EUROPEANIZATION, ENVIRONMENTAL POLICY AND THE UK: ANALYSING PERSPECTIVES OF OFFSHORE WIND FARMS AND PLANNING PROCEDURES

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Abstract

Sustainable development is an important principle for improving human life and ensuring the wellbeing of the planet. It posits a desirable future for human societies in which living conditions and resource-use meet human needs, without undermining the sustainability of natural systems and the environment, so that future generations may also have their needs met.[2] It ties together concerns for the capacity of natural systems and challenges faced by humanity which concentrates on a balance between social, economic and environmental variables in relation to current and future existence. To accomplish a successful balance of these variables a transition is required which necessitates a move away from fossil fuel by the mid-twenty-first century.[3] Through focusing on the Europeanization of sustainable development in the UK this paper will assess the extent that successful implementation of EU policy requires socio-political acceptance. Europeanization will focus on the adaptive response by actors to changing environmental policies (specifically offshore wind farms) which have a direct impact on renewable resources and planning implications.

Introduction

The major mobilization of capital resources for renewable energy development is now rapidly expanding.[4] Through European Union (EU) ambitions for greater integration and coherence[5] within its collective agencies, disparity between regional, supranational and Member State polices for environmental policy and renewable energy may be identified as problematic.[6] It is suggested that the EU holds a reputation of being 'an economic giant, but a political pygmy;'[7] the single market and monetary union have been realised, whereas fiscal and political union remain under developed. This paper will focus on sustainable development

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[2] World Commission on Environment and Development (WCED) *Our Common Future* (The Bruntland Report), 1987 p.43.

[3] Devine-Wright, P., 'Local aspects of UK renewable energy development: exploring public beliefs and policy implications,' (2005) 10(1) *The International Journal of Justice and Sustainability* pp.57-69.

[4] Baban, SMJ, and Parry, T., 'Developing and applying a GIS-assisted approach to locating wind farms in the UK,' (2001) 24(1) *Renewable Energy* pp.59-71.

[5] 'Coherence' may be conceptualised as harmonized non-contradictory policies in Sartori, G., 'Concept misformation in comparative politics', (1970) 64(4) *American Political Science Review* p.1042.

[6] Olsen, G., 'The many faces of Europeanization', (2002) Arena Working Papers 01/02.

[7] Sonyel, S., (1998) 'The European Union and the Cyprus imbroglio', (1998) 3 (2) *Journal of International Affairs*, p.1.

and Europeanization as pertinent theories conducive to understanding EU policy in relation to offshore wind planning. Fundamentally, successful implementation of EU policy requires socio-political acceptance.[8]

Acceptability of policy regarding renewable energy involves two key issues: the first involves how far there is a change in institutional conditions to foster and support initiatives to invest in renewable energy facilities.[9] The second concerns development of these facilities at the domestic (Member State) level. In order to arrive at a more general understanding of the impact of European policy-making this paper uses Europeanization to provide a comprehensive theoretical framework and enable a fresh perspective on lesson-drawing, policy transfer and convergence.[10] Reflecting on its mixed derivations, three distinct elements of Europeanization are distinguished; downloading, up-loading and cross-loading. Each of these characterize mechanisms of distinctive approaches which explain their impact of the EU on Member States; Member State influence on the EU and relationships between Member States. The central insight in this definition of Europeanization will focus on the adaptive response by actors to a changing environment, in particular environment policies which have a direct impact on renewable resources.[11]

Europeanization in terms of developing institutions at the European level refers to both the strengthening organizational capacity for collective action and the development of common ideas, in this case in the field of environmental policy in Europe.[12] In EU environmental policy it has become customary to view the development of the European Spatial Development Perspective (ESDP) and its application to the process of constructing a spatial planning discourse as providing leverage for institutional change.[13]

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[8] George, S., The Europeanization of UK Politics and Policy-Making: The Effects of European Integration on the UK, (2001) UACES/ESRC Workshop Sheffield University November.

[9] Sorenson, J., (1997) National and international efforts at integral coastal management: Definition, achievements and lessons', (1997) 21(1) *Coastal Management* pp.28-29.

[10] Ladrech, R., 'Europeanization of domestic politics and institutions: The case of France', (1994) 32(1) *Journal of Common Market Studies* pp.69-88; Dyson, K. (2002) 'Introduction: EMU as Integration, Europeanization and Convergence', in: Dyson, K. (ed), (2002) *European States and the Euro*; Howell, K. E., *Europeanization, European Integration and Financial Services* (2004) Goetz, K. H. and Hix, S., *Europeanised Politics? European Integration and National Political Systems* (2001).

[11] Zaucha, J. and Szydarowski, W., 'Transnational cooperation and its contribution to spatial development and EU enlargement: The case of INTERREG (2005)

[12] Bohme, K. and Waterhout, B., 'The Europeanization of Planning', in Falud, A., (2008) *European Spatial Research and Planning.*

[13] Jensen, O. and Richardson, T., *Making European Space: Mobility, Power and Territorial Identity*, (2004) Paper presented at the ESRC/UACES Study Group on the Europeanization of British Politics and Policy-Making, Sheffield pp.1-26

The objective of this paper is to analyse the development of changing discourses and how these become institutionalized at the EU and Member State levels when dealing with environmental policy for Europe. The area under scrutiny in this paper is situated within the context of change within the UK; which derives from EU legislation (downloading) and the extent that the UK shapes this legislation through uploading. For example, Richard Hall[14] identified the UK strategy for achieving set objectives for renewable energy through notions of cost, cash and security (CCS), which involves providing Government funding, the cost of traditional fuel sources, EU Directives (downloaded Europeanization) and the security of a state energy supply. In this strategy EU initiatives and Europeanization may be considered a central rationale; therefore, this paper intends to identify the extent that Europeanization may be considered a driver for environmental policy change in the UK.

Even though integration is sought, one may argue that the EU will remain a diverse entity. However, Europeanization processes can identify how diversity can be used to enable further integration for European development and planning. Offshore wind has the potential to become an important pillar of the future European energy system. It can contribute to policy objectives on climate change, energy security and social progress.

The widespread rise of interest and support for the concept of sustainable development is potentially an important shift in understanding relationships between humanity and nature. In broad terms the concept of sustainable development, is an attempt to combine growing concerns about a range of environmental and socio-economic issues. To aid an understanding of these policies this paper presents a classification and mapping of different trends of thought and attitudes towards the means of change. Sustainable development has the potential to address fundamental challenges for humanity, now and into the future. However, to do this it needs more clarity of meaning, which requires a strong basis in principles that link the environmental to human capacity.[15] Furthermore, this paper seeks to develop an understanding of the notion of subsidiarity, multi-level governance and Europeanization through a critical exploration of their definitions and applications by scholars; with very different concerns within the broad discipline of environmental political studies. The remainder of this paper concludes with a description that attempts to incorporate these characteristics to an approach to environmental sustainability.

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[14] Richard Hall, BIS. Waterfront Conference 11th December 2013, London.
[15] Sen, A., *Development as Freedom*, (1999) pp.127-128.

1   Environmental Policy: A Sustainable Endeavour?

As a response to some of the problems of approaching environmental law or decisions from any one perception, attempts are now being made to formulate principles which can accommodate these concerns.[16] These involve a nebulous group of policy ideas concerning how environmental protection ought to be pursued. The most common associated with law and policy are those relating to sustainable development, the polluter pays principle, the precautionary principle and the preventative principle.[17] For the purposes of this study focus will be placed on sustainable development as a matter of law and policy within international, European and domestic law. That is, development which protects the environment advances social justice, surrounded by the introduction of what has been claimed to be an ambivalent, or challenging concept as illustrated by Lowther et al.[18] This formulation has been eagerly adopted both by critics of standard development practice and by leaders of existing development institutions.[19] But what does sustainable development really mean? When the World Commission on Environment and Development (WCED) presented their 1987 report, *Our Common Future*, they sought to address the problem of conflicts between environment and development goals by formulating a definition of sustainable development: 'Development which meets the needs of the present without compromising the ability of future generations to meet their own needs.'[20]

Through extensive discussion regarding sustainable development since Bruntland, there has generally been recognition of different interpretations that are identified by many commentators.[21] More often the concept of sustainable development has been broken down into three constituent domains, which are environmental, economic and social.[22] The United Nations 2005 World Summit referred to sustainable development as the 'interdependent and mutually reinforcing pillars of' economic development, social development and environmental protection.[23]

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[16] Bell, S. and McGillivray, D. & Pedersen, O. W., *Environmental Law*, (2013, Oxford University Press, 8th ed.) p.64.

[17] Ibid, p.65.

[18] Lowther, J, Payne, S, and Sellick, J., 'Sustainability as law: perceptions and knowledge of sustainable development concepts in supreme courts,' (2009) 5(3) *The International Journal of Environmental, Cultural, Economic & Social Sustainability* pp.305-306.

[19] Lafferty, W, and Hovden, E., 'Environmental policy integration: towards an analytical framework,' (2003) 12(3) *Environmental Politics* p.2.

[20] World Commission on Environment and Development (WCED) *Our Common Future* (The Bruntland Report), 1987 p.43.

[21] Pezzoli, K., 'Sustainable development: a transdisciplinary overview of the literature,' (1997) 40(5) *Journal of Environmental Planning and Management* pp.549-574.

[22] Ross, A., 'Modern interpretations of sustainable development', (2009) 36(1) *Journal of Law and Society* p. 34.

[23] www.un.org/womenwatch/ods/A-RES-60-1-E.pdf at p.12.

This vision clearly identifies that integration and participation are key building blocks in helping countries to achieve sustainable development. It emphasizes that in sustainable development everyone is a user and provider of information; it stresses the need to change from old ways of doing business to new approaches that involve cross-sectoral co-ordination and the integration of environmental and social concerns as paramount for all development processes.[24] The components have since been extended in other binding instruments such as The Kyoto Protocol, which follows the United Nations Framework Convention on Climate Change;[25] United Nations on Biological Diversity[26] and more recently World Summits.[27]

Addressing the global environmental problems that threaten our living planet requires national efforts as well as international collaboration, on both bilateral and multilateral level of all members of the international community. In this respect, the Lisbon Treaty has embraced this with the prioritisation of centralising laws and policies within the EU so that future environmental protection involved a more holistic and proactive approach for preventing environmental damage.[28] A detailed description of the energy provisions highlights the importance of this by granting the EU competences to develop a strategic EU energy policy and the explicit reference to the objective of promoting energy efficiency, energy saving and renewables.[29] However, problems arise from the unique division of authority in the EU, which is primary responsible for implementation and enforcement (according to the EU Treaty Article 249, Directives set common goals, while Member States are free to choose the means for attaining those goals). As a result of the uncertainty Member States retain broad authority over implementation, which can mean that they delay or avoid obligations.[30] This can be observed in the diversity of fisheries measures under Article 43(3), through the fixing and allocation of fishing opportunities.

Considering its rhetoric in the compliance debate of the ecological crisis, it is important to note that the EU's approach (in light of the Lisbon Treaty) ensures prosperity, environmental protection and social cohesion.[31] It reaffirms the need for global solidarity and recognises the importance of strengthening coherence with partners outside the EU, including rapidly

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[24] Ibid.,at pp.37-38.
[25] Kyoto protocol.com
[26] www.cbd.int/2011-2020
[27] Johannesburg (2012).
[28] Liberatore, A., 'The Integration of Sustainable Development Objectives Into EU Policy Making', (1997) in Baker, S, Kousis, M, Richardson, D and Young, S., *The Politics of Sustainable Development* (London: Routledge,1997) p.107.
[29] TFEU, OJ L 115 , 09/05/2008 p.134.
[30] Jordan, A, and Liefferink, D., *Environmental Policy in Europe, The Europeanization of National Environmental Policy,* (2004) pp.86-88.
[31] Jordan, A., *Environmental Policy in the European Union*, (London: Earthscan, 2005) pp.90-94

developing countries which will have a significant impact on global sustainable development.[32]

In the UK sustainable development has been underpinned by the ideas of Solow[33] who argues that by substituting other factors for existing natural resources 'the world can, in effect, get along without natural resources, so exhaustion is just an event, not a catastrophe'.[34] This evolutionary approach illustrates that the problems can be traced back to inconsistency in the application of policy, objectives and procedures.[35] This has led some critics to view the concept as vague, self-contradictory, incoherent and incapable of being put into practice.[36] As a counterpoint sustainability can have a stronger interpretation for example in Scotland, Cock and Hopwood combine ecocentrism,[37] with a transformation view of sustainable development which has a strong commitment to social equity.[38] Energy policy should be consistent with the objectives of security of supply, competitiveness and environmental sustainability when tackling the challenge of climate change. Therefore, the core idea of sustainable development has emerged as the dominant discourse which incorporates divergent interpretations within the Member States.[39]

Overall, to get a sense of what the principles mean for development, it has become clear that sustainability signifies a major shift from existing techniques and organization of production. The concept of sustainability centres on a balance of society, economy and environment for current and future health. For example, renewable energy in terms of both supply and environmental impact require the necessity to accomplish a transition away from fossil fuel before the mid twenty-first century.[40] A non-fossil energy system would be more centralised, adapted to local conditions and taking advantage of opportunities for wind,

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[32] Jordan, A., 'The implementation of EU environmental policy: a policy problem without a political solution?' (1999a) 17(1) *Environment and Planning C (Government and Policy)* pp.69-90.

[33] Solow, R., 'The economics of resources or the resources of economics,' (1974) 64 *American Economics Review* pp.1-14.

[34] Ibid, p.10.

[35] UK Government, *A better Quality of Life – A strategy For Sustainable Development for the United Kingdom*, Cm 4345 (1999), para.1.2

[36] Holder, J, and Lee, M., *Environmental Protection, Law and Policy*, (2007), p.238.

[37] Ecocentrism, the view or belief that environmental concerns should take precedence over the needs and rights of human beings considered in isolation.

[38] Cock, M, & Hopwood, B., *Global Warming: Socialism and the Environment*, (London: Militant Labour, 1996) pp.4-15.

[39] Toke, D 'Explaining wind power planning outcomes: some findings from a study in England and Wales,' (2005) 33 *Energy Policy* pp.1528-1535.

[40] Devine-Wright, P., 'Local aspects of UK renewable energy development: exploring public beliefs and policy implications,' (2005) 10(1) Local Environment: *The International Journal of Justice and Sustainability,*' pp.57-69.

biomass, and off-grid solar power systems.[41] Indeed, the major mobilization of capital resources for renewable energy development in countries is now rapidly expanding in energy systems.[42]

While this poses challenges in terms of planning and policy, it is clear that the social element of sustainability is necessary for achieving economic and ecological components. Therefore, democratic governance, participation, and the satisfaction of needs are an essential part of a development synthesis when providing the requirements for sustainable development. So what is the best approach for the UK? Since a framework approach to sustainable development is supposed to be iterative and capable of review and change. Given the need for fundamental change, a deep connection in engaging government and business would provide transformations which are essential for building coalitions and conversions.

2   Subsidiarity and Europeanization

Until the ratification of the Single European Act (SEA) in 1987, the European Union was officially known as the EEC. The SEA re-christened this entity as the European Community (EC) a term which remained in popular use until 1993 when the Maastricht Treaty created the European Union (EU) with a new three pillar structure.[43] These pillars have political and legal significance and enable mechanism for alleviating disputes concerning the division of environmental competence between the EU and Member States e.g. the Monnet method of cajoling states into greater political co-operation by stealth.[44]

Article 5 (previously Article 3b) identifies subsidiarity, which aims at determining the level of intervention that is most relevant in the areas of competences shared between the EU and the Member States. This may concern action at European, national or local levels. The principle of subsidiarity also aims at bringing the EU and its citizens closer through ensuring that action is taken at local level where this proves necessary. However, the principle of subsidiarity does not mean that action must always be taken at the level that is closest to the citizen:

> In areas which do not fall within its exclusive competence, the community shall take action … only if and in so far as the objective of the proposed action cannot be

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[41] Baban, S, M, and Parry, T., 'Developing and applying a GIS-assisted approach to locating wind farms in the UK,' (2001) 24(1) *Renewable Energy* pp.59-71.
[42] Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC, OJ L 140, 16 5.6.2009.
[43] Pillar one, corresponded to the three Communities: the European Community, the European Atomic Energy Community (Euratom) and the former European Coal and Steel Community (ECSC).
[44] Hayward, J., 'Has European Unification By Stealth a Future?' in Hayward, J. (ed) *Elitism, Populism, and European Politics*, (Oxford, Clarendon Press, 1996) pp.252-257.

sufficiently achieved by the Member State and can therefore, by reason of scale or effects of the proposed action be better achieved by the community.[45]

The same theme is apparent in the Lisbon Treaty, where reinforcement of subsidiarity is seen as a way to encourage the division of community competences. Subsequently, EU power could be discerned in different areas which did little to alleviate Member State concerns.[46] Significantly the interpretation contained in (OJ C112 20-12-73)[47] gave no explicit presumption in favour of any particular level. Therefore, the very absence of an explicit definition combined with the broad interpretation given to Articles 114 and 308, gave rise to Member State concerns about the expansion of EU power to the detriment of their rights.[48]

In evaluating the direction EU institutions have taken when constructing new environmental policies; it is necessary to reflect on the political stance regarding the balance between national autonomy and EU competences.[49] Subsidiarity was intended to alleviate competence disputes between the EU and Member States, for which the Maastricht Treaty provided a limited broad definition,[50] which led to diverse interpretations. The Commission took the view that if an area fell within partial competences the Treaties would impose a duty to act (European Commission, 1994).

According to Lenaerts the subsidiarity principles on which the EU treaty is based regarding the division of competencies on EU decisions, reflect the lowest common denominator among national government positions.[51] Although national governments decide jointly they are not obliged to accept policies they find unacceptable, because decision making on important issues operates on the basis of unanimity. This allows Member States to maintain individual and collective control over outcomes - *Commission* v *United Kingdom*.[52] One of the more puzzling characteristics of EU environmental policy is its remarkable capacity for

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[45] Treaty of European Union Feb 7 (1992), OJ 224/01 Art 5, para.2.
[46] Von Bogdandy, A, and Bast, J., 'The European Union's Vertical Order of competences: the current law and proposals for its reform, (2002) 39 *Common Market Law* pp.227-268; Schutze, R., 'Co-operative Federalism Constitutionalized: The emergence of complementary competences in the EC legal order,' (2006) 31 *European Law Review*, pp. 167-184.
[47] Official Journal of the European Communities, on the programme of action of the European communities on environment.
[48] Pollack, M., 'Creeping competence: the expanding agenda of the European community,' (1994) 14 *Journal of Public Policy* pp.95-145.
[49] Collier, U., 'Sustainability subsidiarity and deregulation: new directions in EU environmental policy,' (1997) 6(2) *Environmental Politics* p.5.
[50] Jordan, A., *Environmental Policy in the European Union Actors, Institutions & Processes,* pp.152-154.
[51] Lenaerts, K., 'The principle of subsidiarity and the environment in the European Union: keeping the balance of federalism,' (1994) 17(4) *Fordham International Law Journal* pp.849-851.
[52] C-804/79 [1981] ECR 1045.

steady growth. For the most part, it has been (and remains) largely unaffected by the political and economic fluctuations of EU-pessimism that have continually frustrated European integration in cognate policy fields such as social or energy policy.[53]

In recent years attention has shifted from studying the creation and development of the European Union to its internal operation as a rapidly maturing political and economic system through multi-level governance. In light of this prevailing attitude, neo-functionalism has sought to capture this unique and contested allocation of powers.[54] The neo-functionalist's central idea was that European integration would be self-sustaining and the theoretical basis for this was 'spillover', 'supra-nationality' and 'interest groups'.[55] Early attempts at integration prompt economic and political dynamics which lead to further co-operation. 'Spillover' has a deterministic nature based on economic planning at the regional level and is 'the adaptation…of forms of social and economic organization which evolved historically at the national level'.[56] In addition, spillover entangles Member States in webs of unintended consequences spun by previous commitments and EU policies. However, intergovernmental perspectives paint a markedly different picture of policy-making in the EU.[57] For intergovernmentalists, central governments remain the most important variables in the EU and decisions result from negotiations among these governments.

At the core of intergovernmentalism are three essential elements: the assumption of rational state behaviour, a liberal theory of national preference formation, and an analysis of interstate negotiation. The assumption of rational state behaviour provides a general framework of analysis of economic interdependence, which involves the primary determinants of national preferences.[58] Based on these two general theoretical perspectives regarding the development of regional integration and the changing structure a new lens was developed. Europeanization takes into consideration the relationship between neo-functionalism and intergovernmentalism through ideas relating to, up-loading, downloading and crossloading. The following section will outline these concepts then relate these to the development of environmental policy in the EU.

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[53] Jordan, A, and Lenschow, A., *Innovation in Environmental Policy Integrating The Environment For Sustainability,* (2008) pp.271-279.
[54] Sbragia, A., 'The European community: a balancing act,' (1993) 23 *Publius* pp.23-38; Sandholtz., W., Stone Sweet, A., 'European integration and supernational governance,' (1997) 4(3) *Journal of European Public Policy* pp.297-317.
[55] Howell, K, E., *Discovering the Limits of European Integration: Applying Grounded Theory*, (New York: Nova Science Publishers, 2000) pp.155-164.
[56] Haas, E, B., 'The study of regional integration,' (1970) 24 *International Organization* p.606.
[57] Moravscik, A., 'Why the European community strengthens the state: domestic politics and international cooperation,' (1994) Working paper 52 (Cambridge MA; Harvard University Press) pp.52-54.
[58] www.princeton.edu/~amoravcs/library/intergovernmentalism.pdf pp.67-70

3   Europeanization and Integration

While much has been written about the EU, scholarly work regarding neo-functionalism and intergovernmentalism has mainly been concerned with the developments at the EU level.[59] It is only recently, that we observe increasing attempts to address this deficit. Despite a growing number of studies concerned with the integration of domestic institutions, which still lack consistent and systematic concepts to account for the varying patterns of institutional adjustment across countries and policy sectors.[60] The challenge is to model the impact of European integration on domestic policy, knowing that at the same time domestic politics is a major factor at work in EU political change (integration as an independent variable, tracing its impact down through multiple levels of governance to the sub-state level).[61] In order to arrive at a more general understanding of the domestic impact of European policy-making, Europeanization provides a framework, which delivers a fresh perspective on old debates and an extension of newer topics such as, policy, transfer and convergence.[62] The emergence of the term Europeanization reflects a growing desire to explain feedback processes between the different administrative levels of what is now perceived to be a multi-level system of governance in the EU.

Reflecting its mixed derivations this paper distinguishes between three types of Europeanization: uploading, downloading and cross-loading; which identify mechanisms for explaining policy impact and formulation.[63] Ladrech provided a starting point when he suggested that while the 'reorientation of domestic organizational logics is a feature of Europeanization', the harmonization of domestic practices throughout the EU is an unrealistic expectation. Pre-existing domestic structures and developments will have an important mediating effect on EU variables.[64] Central to this understanding of Europeanization is the adaptive response by actors to changing environments. This conceptualizes a process of downloading which was initially forwarded by Börzel and

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[59] Dyson, K., EMU as Europeanization: convergence, diversity and contingency,' (1999) 38(4) *Journal of Common Market Studies* pp.645-666; Ladrech, R., 'Europeanization of domestic politics and institutions: the case of France,' (1994) 32(1) *Journal of Common Market Studies* pp.69-87.

[60] Featherstone, K, and Radaelli, C., (eds) *The Politics of Europeanization*, (Oxford University Press, 2003) p.1.

[61] Jordan, A, J., 'The Europeanization of national government and policy: a departmental perspective,' (2003) 33(2) *British Journal of Political Studies* pp.261-282.

[62] Olsen, J, P., 'The many faces of Europeanization: Arena Working Papers (2002) 01/02.

[63] Howell, K., *Europeanization, European Integration and Financial Services*, (2004) pp.32-59; Burch, M and Gomez, R., Europeanization and the English regions,' paper presented at the ESRC Europeanization seminar series, 2 May 2003, University of Sheffield, Sheffield.

[64] Radaelli, C, M., 'Whither Europeanization? Concept stretching and substantive change,' (2000) *European Integration Online Papers* (EIoP) 4 (http://eiop.or.at/eiop/)

Risse;[65] Buller and Gamble;[66] and George, who acknowledged that interpretation of Europeanization can be theorised as a reciprocal relationship.[67] In a similar way Hix and Goetz[68] identified European legislation as an independent variable and change in domestic systems which can generate many possible outcomes, including convergence, divergence and persistence as dependent variables. 'This is a useful differentiation because some elements of policy could be converging, while others may remain the same. However, if the domestic level introduces change in the EU, then the variables are reversed'.[69]

Based on conceptualizations by Börzel, Member States share a general incentive to upload their policy arrangements to European level.[70] The level of success regarding uploading will determine the level of change in relation to downloading. But since they have distinct social, political and economic institutions, they often compete for policies that conform to the preferences of their constituencies.[71] Therefore, up-loading provides a response to domestic disatisfaction with the *status quo* whereby policy-makers adopt EU rules not because of external incentives but because they believe that these can provide effective solutions to domestic problems and challenges.[72] National preferences are uploaded to the EU and incorporated into policy initiatives.

The integration principle of cross-loading as identified by Howell acts as a mechanism between uploading and downloading through lesson drawing, policy transfer and policy convergence[73] Member States download (En1) EU Directives and Regulations to the domestic level, upload (En2) national policies and preferences at the EU level, and they cross-load (En3); which involves a process where there is a constant, dialectical and cyclical fuelling of institutions, policies and processes, in the broader EU arena. Other scholars have drawn attention to the so-called 'goodness of fit' (i.e. institutional and policy compatibility)

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[65] Börzel, T, A, and Risse, T., 'When Europe hits home: Europeanization and domestic change,' (2000) *European Integration Online Papers* 4(15).
[66] Buller, J, and Gamble, A., 'Conceptualising Europeanization,' (2002) 17(2) *Public Policy and Administration, Special Issue Understanding the Europeanization of Public Policy* pp.4-24.
[67] George, S., 'The Europeanization of UK Politics and Policy-Making: The Effects of European Integration on the UK,' UACES/ESRC Workshop Sheffield University November.
[68] Goetz, K, H and Hix, S., 'Europeanised politics? European integration and national political systems,' (2000) *West European Politics Special Edition* 23(4).
[69] Howell, K., *Europeanization, European Integration and Financial Services*, p.45.
[70] Börzel, T, A., 'Member State responses to Europeanization,' (2002) 40(2) *Journal of Common Market Studies* pp.193-214.
[71] Héritier, A., 'The accommodation of diversity in European policy-making and its outcomes: regulatory policy as a patchwork,' (1996) 3(2) *Journal of European Public Policy* pp.149-176.
[72] Howell, K., *Europeanization, European Integration and Financial Services*, (2004) pp.45.
[73] Howell, K., 'Europeanization, globalization and domestication: financial service regulation in the UK,' (2009) 51(5) *International Journal of Law and Management* pp.310-326.

and 'misfit' between domestic institutions and European policy.[74] By focusing on these concepts authors draw our attention to explanatory factors related to the mechanism of environmental change;[75] by working between the two, Member States hope to reduce adjustment costs and legal uncertainty by minimising Europeanization.

Indeed, if national policies are being Europeanized under the authority of the EU, does it imply they are becoming more alike? The question of convergence of national policy has puzzled some scholars about the processes and outcomes of Europeanization.[76]Part of the problem is that while they are important undoubtedly; theoretical debates about the precise meaning and analysis remain 'ad hoc' in nature. The nature of the environmental change, in this case, inputs into domestic political systems, provokes a variety of reconfigurations in structure and behaviour towards sustainability.[77] However, if accepting that parties as organizations respond to changes in their environment; we should expect to witness varied responses to the impact of the EU on environmental politics.[78]

The transformation of marine planning across Europe in recent years has been characterized by new processes at different spatial scales that reach across traditional boundaries. The Europeanization of planning processes is reflected in the emergence of cross-border initiatives, new spatial relationships and the enhancement of regional policy-making. Through using the case of the UK this article will now analyse the possible ramifications, for the European Union and the UK Government in achieving their ambitious targets for marine resource management.

4   Europeanization and Integrated Coastal Zone Management (ICZM)

Planning and management initiatives for coastal areas are increasing at a rapid rate as the global importance of environmental issues are recognised.[79] A number of frameworks exist for addressing the wider issues of sustainable marine resource management, minimisation of conflict and optimal allocation of resources. These include sector related environmental planning initiatives such as Integrated Coastal Zone Management (ICZM) programmes and

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[74] Risse, T., A European identity in Cowles, M, G, Caporaso, J, and Risse, T., *Transforming Europe*, (Cornell University Press, 2001).
[75] Börzel, T, and Risse T., Conceptualising the Domestic Impact of Europe, in Featherstone and Radaelli, *The Politics of Europeanization*, pp.57-79 p.61.
[76] Kersbergen, K, V, & Waarden, F, V.,'Governance' as a bridge between disciplines: cross-disciplinary inspiration regarding shifts in governance and problems of governability, accountability and legitimacy,' (2004) 43(2) *European Journal of Political Research* pp.143-171.
[77] Graziano, P, and Vink, M, P., *Europeanization New Research Agendas*, (Palgrave Macmillan, 2008) pp.226-238.
[78] Siedentopf, H, and Ziller, J., (eds) *Making European Politics Work*, (Sage,1988) pp.54-60.
[79] Plant, G., 'Offshore wind energy development: the challenges for English Law', (2003) August 945 *Journal of Planning and Environmental Law* p.939.

Marine Protected Areas (MPAs).[80] There are a number of definitions of ICZM, but for present purposes a useful starting point provided by the ICZM Protocol is as follows:

> ...a dynamic process for the sustainable management and use of coastal zones, taking into account at the same time the fragility of coastal ecosystems and landscapes, the diversity of activities and uses, their interactions, the maritime orientation of certain activities and uses and their impact on both the marine and land parts.[81]

However, the achievement of ICZM in the EU inevitably raises questions of law. As illustrated by Gibson, law has the potential to assist ICZM, but it also has the capacity to impede it through unintended and intended legal impediments initiated by Member States.[82] The European Demonstration Programme (EDP) on ICZM has revealed considerable differences within the 13 national legal systems governing the EU coastal zone (Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, the Netherlands, Portugal, Spain, Sweden, and the United Kingdom), because the constitutional powers of the EU are limited by Member State sovereignty and diversity when down-loading. Europeanization in the form of down-loading has provided a European Parliament and Council Recommendation concerning the implementation of ICZM, but the European Commission has instead provided a nonbinding Recommendation and strategic guidance which allows Member States flexibility in selecting appropriate measures within their own territory.[83] While this offers some practical advantages, the success of any method will ultimately depend upon political will and interpretation at the national level.[84]

A useful illustration of legal measures that have assisted the process of the ICZM can be seen in the recent amendments to national legislation in the United Kingdom.[85] Over the past 15 years some of the legal obstacles to cooperative action which have resulted in narrow sectorial legislation have been removed by imposing statutory duties on various organizations, (e.g. harbour and planning authorities).[86] Through the Marine and Coastal Access Act 2009 the UK Government introduced a number of measures to deliver its vision. This vision sets the tone for the objectives which address the key issues of marine policy statement (MPS) and national policy statements, marine plans and management licensing.

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[80] http://ec.europa.eu/environment/iczm/pdf/vol1.pdf
[81] IUNEP/MAP/PAP, *Protocol on Integrated Coastal Zone Management in the Mediterranean,* (2008) Split, Priority Actions Programme.
[82] Gibson, J., 'Integrated Coastal Zone Management law in the European Union', (2003) 31(2) *Coastal Management* p.127.
[83] Directive 2002/413/EC OJ L 148/24.
[84] Shipman, B., 'Facts, fictions and failures of Integrated Coastal Zone Management', (2007) 35(23) *Coastal Management* pp.380-382.
[85] The Promotion of the Use of Energy from Renewable Sources Regulations 2011 at www.legislation.gov.uk
[86] Transport and Works Act 1992, Sch.3 para.9(6); Environment Act (1995) ss.102-10.

As a result the 2009 report has provided the role of spatial planning in integrating various aspects of marine management. Overall, through cross-loading procedures assisted by the Commission, Member States have formed agreements through lesson drawing and policy transfer. An example of this has been illustrated from shared management in cohesion of fishing policies. In general, cohesion and development policies have provided arrangements to ensure effective programming and the achievement of policy objectives.[87]

Moreover, during recent years it is evident that through up-loading, Member States and the Commission have been developing a comprehensive Maritime Spatial Planning (MSP) system for European seas, which has become increasingly more important, as reflected in, the EU Green Paper ''establishing a framework for maritime spatial planning and integrated coastal management'.[88] Such acknowledges that the MSP is as a key instrument for the management of a growing and increasingly competing maritime economy; while at the same time safeguarding marine biodiversity. More concretely, the Maritime Policy describes MSP as a means to coordinate the spatial implementation of offshore renewable energy with other activities.

The ultimate aim of maritime spatial planning is to draw up plans to identify the utilisation of maritime space for different sea uses. In 2008 the Commission published its 'Roadmap for Maritime Spatial Planning: Achieving Common Principles in the EU', followed by a 2010 Communication 'Maritime Spatial Planning in the EU Achievements and Future Development',[89] which paved the way for the present proposal. This obliges Member States to carry out maritime spatial planning and integrated coastal management in accordance with national and international law. In addition, the aim of the action is for Member States to establish a process or processes that cover the full cycle of problem identification, information collection, planning, decision-making, management, monitoring of implementation, and stakeholder participation.[90]

The MSP provides an example of up-loading, down-loading and a mechanism that facilitates cross-loading between Member States. Indeed, down-loading is apparent because the proposed instrument will require Member States to establish coastal management strategies

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[87] Directive 2006/44/EC OJ L 264.
[88] http://ec.europa.eu/maritimeaffairs/policy/maritime_spatial_planning/index_en.htm
[89] Communication from the Commission 'Europe 2020 - A strategy for smart, sustainable and inclusive growth', COM(2010) 2020 of 3 March.2010
[90] Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for Community action in the field of marine environmental policy , OJ L 164 of 25 June 2008.

that build further on the principles and elements set out in the previous protocol.[91] Therefore, coherent application in the UK should improve the interface planning and management, for connection of offshore wind energy installation to the electricity network on land. In addition, the government is aiming to protect habitats and species in our seas by contributing to an ecologically coherent network of marine protected areas. The EU's environmental policy agenda 2012 highlights nature and biodiversity as a top priority and being the cornerstone of EU nature protection policy. Natura 2000 is central to the European strategy on reducing biodiversity loss within the European territory.[92]

Conversely, Humphrey *et al*[93] argued that while institutional contexts vary greatly between different countries within Europe, in most countries integration between sectorial and territorial planning is not possible within a single administrative level. As a result the direct involvement of Europeanization in local initiatives through key actors from central administrations is clear. This will suggest that actions could be taken at Member State government levels through down-loading to simplify the context in which local ICZM is developed.

5   Europeanization of Multi Spatial Planning (MSP)

The emergence of the term Multi Spatial planning (MSP) has been articulated through an increasing Europeanization of planning in the form of territorial agenda on planning at national, regional and local levels; which is part of a concerted attempt to impose some vision and coordination which implements EU economic and social objectives. Previously, the spatial impacts of these policies have been over-looked in their implementation and evaluation.[94] In spite of this, Richardson and Jensen considered this to be an impractical strategy in implementing the ecosystem-based approach to the conservation and management of marine resources. Building on previous work they conclude, that in the contested policy process a new spatial discourse of economic competitiveness is emerging at the expense of social and environmental interests.[95] However, the policy landscape for MSP in Europe is still relatively young. Interpreting Europeanization as a down-loading process means that the EU is perceived as the direct or indirect instigator of developments

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[91] Town and Country Act 1990.
[92] *ec.europa.eu/environment/nature/natura2000/index_en.htm*
[93] Humphrey, S, & Burbidge, P., 'Sectoral and Territorial Cooperation in the European Demonstration Programme on ICZM', (2003) 31 *Coastal Management* pp.155-162.
[94] Davies, H.W.E. 'Towards a European planning system?' (1994) 9(1) *Planning Practice and Research*, pp.63-69.
[95] Richardson, T. and Jensen, O. B., 'Discourses of mobility and polycentric development: a contested view of European spatial planning', (2000) 8(4) *European Planning Studies* pp.505-518.

at the national level; examples of this include: the Marine Strategy Framework Directive[96] (MSFD) and Integrated Maritime Policy[97] (IMP). It must be noted that as an evolving policy issue, it is subject to on-going political and legislative debate, which may affect the adoption of new policies or the revision of existing ones; which reflects the process of up-loading, down-loading and cross-loading.[98] An explicit example of this can be illustrated through European Water Policy which has undergone a thorough restructuring process, and a new Water Framework Directive was adopted in 2000, setting the objectives for water protection for the future.[99]

In taking the emergence of planning, up-loading and cross-loading requires socio-political acceptance at the Member State level which revolves around two key issues. The first key issue is the willingness in society to invest in renewable energy facilities. Primarily this would seem purely economic, particularly in the take-off phase but the key question is more about the willingness to change institutional conditions in such a way that these conditions foster and support initiatives to invest. As Toke et al[100] suggested as long as wind energy provides a function in the market, the will and capacity to set institutional conditions for its development, are likely to remain. This has been further developed by INTERREG,[101] (a funding agency which provides the opportunities of cross-loading) for research in areas of renewable energy; especially offshore wind farms. The concept of discursive integration explains this process by 'relating network governance and the emergence of planning communities to the development of discourse'.[102] Other carriers of this discourse include the ESDP and EPSON program which are influenced by the territorial Agenda and territorial state perspectives of the EU.[103]

The second key issue concerns the institutional conditions of up-loading with the investment and siting decisions of renewable energy facilities.[104] For offshore wind power, the most

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[96] Directive 2008/56/EC OJ L164/19.

[97] Com (2007) 575 *ec.europa.eu/maritimeaffairs/policy/index_en.htm*

[98] Sorenson, J., National and international efforts at integral coastal management: Definition, achievements and lessons', (1997) 21(1) *Coastal Management* pp.28-29.

[99] Directive 2000/60/EC OJ L 327.

[100] Toke, D., Breukers, S., and Wolsink, M., 'Wind power deployment outcomes: How can we account for the differences?', (2008) 12 *Renewable and Sustainable Energy Reviews* pp.1129-1147.

[101] *www.power-cluster.net/Offshorewindinfo/.../tabid/574/Default.aspx*

[102] Bohme, K., and Waterhout, B., 'The Europeanization of Planning', in Falud, A., *European Spatial Research and Planning*, (2008) p.230.

[103] Ibid, p.231.

[104] Wolsink, M., 'Wind power implementation: The nature of public attitudes: Equity and fairness instead of backyard motives', (2007) 11 *Renewable and Sustainable Energy Reviews* pp.1188-1207.

important issues are linked to the geographical location and environmental quality.[105] By way of illustration, Zaucha and Szydarowski discuss the contribution of INTERREG to spatial planning and development by way of performing analytical work that could be used by local and regional authorities to the further development of the spatial planning discipline and practice:

> Spatial planning, in order to respond to the new reality of European integration, has to abandon its traditional land use management approach associated with the concept of zoning … Therefore through its principle of sustainable development spatial planning methodologies ought to be applied to mitigate unharmonized goals of sector policies, business activities and consumer needs.[106]

This illustrates the usefulness of INTERREG as a means for horizontal cross-loading processes of Europeanization. Therefore, strong commitment and knowledge about the ecological qualities of landscape is shaping the perception of renewable energy, will contribute to more long-lasting changes with regards to offshore wind farms.[107] However, conflicts among users and the development of offshore economic activities are not the only pressing issue in the oceans. The biggest concern today is the impact of all these activities on the marine environment. With resources being limited both in space and amount, economic development has proven to be devastating for many places and resources. Elevating competition among users and interest groups resulting in increasingly undesirable effects, including over-fishing, loss and destruction of habitat, pollution and the cumulative threats to the condition of the oceans as a whole.[108] But according to a study conducted at the Alpha Ventus Wind Farm, under the auspices of the German Federal Maritime and Hydrographic Agency, it was revealed that wind farms did not have a negative effect on fauna and wildlife. To the contrary researchers discovered an increase in biodiversity as the foundations of offshore wind turbines formed an artificial reef, on which mussels, sea lilies and starfish settle.[109] Overall, on the basis of tentative measures, it has been argued that, 'Notions of European citizenship, spatial development concepts, visionary cartography, regional policy doctrine and new governance paradigms .... have been woven together within Europeanising discourses that extoll the virtues of co-operation, networking, social capital

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[105] Bell, D., Gray, T., and Haggett, C., 'The 'social gap' in wind farm siting decisions: Explanations and policy responses', (2005) 14(4) *Environmental Politics* pp.460-477.

[106] Zaucha, J., and Szydarowski, W., 'Transnational cooperation and its contribution to spatial development and EU enlargement: The case of INTERREG IIIB in northern Poland', (2005) 11/12 *Informationen zur Raumentwicklung* p.735.

[107] Toke, D., 'The UK offshore wind Power programme: a sea-change in UK energy policy?' (2011) 39(2) *Energy Policy* pp.526-534.

[108] Hartnell, G., & Milborrow, D., *Prospects for Offshore Wind Energy Report*, Written for the EU Altener Project (contract number XVII/4.1030/Z/98-395) (London, British Wind Association).

[109] Garus, C., *Offshore Wind Industry*, Issue (2013) no.4 p.9.

and ... general values.'[110] The question then arises, how has Europeanization and the outcomes of policy and planning affected the UK at the domestic level?

6   Europeanization and UK Policy Approaches: Assessing Down-loading

It is evident that in the early twentieth century the integrative mechanism of spatial planning has taken centre stage within the UK.[111] Through EU Directives the pace of change has been intense, and yet still there are claims that we are not moving swiftly enough to deal with the dual challenges of adverse climate change and security of supply.[112] In response to this, Europe's renewable aspirations continue to grow ever more ambitious. Article 3(1) of the Marine Strategy Framework Directive (MSFD)[113] imposes an obligation on Member States to ensure that the share of energy from renewable sources by 2020 meets identified targets.[114] All the national targets are set out in Part A of Annex I of the Directive. The UK's target is set at 15% consistent with the EU's overall target, for a 20% share of energy from renewable sources by 2020, in conjunction with the Good Environment Status (GES); which is defined as follows:[115]

> the environmental status of marine waters where these provide ecologically diverse and dynamic oceans and seas which are clean, healthy and productive within their intrinsic conditions, and the use of the marine environment is at a level that is sustainable, thus safeguarding the potential for uses and activities by current and future generations.[116]

The Directive enshrines in a legislative framework the ecosystem approach to the management of human activities having an impact on the marine environment, integrating the concepts of environmental protection and sustainable use. In terms of legitimacy, this would suggest that the MSFD provides a legally binding obligation to achieve productivity in a way that is sustainable for marine planning. Furthermore, under Article 3(2) of the Directive,[117] Member States are required to introduce measures designed to ensure that the share of energy from renewable sources equals or exceeds what is shown in the indicative trajectory in Part B of Annex. 1.

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[110] Scott, J. W., 'A networked space of meaning? Spatial politics as geostrategies of European integration', (2002) 6(2) *Space and Policy* p.149.
[111] The integrative mechanism of spatial planning has been introduced under the Marine and Coastal Access Act 2009 part 3.
[112] Richard Hall, BIS Waterfront Conference 11th December London.
[113] Directive 2008/56/EC OJ L 164/19.
[114] Strachan, P., and Lal, D., *Wind Energy Policy, Planning and Management Practice in the UK: Hot Air or a Gathering Storm?* (2004) p.558.
[115] Directive 2008/56/EC OJ L 164.
[116] MSFD Article 3(5).
[117] Directive 2008/56/EC OJ L 164.

In the UK wind farm development was identified as a means of achieving this, bolstered by the ability on the part of carbon emissions, cost, cash and security (CCS) which involves providing funding cost of traditional fuel sources, EU Directives (Europeanization) and the security of a state energy supply.[118] Offshore wind has been subject to particular difficulties, and the cost escalations in offshore wind have been considerably larger than those for onshore wind.[119] Conversely, onshore wind has recently been estimated to be the lowest cost large scale, commercially available low carbon generator applicable in the UK. Thus, according to Lange *et al* the economic validity of offshore wind farms is dependent upon wind conditions that are generally present off coast.[120] In general, wind speeds are typically greater and more consistent offshore. Therefore, it may be argued that this compensates for the increased construction and operational costs associated with offshore turbines (though costs for CCS in the UK remain optimistic).[121]

During 2004 the UK government set out its strategy for generating 15% of electricity from renewable sources of energy by 2015.[122] The aim of the strategy is to reduce greenhouse gas emissions and thereby meet carbon mitigation obligations under European Union directives and the Kyoto protocol.[123] Achieving this and the wider government aims on sustainable development has provided the impetus for a rapid growth in activity associated with offshore renewable energy. To support the developing offshore renewable energy industry a major plan was announced during 2003 to consent to development of multiple, large scale wind farms in three coastal areas of the UK, namely the outer Thames estuary, the Greater Wash and the North West (Liverpool Bay).[124] Furthermore, the UK's energy needs require an additional 30-35GW of new capacity by 2030.

The UK is well placed for this development as 40% of the wind resource of Europe is found off the UK coast.[125] Wind turbine technology has been applied offshore with some success. Following two rounds of licensing in 2000 and 2003, the UK has the largest fleet of operational wind farms in the world, with a generating capacity of almost 600MW. Cost

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[118] Richard Hall, BIS Waterfront Conference 11 December 2013 London.
[119] Scott, K. N., 'Tilting at offshore windmills: regulating wind farm development within the renewable energy zone', (2006) 18 (1) *Journal of Environmental Law* p.91.
[120] Lange, B., et al 'Modelling of offshore wind turbine wakes with the wind farm program', (2003) Jan/Mar *Wind Energy* pp.89-100.
[121] Richard Hall, BIS Waterfront Conference 11 December London.
[122] Energy Act 2004.
[123] The International Energy Agency (IEA) has outlined several technical and engineering developments in turbines that might lead to efficiency and cost savings in the future at www.worldenergyoutlook.org/media/.../2009/weo2009_english.pdf
[124] https://www.gov.uk/...data/.../SEA6_Sandbanks_Kenyon_Cooper.pdf at p.6.
[125] BWEA, *Actions for 33 GW: actions to facilitate the delivery of Government's off-shore wind ambition of 33 GW,* British Wind Energy Association, London.

optimism informed government thinking in the early 2000s. Moreover, it coincided with climate change becoming more prominent on the policy agenda.

However, round 1 and 2 had not proceeded at the rate initially envisaged; this required some 4.5-5.5GW of operating capacity by 2010. If the UK is to achieve its 2020 target, a change in the rate of development is required. Based on published reports from the 'Offshore Capital Grants Scheme',[126] the challenges facing development are complex, but fall broadly into five categories: finance, technical constraints, security of supplies, social effects and environmental impacts.[127] In addition, when the UK government's Strategic Environmental Assessment (SEA) was conducted in 2008-2009, there was strong pressure from interest groups in developing within the 12 nautical miles (NM) of the coast.[128] Therefore, the legal framework for offshore wind farm development consent must address all aspects.

In respect of this, the third round of offshore wind farm leasing was announced by The Crown Estate on 4 June 2008, with a target of a further 25GW of installed generating capacity by 2020.[129] Following a consultation on the Strategic Environmental Assessment (SEA) for UK Offshore Energy the UK government gave the go ahead to proceed with this third round in England and Wales, with a view to granting leases by the end of 2009.[130] These ambitious plans represent a £100bn challenge and opportunity.[131] Round 3 is set to enter construction from 2014 onwards and has a total of around 31GW already leased to developers.[132] The Planning Act 2008 and the Marine and Coastal Access Act 2009 have provided a new legal framework for assisting in this consent process. The introduction measures enable the sustainable management and use of marine resources.

Furthermore, planning delays on Rounds 1 and 2 have placed further strain on the supply chain, since lengthy delays undermine the principles sought to achieve; this again may have an impact on round 3. Moreover, it is evident that the Coalition's revised arrangements do not always fully support these improvements (e.g. delayed investment decision on a £60

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[126] www.wind-power-program.com/.../DECC%20report%20on%20Scroby%...

[127] Sustainable Development Commission, *Wind power in the UK: a guide to the key issues surrounding onshore wind power development in the UK,* (2005) Sustainable Development Commission, London.

[128] Department of Energy and Climate Change (DECC) (2009e) at http://www.offshore-sea.org.uk/consultation/offshore_Energy_SEA_post_consultation_report.pdf p.116.

[129] The Crown Estate*, Offshore wind energy: Round 3*, (2008b), available at: http://www.thecrownestate.co.uk/round3

[130] The Crown Estate*, Press Release: Details of round 3 bids announced*, (2009), available at: http:/www.thecrownestate.co.uk/newscontent/92-details-round3-bids.htm

[131] www.thecrownestate.co.uk/energy-infrastructure/offshore-wind-energy/

[132] http://www.renewableuk.com/en/renewable-energy/wind-energy/offshore-wind/#sthash.0NPKVYmM.dpuf

million turbine facility in Hull).[133] According to Anderson and Liefferink the UK does not share the same incentive as the main pace-setters e.g. Germany, the Netherlands and Denmark for up-loading environmental policy.[134] As a result, these Member States anticipate fewer costs to downloading European policies; consequently, the industry does not suffer significant disadvantage from EU standards.[135]

In addition, if the level of economic development has a strong influence on the ways in which the UK responds to Europeanization, the question then arises as to whether the diverging preferences of the coalition government obstruct, rather than promote the community process to ensure that the level of environmental protection is achieved.[136] There are a number of concerns about the down-loading process of planning to the community level, with respect to the time frames for the various stages of the process. For example, emphasis is placed on the developer, in partnership with The Crown Estate to complete the pre-application inclusive of the SEA before the application for development will be considered.[137] Furthermore, the Localism Act 2011 (through subsidiarity and Europeanization) imposes a duty to consult local authorities about proposed developments. This will ensure that developers and local communities communicate in the development process; the idea being that the requirements of locals can be factored into development proposals. However, there is no definition of consultation, which may lead to different approaches by different developers, and subsequently challenges to the process.

Therefore, the visual impact of large wind farms planned for Round 3 may have an adverse effect on different local authorities along the coastline.[138] The visual impact of offshore wind farms on coastal communities is a complicated issue and widely discussed by scholars (Szarka, 2004;[139] Ellis *et al*, 2007;[140] Firestone *et al*, 2007;[141] Haggett, 2008;[142] Ladenburg

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[133] www.businessgreen.com/.../as-cameron-hails-offshore-wind-siemens-con at p.12.
[134] Anderson, M. S. and Liefferink, D,. 'Introduction: The Impact of the Pioneers on EU Environmental Policy', (1997) in Anderson, M. S. and Liefferink, D,. *European Environmental Policy. The Pioneers,* p.6.
[135] Ibid.
[136] Heritier, A., 'Leader and Laggards in European clean air policy', in Unger, B. and Waarden, F. V., (eds) (1994) *Convergence or Diversity? Internationalization and Economic Policy Response,* pp.278-305 .
[137] Note that in March 2014, the SMart Wind consortium, led by Mainstream Renewable Power and Siemens Project Ventures (SPV), a division company of Siemens Financial Services, has been awarded a contract to develop 4GW of wind farms by 2020 as part of The Crown Estate's Round 3 offshore wind farm programme. SMart Wind will develop projects in the 'Hornsea' zone, comprising 4,735 square kilometres off the UK's Yorkshire coast.
[138] Plant G., 'Offshore renewable energy: smooth permitting, environmental assessment and fair use allocation', (2003) 14(2) *The Journal of Water Law*, pp.77-78.
[139] Szarka, J., 'Wind power, discourse coalitions and climate change: breaking the stalemate?', (2004) 14 *European Environment* pp.317-330.

and Dubgaard[143] and Jay, 2010).[144] As a consequence, if located close to shore, wind farms have been described as a structure-less landscape.[145] While environmental and spatial planning have extended its sphere from principally state action to wider governance. Rydin[146] suggests that legitimacy and proper scope .of action remain, because traditional claims for legitimacy have appealed to the rationality of the general public, which suggests that the outcomes of planning represent an ad hoc distribution of power.

Overall, there is a clear distinction between local and global variables when it comes to the Europeanization of environmental policy. Such is made clear in the UK through nimbyism, local dissent and dis-consent with international and EU driven policies. Indeed there have been conflicting accounts of the role and influence of local opposition within planning application outcomes for offshore wind power developments. There is an extensive amount of literature that considers public responses to proposed renewable energy developments and much of this suggests that public opposition is a key factor in the slow growth in renewable energy capacity.[147] The application of wind energy is established through European policy at central governmental level, where there is a down-loading hierarchical way on how the planning system must be shaped.

Conclusion

One may argue that through unprecedented levels of environmental harm planet Earth's fragility has never been more explicit. Therefore a new ethic of sustainable development required advocates to operate within the ecological capacity of the environment.[148] Modern strategies such as the Bruntland report and Kyoto Protocol provide good examples of strategies for challenging the status quo and provide interpretations of sustainable

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[140] Ellis, G. Barry, J. and Robinson, C., 'Many ways to say 'no', different ways to say 'yes': applying q-methodology to understand public acceptance of wind farm proposals', (2007) 50(4) *Journal of Environmental Planning and Management*, pp.517-551.
[141] Firestone, J. and Kempton, W., 'Public opinion about large offshore wind power: underlying factors', (2007) 35 *Energy Policy* pp.1584-1598.
[142] Haggett, C., 'Over the sea and far away? A consideration of the planning, politics and public perception of offshore wind farms', (2008) 10(3) *Journal of Environmental Policy & Planning* pp.289-306.
[143] Ladenburg, J. and Dubgaard, A., 'Preferences of coastal zone user groups regarding the siting of offshore wind farms', (2009) 52(5) *Ocean & Coastal Management* pp.233-242.
[144] Jay, S., 'Planners to the rescue: spatial planning facilitating the development of offshore wind energy', (2010) 60(4) *Marine Pollution Bulletin* pp.493-499.
[145] Scott, K. N., 'Tilting at offshore windmills: regulating wind farm development within the renewable energy zone', (2006) 18(1) *Journal of Environmental Law* p.92.
[146] Rydin, Y., *Conflict. Consensus and Rationality in Environmental Planning: An Institutional Discourse Approach*, (2003) pp.54-60.
[147] Walker, G., 'Renewable energy and the public', (1995) 12 *Land Use Policy* pp.49-59.
[148] Ross, A., 'Modern interpretations of sustainable development', (2009) 36(1) *Journal of Law and Society* p.34.

development. Aspirations have been further advanced through the 1999 strategy for sustainable development, *A Better Quality of Life*,[149] which offers a vision of progress that integrates immediate and longer-term objectives, local and global action, and regards social, economic and environmental issues as inseparable components of human progress.[150] However, amid the mass of enthusiasm, some environmentalists have argued that inconsistency regarding levels of environmental limits has had a profound influence on conceptualisations of sustainable development within the UK regarding planning for offshore wind farms.[151]

Increasingly there is unanimity amongst academics that the intensity and complexity associated with development is the separation between domestic and international politics. While not denying the relevance of these various factors, this paper has raised some interesting questions about the causal relationships between EU and domestic policy regarding renewable energy. Identified in the area of environmental regulatory policy there are two factors; mainly policy preferences and action capacity. These are shaped both by the institutional framework, which constrains the range of possibilities, by the value structure through which individual actors perceive their interests towards sustainable outcomes.[152]

In considering discourse coalitions relating to offshore wind power, evidence has pointed to stalemate regarding challenges of implementation and compliance problems in the EU. Therefore, democratic governance, participation, and the satisfaction of needs have played an essential part of a development synthesis to adapt to the requirements of sustainable development. Whilst acknowledging that the substance of arguments is crucial, discourse analysis has also considered the strategic manner in which policy issues are framed: 'The future is definitely offshore'.[153] Therefore, it is not surprising that the development of offshore wind farms are more than passing interest to coastal planning authorities that look onto potential wind farm sites. Fundamentally, planning authorities in the UK are applying the principles of Europeanization and subsidiarity as far as possible through the means of participation. Historically there have been uncertainties about the role of coastal planning. However, there seems to be a more assured place for the wider principles of planning in the

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[149] UK Government, *A Better Quality of Life – A strategy for Sustainable Development for The United Kingdom*, Cm 4345 (1999), para.1.
[150] Ibid, p.34.
[151] Holder, J and Lee, M., *Environmental, Protection, law and Policy*, p.244.
[152] Ibid. p.255.
[153] Plant, G., 'Offshore renewable energy: smooth permitting, environmental assessment and fair use allocation', (2003) 14(2) *The Journal of Water Law* pp.73-95.

regulation of the sea through the introduction of Marine Spatial Planning (MSP).[154] This is due to the recognition of up-loading by pressure groups and Member State governments.

The literature on Europeanization has been steadily growing and research has shown that it is mostly public policies that have been penetrated by the integration process.[155] But there have been doubts regarding the usefulness of the concept in general; its applicability in the case of environmental policy has come into question due to the unique nature of policy decision-making at the EU level.[156] The concept of downloading has also proved problematic, as Europeanization is often understood as a concept that refers to the domestic impact of the EU; empirical research is often organized as a search for such an impact. Consequently, the outcomes of the process of Europeanization are rarely defined with a sufficient degree of precision. The theoretical framework presented here refrains from assuming that policy change produced by Europeanization constitutes a *sui generis* phenomenon that requires ad hoc explanations.[157] The emphasis is placed on the actors who make and change environmental policy and the process through which change is produced. On this point of intersection it allows researchers to take into consideration a multitude of factors from different levels of analysis.[158] Indeed, the future expansion of offshore wind farms may be better served by the careful application of planning at the local scale. The evidence presented in this study, would suggest that stronger stakeholder participation are amongst the lessons to be learned from the difficulties of developing wind farms off land.

Future wind turbine development for offshore wind farms will have to be guided by lesson drawing (cross-loading) for further adaptation to the harsh maritime environment. On the basis of this assumption, the policy-analytical approach that focuses on various governance modes was developed in view of the 28 EU Member States and beyond. Thus, the prime aim is to generate theoretical propositions about the potential EU policies to trigger international institutional and policy change in non-EU states. Based on the above discussion additional research could further examine Europeanization of environmental policy, planning and wind farms in other Member States. Such a process would then enable

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[154] ec.europa.eu › European Commission › Maritime Affairs › Policy
[155] Featherstone, K., 'Introduction : In the Name of Europe', in Featherstone, K. and Radaelli, C. M., *The Politics of Europeanization*, p.6.
[156] Smith, K. E., 'The EU in the world: future research agendas', Working paper 1 (2008) (London: European Foreign Policy Unit), p.17.
[157] Moravcsik, A., 'Preferences and power in the European community: a liberal intergovernmentalist approach', (1993) 31(4) *Journal of Common Market Studies* pp.473-524.
[158] Hudson, V. M., 'Foreign policy analysis: actor-specific theory and the ground of international relations', (2005) 1(1) *Foreign Policy Analysis*, p.3.

comparative analysis between Member States in the EU and identify examples of cross-loading and lesson drawing. This would provide information regarding best practice and rationales for different approaches in separate Member States. This underlines the relationship between diversity and integration and how these two perspectives enable evolutionary process and change within the EU. Such would enable a more in-depth assessment of Europeanization and how this generated integration within Europe.