Methods for analyzing policy tools: the case of new planning instruments in the UK

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Introduction

In his paper 'New Italian Perspectives on Urban Planning: A Policy Tool Approach' Davide Ponzini sets out the potential of the literature on policy tools for studying the changing multi-scale and multi-sector context of planning in Italy. That paper provides an extensive review of a largely anglo- saxon literature on policy tools or instruments and sets out how these perspectives can offer something new to our understanding of planning practice and particularly to the choices behind the mix of regulatory and other instruments deployed in the European context of planning and urban development. This article is not intended as a commentary on Ponzini's argument, nor do I aim to add to understanding of the Italian case. Rather, I want to explore some particular aspects of the literature, concentrating on questions about the politics of particular policy tools, and to consider some ways in which methods of analysis of the instrumentation of planning may be developed.

The growing literature on instruments and tools of government has its origins in particular national contexts in the UK and North America. In the UK consideration of policy tools has its base in the public administration literature (Hood, 1986). In North America much recent work aims to understand the emergence of 'governance' and appropriate tools for urban management. On both sides of the Atlantic there is a strong normative dimension to the consideration of policy tools. At issue in Canada, for example, is a question of,

'how best to "steer" complex networks of actors toward a form of governance that is both sustainable and legitimate' (Eliadis, 2005, 5).

The literature turns to practical questions about how to select policy tools, including the need to consider multiple criteria and multiple instruments (Peters, 2005), finding new tools to address new environmental issues, and, importantly, how to secure the backing of political coalitions for specific policy tools. Identifying the analytical potential of a policy tools approach, Ponzini also asks normative questions about how the instrumentation of Italian planning should develop. Here, I will approach the normative questions from an indirect route. I would like to focus on the question of the legitimacy of governance tools and consideration of what works best or carries more legitimacy. How we arrive at such judgments will be of vital importance to understanding policy success or failure and to being able to advance suggestions about appropriate tools and instruments. The aim here then is to concentrate on how to understand legitimation processes and to make some brief comment about how this may assist the broader, normative consideration of the right tools and instruments. The paper therefore first reflects on some analytical themes in the policy tools literature and then develops a line of argument through a discussion of recent planning reform in the UK that has been concerned with major infrastructure projects.

Political Legitimacy and Policy Instrumentation

At the heart of the policy tools approach is Salamon's (2002) argument that it is through the tools and instruments of governance that public action is structured. This opens up important analytical questions about governance design, the motivations and interests behind specific instruments of public policy and questions about the framing of policy problems and solutions. Reinforcing Salamon's point, understanding public policy through its instruments according to Lascoumes and Le Galès (2007, 3) exposes fundamental relationships between the

governing and the governed and, thus, through understanding the assumptions, forms of knowledge, and ways of working of particular policy instruments we are focussed on profound questions in political sociology.

Most important in the particular argument about policy instrumentation put forward by Lascoumes and Le Galès is that the logic and effects of instruments help to structure these governance relationships. Lascoumes and Le Galès argue that instruments produce specific effects independent of stated objectives, and that 'they structure public policy according to their own logic' (2007,10). Shifting our focus to effects, including unintended and unforeseen consequences, moves us away from considering the motivations of political actors or the political rationale behind specific policy tools and on to questions about how relationships are framed and stabilized and how relationships between governed and governing achieve legitimacy. The selection of instruments and the framing of public policy issues within instruments may generate conflicts or adjustments between actors and programmes that generate new relationships. Whatever the motivation of the authors of public policy, instruments will generate their own effects. This comes as no surprise to students of public administration who have long been concerned with unravelling that failure of policy advocates to achieve desired outcomes. But what is important here is that a focus on effects draws us to specific consideration of the legitimacy of public policy.

Let us develop this perspective. Lascoumes and Le Galès identify 'original' and 'unintended' effects, in particular those 'inertia' and other effects that generate resilience and resistance to change as different groups of actors share particular representations and problematizations of policy issues. The benefit of a policy instrument perspective is that 'invisible' or 'depoliticised' (Lascoumes and Le Galès, 2007, 17) dimensions of assumptions behind and techniques deployed by public policies can be exposed. Generating confidence in policy instruments, in the reliability of information, in technical expertise in framing solutions and rights to information and participation in policy processes are all crucial in sustaining the legitimacy of public policy. Understanding interactions around the representation of policy instruments quite clearly takes us to consideration of fundamental relationships between governed and governing. Whilst for Lascoumes and le Galès it is - 'through public policy instruments that shared representations stabilize around social issues' (2007,18) we might also consider case where public policy instruments fail to achieve this stabilisation.

New instrumentation of infrastructure planning

To illustrate how we might develop this perspective we take the case of new instruments of planning in the UK. In the 2008 Planning Act government proposed a two stage process for decisions on major infrastructure (see Newman 2009 for an extended review). First, government would issue a series of National Policy Statements (NPS), on nuclear power, airports etc.. These will be set out government's assessment of demand and of the scale of future building to meet that demand. Government argued that this new instrument would give greater clarity to government policy and therefore avoid the delays in the existing system caused as planning authorities and inquiries into major projects asked for greater clarification of national policy in relation to each project.

In the new system, after some public consultation and parliamentary scrutiny government would issue the NPS that would guide consideration of site specific projects. The promoters of particular projects would then be required to undertake

some local public consultation before projects are considered by a government appointed Infrastructure Planning Commission (IPC). The IPC replaces traditional planning inquiries that government argued were too legalistic and time consuming. The IPC is a new 'depoliticised' planning instrument staffed by experts. Decisions over large infrastructure projects will inevitably be controversial and new planning instruments (NPS and IPC) claim to offer clarity of purpose and a transparent process.

These new instruments for infrastructure planning effectively by-pass regional and local plans, making a direct link between national policy, the interests of promoters of projects and the expert view of the IPC. Sub-national governments may express opinions and the IPC experts will take a view on those opinions. The government's aim is to replace the existing quasi-judicial, adversarial planning inquiry with a less confrontational, expert review of cases. Some critics of the IPC refer to the removal of the right for citizens to question promoters of projects. In the new system, the IPC decides who is invited to attend, has a legitimate voice, and it is the commissioners themselves who conduct the questioning of participants. Through this managerial (or, 'post-political' (Swyngedouw, 2009) form of politics the instrumentation of public policy is used to depoliticise some issues.

However, the desire to depoliticise decisions may not be fulfilled. Airport planning in the UK has been controversial and remains so as government decides on a third runway for Heathrow. Planning for energy production and distribution is equally controversial as government discovered in policing the 'climate camp' at Kingsnorth coal-fired power station in 2008. Government hope that the new instruments will depoliticise decisions through clear policy statements and expert judgement. Our previous discussion suggests that we concentrate not on the hopes or stated ambitions of government ministers or appointed experts but rather on the effects on new instruments of public policy. Particularly important is to think through how stabilisation and legitimation may be achieved around controversial social issues.

Understanding the stabilisation of policy instruments

In this section we put forward a scheme for researching questions about the stabilisation of public policy instruments. Three factors will be at work, institutional context, the narratives through which instruments are interpreted and responded to, and changing perspectives as actors adjust to new instrumentation and to each others responses over time.

Around large infrastructure projects we might expect a readjustment of relations between actors. These will include the global corporations involved with financing delivery and managing large projects, national and globally connected NGOs, government operating through a range of 'central', 'regional' and 'local' agencies, and a mix of formal and informal regional and local interests. There may be consensus or conflict between governments and different types of local agencies. How these groupings assemble and reassemble around projects will be vital to the processes of stabilisation. As we suggested earlier sub-national governments and their existing planning instruments may be less important in these processes. Those actors that can deploy expertise may be advantaged in the inquiries conducted by the IPC, and other, non-expert, local actors may find they have fewer rights to participate. How these new instruments structure interactions

remains to be seen as the IPC is appointed and begins work on the government's first NPSs towards the end of 2009 and wider effects unfold.

Unravelling dynamic processes of the effects of instrumentation needs attention to these evolving relationships between actors. But we need to do more than map changing interactions. The second part of our analytical perspective focuses on understanding how policy instruments are interpreted and responses developed. New policy tools need to be located in traditions of handling issues in the past and understanding of how political responsibilities are assessed through established 'governance stories' (Bevir and Rhodes, 2006). Existing work on governance stories focuses on national government. We might expect much of the debate about NPSs to reflect continuing contest between government and NGOs (as in Greenpeace's challenge of the consultation on nuclear new build in 2007) and for this to take the attention of national media. But how localities interpret and respond to new instruments will be equally important to development decisions. Therefore, in analysing the networks of interests around major infrastructure decisions we need to give attention to changing central-local narratives and to differences in local responses to major infrastructure. There may be opposition from some local residents groups, or from residents at some distance from nuclear installations for example, but equally there may be support from some local economic interests. For example, the urban regeneration company, West Lakes Renaissance, would welcome RWE's proposals for Kirkstanton in Cumbria that could provide 600 jobs (The Guardian 2009, 25). Civil society will respond to new policy instruments through different narratives of local and non-local priorities. We also need to understand the 'governance stories' of local politicians who can be viewed as 'custodians' of local perspectives (Lewis and Neiman, 2009) drawing on narrative traditions of response to development pressures and beliefs about where local communities should be heading.

Understanding the effects of new instruments needs to identify how public policy and its techniques are interpreted through narrative traditions of differing forms. In these ways we can start to understand how particular policy instruments support new institutional connections, generate legitimacy and stabilise controversial issues. The urgent environmental challenges facing the contemporary state, 'depend upon generating widespread political support from citizens' (Giddens 2009, 91). Such support, if it emerges, will represent the effects of policy instruments interpreted and reinterpreted through different narrative traditions. In the case of nuclear power we could expect contrasts, for example, between the universalist environmental perspectives of NGOs and some community based action groups (Griggs and Howarth 2007) and localist political narratives developed in localities with existing installations where familiarity with nuclear issues and past debates may inform differing interpretations of new policy and new instruments. The history of policy instruments may be an important factor. For example the degree of trust in political leaders, the adequacy of consultation, whether or not people feel they have been fairly treated, also influences concerns about risk associated with some infrastructure projects (Pidgeon et al 2008, 47).

Interpretation and reinterpretation of the effects of policy instruments happens over time. For the third part of our perspective, rather than seeking snapshots of attitudes we need to draw out longer term perspectives, to examine how responses change as the behaviour and attitudes of others (government ministers, infrastructure promoters) change, and how, in turn, alterative story lines may develop. The 'widespread political support from citizens' identified as essential by

Giddens will emerge, if it does, through the reinterpretation of tradition in particular localities. We need to take a medium term perspective rather than snapshots of contention or consensus better to understand the stabilisation or possibly delegitimation over time of specific instruments. In his work on the sociology of tradition Abbott argues that the concept of tradition 'creates a direct and empirical connection with the temporal and spatial variation of social processes' (Abbott 2006 334). What 'variation' means is that processes of change move at different speeds and we should expect the temporality of policy instruments to vary. The effects of new instruments may impact at different speeds adding to the need for 'good description' of the 'sheer complexity of what is going on' in political processes (John 2003, 483). In addition, then, to Ponzini's argument that we need to think about multiple instruments and multi-scale instrumentation of public policy we should consider different speeds at which traditions have their impacts, controversies are modified and the effects of instruments emerge. This third part of our perspective therefore emphasizes the need for a medium term view of institutional context and the narratives through which policy tools are interpreted.

Conclusion

Davide Ponzini sets out the potential of the literature on policy tools for studying the changing multi-scale and multi-sector context of planning. If we take up Lascoumes and Le Galès emphasis on the effects of instruments then a policy tools approach takes us to fundamental questions in political sociology. In this short note we have suggested how we might approach work on the effects of policy tools. In outline, such an approach has three dimensions, appreciation of changing interactions within government and between government, civil society, local and 'non-local' interests, secondly, interpretation of the narrative traditions through which policy instruments are interpreted and a time scale that allows understanding of changing relationships, reinterpretations of approaches and positions and evolving effects on the legitimacy of relationships between governing and governed. From here we can return to the normative orientation of the policy tools literature and to some basic questions about 'how best to "steer" complex networks of actors toward a form of governance that is both sustainable and legitimate'.

Better understanding of how sustainability and legitimacy are achieved in particular cases will aid our ability to prescribe better forms of governance. The effects of new instruments of infrastructure planning in the UK will often be worked through in contested circumstances where the better our understanding of the processes through which social issues may or may not be stabilised will help us think about our expectations for modern democracies.

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