simcock [16] provides a rare exception – though his qualitative study of stakeholders heavily engaged within planning processes. We build upon this work by combining multiple methods to study procedural justice across a wider range of stakeholders involved with or living near wind turbines in Canada.

In light of the increasing opposition to wind turbines in Ontario and elsewhere, social scientists have been studying the multitude of factors that shape local response to development. This emerging ‘social dynamics of wind energy literature’ includes a variety of explanations including: noise and esthetic concerns [19] as well as personal attitudes and experiences with wind turbines [20,21]. Others have subtly and not-so-subtly suggested that selfish, Not In My Backyard (NIMBY) attitudes of locals are the most important factor [20]. Most published research tends to refute this characterization (e.g. [22–24]) often pointing instead to a lack of fairness or equity in the development process as the being at the root of localized opposition [12,23,25]. Through many of these studies, fairness and equity have often been merged in the efforts to better understand a wider range of community perspectives and experiences [10,26–32].

Yet ideas of fairness during siting processes and fairness of turbine cost and benefits distribution after they are built represent two distinct concepts [33,34]. Much of the focus on distributive justice in this context has been on the distribution of turbines and their negative impacts, but also on the distribution of benefits [9]. Procedural justice on the other hand tends to focus on the participation of locals in wind energy planning and the conditions of that participation. For these processes to be considered just, meetings must be accessible, [35] decision-makers must recognize the legitimate contributions of local citizens, and public input should have some bearing on final decisions [36]. Some have already argued that meaningful access to decision-making is not met in turbine siting in Ontario and elsewhere [12,13,37,38].

Some have argued that fairness of process may be more important than fairness in the distribution of benefits from turbines [9,39]. The broader international literature focusses mainly on procedural justice as the most pertinent of the justice variables in shaping public response to wind energy [12,27,40]. In the Canadian context, Jami and Walsh's [38] recent review suggests a model containing six variables as major factors for success in wind energy project deployment. Of the six, at least three (addressing concerns, transparency, and involvement of stakeholders) relate to procedural justice while only one (financial compensation) concerns distributive justice.

Even though many are now writing about procedural justice, citizen participation and wind energy, authors have rarely explored procedural and distributive matters as separate effects ([16,40] are two notable exceptions). There remains both practical value (e.g., very different policy implications) and conceptual value (e.g., unpacking ‘fairness’) in exploring the distinct explanatory power of the siting process, by understanding of the nuances of procedural justice in wind energy development.

Our theoretical understandings of procedural justice can be linked in part to the literature on citizen participation in planning. Arnstein [41] described the now well-known eight-rung ‘ladder’ of citizen participation whereby the degree of involvement ranges from non-participation (e.g. manipulation, therapy) to the highest levels of citizen power (e.g. partnerships, citizen control) – the latter being more in line with the ideal of community-based wind development in the literature [42]. There are numerous accounts of the negative impacts of token displays of public participation where local voices are encouraged, but with little real influence over the planning outcomes (e.g., merely consulting or simply providing information), processes that simply inform locals of a planning decision that is already a fait accompli [42–44]. Despite the popularity of the ladder of citizen participation in terms of theoretical writings, Painter [43] has argued

that those looking to assess participation should also look to outcomes (i.e. how things changed because of participation) rather than only analyzing power structures prior to these processes. Further, we are concerned that the ideal of levels of participation has little meaning for those on the ground who experience felt injustice. Papers that do cite Arnstein's idea most often do not seem to do so as part of the larger orienting theoretical framework of the paper and we likewise do not (see [22,47–50]). Instead we draw on Arnstein's focus on the concept of ‘citizen power’ to align with and unpack the allied concept of procedural justice as comprised of four key elements: information sharing, opportunities to participate, the ability to affect outcomes and dealing with the developer more generally.

Arnstein's ideas of citizen control and providing information, are only two of four procedural justice dimensions that emerged from our interview analysis. We further compare these key dimensions of Arnstein against another core element of fairness- distributive justice. This allows us to link these literatures and at the same time take on Painter's [46] suggestion that distributive issues dominate.

We compare experiences of development by province largely because the policy and planning processes were very different. Though both policies share some similarities, there was a much more community-based approach taken in Nova Scotia which was a reboot of a problematic technocratic approach in that province. Thus we expected much higher scores on both procedural and distributive justice measures as well as overall support in Nova Scotia. That is, the working hypothesis is that a perceived lack of procedural justice is playing a role in the amplification of the intense local opposition to wind turbines in Ontario and to a lesser degree, Nova Scotia. Below we provide a very brief overview of the wind energy policy context of Ontario and Nova Scotia, Canada. More extensive reviews are available elsewhere (see [3,5,8,9]).

3. Study context

This section outlines the differences in wind turbine siting policy in Ontario and Nova Scotia since this is the main analytical comparator.

3.1. Ontario's FIT program

The main mechanism by which wind turbines have been built in Ontario has been under the Green Energy Act (GEA; see [5]) and the Feed-In-Tariff (FIT) program [51,52]. First introduced in 2009, the GEA streamlined approval processes and removed local planning authority related to energy development – including wind and solar energy projects. Various studies have pointed to this policy change as the main driver behind public opposition toward wind in Ontario [3–5,53].

The most salient feature of the FIT system for the purposes of this study is that policy is set up in a way that has failed to encourage widespread use of community-based models – where local profit sharing and involvement in decision-making is more prevalent.¹ This contrasts the experiences of other countries such as Germany. While FIT programs are ideally meant to increase community ownership, Ontario's pricing structure [54,55] and movement toward promoting engagement over ownership [5,9,55] has resulted in a system more geared toward developers rather than communities. What the Ontario FIT program did offer was set prices over several years for electricity generated through renewable technologies including large wind turbines (e.g. 11.5 cents/kWh). The main, and largely unsuccessful, mechanism for encouraging community-based wind projects was through the introduction of small ‘price-adders’ – based on the level of local ownership [55,57,58].

¹ Exceptions include a single turbine located near Exhibition Place in Toronto which was developed in part by Canada's first community wind power co-operative, WindShare (<http://www.windshare.ca/>).

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