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Abstract

Environmental Justice (EJ), the name of both a concept and a social movement that originated in the United States in the early 1980s, is purported to possess both democratic and political potential. However, in its various manifestations, this potential is frequently not realised. This study, engaging in recent critiques of the nature of politics itself and the argument that the current context has become post-political, examines EJ's radical potential and its emergence and presence in England. To investigate, interviews with key EJ actors in UK civil society, the Non-Government Organisation of Friends of the Earth (FoE) in particular, and a case study of a mobilisation against a stereotypical instance of environmental injustice (EiJ) are conducted. In England, the concept is seen to emerge at an elite civil society-level around the turn of the millennium, most noticeably with FoE. EJ and its social justice counterpart are seen to struggle for eminence, and the most prominent emergence of EJ is within a sustainable development discourse coalition addressing a technocratic deficit, post-political in form. With little presence of EJ discourses and the explicit EJ frame at the grassroots level, a number of barriers relating to the nature of both England's EiJs and the organisations promoting the discourse are discerned. A congruence of neoliberalism and a 'Protest Business' organisational form with post-politics, which is un-conducive to particular forms of EJ, is revealed. Moreover, in this context where the political is sublimated, an inherent fragmentation is seen organisationally, discursively and causally, that inhibits radical EJ diagnoses and prognoses. The case study provides insight into the discourses present in a contemporary EiJ mobilisation against an incinerator in England, revealing largely implicit justice claims and a 'properly political' claim of being "dumped on", and their subsequent negotiation, sublimation and disavowal by a post-political planning system.

**The Lost War and Battles of Environmental Justice:
The Emergence of Environmental Justice in
England – Political Potential in a Post-Political
Context**

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List of Acronyms

ACT	Advanced Conversion Technology
AQMA	Air Quality Management Area
CASE	Co-operative Awards in Science and Engineering
CCHW	Citizens' Clearing House for Hazardous Wastes
COSH	Committees on Occupational Safety and Health
CPRE ¹	Council for the Preservation of Rural England
-	Council for the Protection of Rural England
-	Campaign to Protect Rural England
CRATE	Community Reuse and Training Enterprise
CSO	Civil Society Organisation
DEFRA	Department for Environment, Food and Rural Affairs
EA	Environment Agency
EJ	Environmental Justice
EiJ	Environmental Injustice
EJm	Environmental Justice Movement
ENGO	Environmental Non-Governmental Organisation
EPA	Environmental Protection Agency
EU	European Union
ESRC	Economic and Social Research Council
FoE	Friends of the Earth
FoE EWNI	Friends of the Earth England, Wales and Northern Ireland
FoEI	Friends of the Earth International
FoES	Friends of the Earth Scotland
GAO	General Accounting Office
GDP	Gross Domestic Product
GIS	Geographical Information System
HPA	Health Protection Agency
IMF	International Monetary Fund
LULU	Locally Unwanted Land Use
MBT	Mechanical Biological Treatment
NEJAC	National Environmental Justice Advisory Council
NGO	Non-Governmental Organisation
NHS	National Health Service
NIMBY	Not In My Back Yard
NSM	New Social Movement Theory
NVDA	Non-Violent Direct Action
OJEC	Official Journal of the European Community
OSCAR	Osmaston Community Association of Residents
QC	Queen's Counsel
RRS	Resource Recovery Solutions
SD	Sustainable Development

¹ The Council for the Preservation of Rural England, established in 1926, has undergone two name changes – The Council for the *Protection* of Rural England, and then, The *Campaign* to *Protect* Rural England (University_of_Reading, n.d.) – while retaining the same acronym, CPRE.

SSAIN	Sinfin and Spondon Against Incineration
UCC	United Church of Christ
UNCED	United Nations Conference on Environment and Development
UNESCO	United Nations Educational, Scientific and Cultural Organization
UK	United Kingdom
UKWIN	United Kingdom Without Incineration Network
US	United States
WCED	United Nations World Commission on Environment and Development
WTF	Waste Treatment Facility

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This thesis is the result of my own work and the material included has not previously been submitted for a degree at this or any other university. Information from other authors contained herein is acknowledged at the appropriate points and manner in the text. The author takes full responsibility for any errors contained.

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For my colleagues and betters

Chapter One

Introduction

1.1 Background

Environmental Justice (EJ) is a concept used by academics, activists, government agencies and institutions, which recognises and highlights the environmental component of social justice. Essentially, EJ describes attempts to ameliorate and rectify an intimate relationship between environmental inequality and social inequality, where environmental ills are disproportionately suffered by certain members of society, usually the marginalised and the poor. EJ is also the name of a social movement, namely the environmental justice movement (EJm), which grew out of the United States (US) anti-toxics and civil rights movements in the early 1980s. Since its emergence, EJ, as a theoretical concept and social movement, has spread from its origins in the US, and one can now find examples of both in new and different contexts around the globe. One such new context in which the EJ frame has appeared is England, and this is the context of interest to this study. In England, the EJ frame appears to have emerged around the turn of the millennium in an elite discourse coalition that involved academics, the Environment Agency (EA), and several Non-Governmental Organisation (NGO) actors such as Friends of the Earth (FoE). Although promoted with some optimism, it appears that, unlike in the US context, in England, EJ discourses have not been taken up as readily or in the same vein. With this in mind, this thesis aims to explore the emergence, translation and political/radical potential of EJ discourses in England, and to identify and critically reflect on some of the barriers to the discourses in this context.

1.2 Conceptualising Environmental Justice and its Radical Potential

In the US, the EJm began with a focus on race and the inequitable distribution of waste and pollution. Since moving beyond the shores of the US, however, the movement has become more inclusive, encompassing “differences of gender, age and the rights of future generations” (Walker & Bulkeley, 2006: 655). As such, the term has come to be used in many different ways: “as a campaigning slogan, as a description of a field of academic research, as a policy principle, as an agenda and as a name given to a political movement” (Walker, 2012: 1). Agyeman and Evans (2004: 155), for example, define EJ as “both a vocabulary for political opportunity, mobilization and action, and a policy principle to guide public decision making”. Given that there are many different conceptions and definitions of what EJ is, Walker (2012: 11) argues that it is more constructive to view EJ as “situated and contextual, grounded in the circumstances of time and place, hence defying universal definition [... even if] common and recurrent elements do exist”.

With regard to these common or recurrent elements, Walker (2012: 10) considers conceptions of EJ to encompass three conceptions of justice, namely: *distributive justice*, whereby “justice is conceived in terms of the distribution or sharing out of goods (resources) and bads (harm and risk)”; *procedural justice*, whereby justice is “conceived in terms of the ways in which decisions are made, [and] who is involved and has influence [in decision-making]”, and; *justice as recognition*, whereby justice is “conceived in terms of who is given respect and who is and isn’t valued” (Walker, 2012: 10). In terms of distributive justice, the EJm and concept, although originally concerned with the distribution of environmental ‘bads’, such as environmental hazards and risks, has broadened to encompass concerns over the distribution of environmental goods and resources, such as green space, fuel, food, clean air and water, (Stephens, Bullock, & Scott, 2001) as well as the ‘benefits’ of these ‘goods’ (Wenz, 1988). A narrow focus on distribution has been criticised however (see for example Schlosberg, 2004; Szasz & Meuser, 1997; Walker & Bulkeley, 2006), because it neglects the processes through which such inequitable distributions occur and the way that communities and individuals have in such matters. Furthermore, these three concepts of justice are interlinked, for example Schlosberg (2004) argues that a lack of recognition is crucial to distributive injustice.

Schlosberg (2004) notes further that in order to even partake politically one has to be acknowledged and recognised; recognition is a fundamental requisite to political involvement as a social norm and a relationship, rather than something to be distributed. Similarly, regarding procedural justice, Low and Gleeson (1998: 5) stress that “the important thing is for the means of contesting [injustice...] to be available”. In summary, the EJm and concept have expanded to include and consider other forms of social and environmental difference, who justice is being done to and what is distributed are now also included (Walker, 2012), as are other forms and conceptions of justice, such as those concerning procedure and recognition, and more recently, justice according to capability (see Sen, 1999, 2009).

There is also a theme within the EJ literature that examines and posits a democratic or radical potential of EJ. Key EJ texts such as Shrader-Frechette’s (2002) *EJ: Creating Equity, reclaiming democracy*, and Faber’s (1998a) *The Struggle for Ecological Democracy: Environmental Justice Movements in the United States*, emphasise a democratic element, whereby EJ is seen to represent a potential means through which democracy might be strengthened or reclaimed. The idea that EJ may possess a positive democratic element, capable of challenging the hegemonic capitalist or neoliberal order, is attractive to both academics and activists interested in such issues. These aims, however, are to be realised in a counter-productive context that some authors (see for example Crouch, 2004; Mouffe, 2005; Rancière, 1995; Erik Swyngedouw, 2009) refer to as a post-democratic and post-political arrangement, which, it is argued, is becoming increasingly established in many Western democracies, including in England. Thus whilst EJ is positioned to provide a critique and a diagnosis of the hegemonic capitalist system and structures that produce EijS, the movement often falls short in its demands or prognosis. Although EJ is thought to provide a possible vision and means through which democracy can be practiced and change can be brought about (as exhibited by Shrader-Frechette (2002) and Faber (1998a), for example), it is not without its pitfalls. Furthermore, its own actions can sometimes go against these interests and can conversely reinforce the very structures and processes that produce the source of its grievance.

Indeed, for radical change, or ‘politics proper’ to take place a change must be brought about in the *police*. Rancière’s conception of the police is one that is “almost synonymous with the social order in its entirety” (O. Davis, 2010: 76), and indeed the concept provides a useful

way to talk about and analyse a system or social structure that configures society and structures social reality. Moreover, it provides an account of the organising and distributional processes of a social order. In the context of modern Western democracies, this ‘social order’ has become neoliberal in nature. As such, the police in these contexts is structured and mediated through capitalist and neoliberal modes of production. Politics in this view must constitute a change to the system, one which fundamentally alters the *police* and calls into question equality of speaking beings. For authors such as Rancière (1995) and Žižek (2006), this issue of *voice* can be seen to be intimately connected to *justice as recognition*. As Žižek (2006: 69-70 in Swyngedouw, 2009: 616) puts it:

“the emergence of a group which, although it [is] without a fixed place in the social edifice (or, at best, occupying a subordinate place), demanded to be included in the public sphere, to be heard on an equal footing with ruling oligarchy or aristocracy, i.e. recognized as a partner in political dialogue and the exercise of power . . . Political struggle proper is therefore not a rational debate between multiple interests, but, simultaneously, the struggle for one’s voice to be recognized as the voice of a legitimate partner”.

However, in contexts such as in England, which are arguably becoming increasing post-political, properly political acts are difficult to realise. Swyngedouw (2009: 609), for example, speaks about “the end of politics” when referring to how contemporary environmental governance processes function:

“In this sense, environmental and other politics are reduced to the sphere of the police, to the domain of governing and polic(y)ing through allegedly participatory deliberative procedures, with a given distribution of places and functions. Consensual policymaking, in which the stakeholders (i.e. those with recognized speech) are known in advance and where disruption or dissent is reduced to debates over the institutional modalities of governing, the accountancy calculus of risk and the technologies of expert administration or management, announces the end of politics, annuls dissent from the consultative spaces of policymaking and evacuates the proper political from the public sphere”.

Thus, drawing on various concepts and theoretical sources, this thesis aims to not only explore the emergence of EJ discourses in the English context, but also to reflect on the political or radical potential of such discourses. In order to address this aim, 22 semi-structured interviews were conducted with a range of ‘elite’ civil society actors involved in the environmental sector. Data were also produced from a case study of a local mobilisation against a proposed incinerator development in Sinfin, Derby. Being an example of a stereotypical environmental injustice (EiJ) mobilisation, this case study provides a valuable opportunity to explore EJ discourses (or the lack thereof), as well as the processes of environmental (post-)politics and governance in the English context.

1.3 Research Rationale

This research contributes primarily to literature on EJ and post-politics. Regarding EJ, this thesis contributes to a growing body of literature on EJ in the UK (see for example Agyeman, 2002; Bulkeley & Walker, 2005; Chalmers & Colvin, 2005; Walker, 2012; Walker & Bickerstaff, 2000). The thesis provides an account of EJ's emergence in England at around the turn of the millennium. A decade later, however, the term appears not to have taken off in the way some had hoped and predicted. The thesis thus makes an empirical contribution to knowledge on the emergence and development of EJ in England. In this sense, this thesis is an investigation of failure, a type of investigation that is not often or easily performed (Ormerod, 2005). Investigating this failure reveals a number of factors that have acted as a barrier to not only the explicit EJ frame being used, but also to the proliferation of EJ struggles, and an explanation for this lack of prevalence, relative to the US at least, is proffered. In so doing, this thesis also contributes to knowledge on one of England's most influential environmental organisations, FoE, and its role in environmental politics, governance, and its adoption and promotion of EJ. By FoE's taking on of a *protest business* form, and being in a context of hegemonic neoliberalism, the organisation's development is seen alongside the development of the post-political zeitgeist. Given a proposition of EJ possessing democratic and political potential that is seen to falter somewhat, this thesis asks and theorises through what actions (and how) EJ and the EJm could be political, how they may bring about change, how they may not support the processes they seek to overthrow, and thus strive towards being truly emancipatory. Not only are these findings useful to those interested in EJ issues within England, but also have a wider relevance, to those interested in how potentially radical discourses, such as EJ, fare in other post-political, Western democracies.

This thesis also directly contributes to the growing body of literature on post-politics, and in particular Swyngedouw's (2009) assertion that environmental politics is at the forefront of a consolidating post-political consensus, where politics proper has been evacuated. Here, Swyngedouw (2009) places EJ and EJ struggles and mobilisations as participating in this post-political dynamic. In the investigation of the case study, the validity of the post-political

characterisation of the planning realm is considered. The case study demonstrates that political gestures are still possible in this context; political claims are made, and politics proper is possible, even when the properly political is being subverted and suppressed by contemporary modes of governing. Thus, in this sense, this thesis makes both an empirical and theoretical contribution to this growing body of literature.

1.4 Research Aim and Questions

Drawing from relevant literature and the empirical evidence, including research undertaken to explore a local mobilisation against a proposed incinerator, this study strives to address the following research aim and questions:

1.4.1 Research Aim

To explore the emergence, translation, development and political potential of EJ discourses in England, and to identify and critically reflect on some of the barriers to these discourses in this context.

1.4.2 Research Questions

- Where did EJ as a concept and as a movement first originate?
- How did an EJ discourse emerge and develop in the English context?
- What are some of the barriers to an EJ discourse in England?
- What justice claims (if any) are made in opposition to a stereotypical example of an EiJ in England?
- How can literature on post-politics and the properly political help one understand the political nature and potential of an EJ discourse in England?

1.5 Structure of the Thesis

This thesis is organised into seven chapters. Chapter Two aims to explore the EJm and accompanying concept, EJ, which emerged in the US. Highlighting some of the key characteristics of both the EJm and the EJ concept in the US is useful to help contextualise the emergence and development of an EJ discourse in England. The chapter begins by briefly setting out the social and historical context within which America's environmental imagination was fashioned, laying out the context into and from which EJ would emerge. The environmental movement in the US began at the turn of the 20th century, with the conservation and preservation movements. With the social ferment in the 1950s and 1960s, however, the movement underwent some significant changes, which brought about the birth of the modern environmental movement. Economic crisis in the mid to late 1970s and 1980s, and the inescapable environmental degradation it brought about, provided the context within which a dynamic anti-toxics movement emerged. Events in 1982 in Warren County, with the siting and opening of a plant for the disposal of polychlorinated biphenyls (PCBs) in a very poor and largely *black* neighbourhood, helped to bring together the anti-toxics and the civil rights movements, a combination which ultimately led to the formation of the EJm. The fraught but synergistic relationship between the EJm and mainstream environmentalism is also explored. In particular, mainstream environmentalism is shown to exhibit conflicting interests, mirroring the institutions and industries that the EJm wished to challenge. The success of EJ is explored and a neoliberal retaliation against it and the environmental movement, before the chapter ends by examining how the EJm and concept expanded beyond the US national borders, highlighting some of the dynamics and questions surrounding this 'travel' or transfer.

Chapter Three aims to provide a theoretical framework and an overview of relevant literature needed to understand and explore the concept of EJ within this thesis. The political and democratic nature of the concept and movement is examined, in particular, its radical political potential. In this vein, recent work interrogating the nature of democracy and politics, by Jacques Rancière in particular, and most prominently drawn upon in geography by Eric Swyngedouw, is explored. This literature assists in the understanding and definition of what constitutes radical politics, which in turn will be used to reflect critically on the political potential of EJ discourses in the English context.

In Chapter Four, the qualitative research methodologies adopted in this study are described. The chapter begins by introducing the study as a CASE (Co-Operative Awards in Science and Engineering) Studentship that underwent, roughly, three evolutionary research design changes before it arrived at its current focus and form. The changes in the research design, the reasons behind them, and the effects they had on the study, are given an initial brief description before a more thorough explication of the final research design and methods. The data production was comprised of two phases: data produced through a set of semi-structured interviews with ‘elite’ civil society EJ actors; and a case study of an EiJ mobilisation against an incinerator. How the data was produced, analysed and interpreted is detailed in the latter sections of the chapter, followed by some critical reflections on the difficulties encountered during this study.

In Chapter Five, the emergence and development of an EJ discourse in the UK is explored. This chapter begins by briefly examining the changing history of environmentalism in England and how it shaped FoE, which played a central role in adopting and adapting the EJ frame in this context. Unlike the US, in England the EJ frame did not emerge at the grassroots level; instead it emerged in an elite sphere through a discourse coalition between one of England’s biggest and most influential NGOs, FoE, alongside a handful of academics, policy makers and members of other organisations such as Capacity Global. Through these collaborations, EJ was significantly re-framed and adapted to suit the UK context, which, according to Walker (2012: 28), has “stripped some of its more radical and distinctive qualities”. The final section of the chapter expands on this and considers a number of significant barriers to the proliferation of the EJ discourse.

In the sixth chapter, the proposed placement of a Waste Treatment Facility (WTF) in the electoral ward of Sinfin, Derby, is analysed in order to understand what the mobilisation against the proposal might be able to tell us about and for the discourses of EJ in England. In order to gain an understanding of this case, the local mobilisation and the context within which it has taken place, a broad range of key actors were interviewed. This chapter focuses on which debates and discourses were prevalent and being engaged, and which have been significant in determining the way things have played out in this particular case. Thus, the first section of the chapter aims to explicate some of the details of this case before

highlighting several of the apparent themes which emerged from the data. The final sections of the chapter explore these themes and reflect on some of the ways in which this case study relates to the wider research aim regarding post-politics and the discourse of EJ in England.

Finally, Chapter Seven discusses the key findings of this thesis in an attempt to respond directly to the research aim and questions. The conclusions drawn highlight the relevance and importance of this study to wider literatures. The chapter closes with suggested avenues for further research.

Chapter Two

The Emergence of Environmental Justice in the United States

2.1 Introduction

This chapter aims to explore the environmental justice movement (EJm) and accompanying concept, environmental justice (EJ), which emerged in the United States (US) towards the end of the last century. The EJm and concept is explored within the socio-historical context of the US, and in relation to a pre-existing environmental movement that, by the time of EJ's emergence, had already colonised what was meant by *environment* in American society. The relationship between the EJm and mainstream environmentalism was a fraught but dynamic one, which to some extent shaped the EJm. Given that it is within mainstream environmentalism in England, notably with Friends of the Earth (FoE), where the concept of EJ has had its highest profile purchase, this chapter aims to highlight some of the key characteristics of both the EJm and EJ frame within the US, which will provide a benchmark with which to explore the emergence and development of EJ discourses in England, the subject of Chapter Five.

The chapter begins by briefly setting out the social and historical context within which America's environmental imagination was fashioned. The environmental movement in the US began at the turn of the century in 1900, with the conservation and preservation movements. With the social ferment in the 1950s and 1960s, however, the movement underwent some significant changes, which brought about the birth of the modern environmental movement. Economic crisis in the mid to late 1970s and 1980s, and the inescapable environmental degradation that it caused, provided the context within which a dynamic anti-toxics movement emerged. The events in Warren County in 1982 became a significant turning point which helped bring together the anti-toxics and the civil rights

movements, a combination which ultimately lead to the formation of the EJm. The fraught but synergistic relationship that the EJm had with mainstream environmentalism is also explored. In particular, mainstream environmentalism is shown to exhibit conflicting interests, mirroring the institutions and industries that the EJm wished to challenge, and through exclusionary practices and processes maintaining the status quo. While EJ had notable success in the generation of a grass-roots social movement and mobilisation, environmental injustices persist and there has been sustained attack on environmental and social regulation and protection by US capital which has captured and colonised the US state. The engagement with EJ at this level provides a glimpse of what will be discussed further in the following chapters (Three and Five) of post-democracy (Crouch, 2004) and post-politics (Swyngedouw, 2009). The chapter ends by exploring how the EJ movement and concept expanded beyond the US national borders, highlighting the dynamics and questions surrounding this ‘travel’ or transfer.

2.2 Early Environmentalism in the USA: Conservation and Preservation

Before the start of the modern environmental movement in the 1960s, two competing conceptions of nature dominated the environmental landscape in the US. These were *conservation* and *preservation*, and they emerged in the aftermath of the industrial revolution. Most early European settlers and early generations of Americans adopted a conception of nature that drew on the ideas of scientists and thinkers such as Francis Bacon and Rene Descartes, who “created a world view that desacralized nature and provided ideological fuel for the industrial revolution” (Dowie, 1995: 12). However, as America was populated and the frontiers² disappeared, some saw a different value in nature and the wilderness (Beinart & Coates, 1995; Dowie, 1995; Scheffer, 1991). The two competing paradigms of conservation and preservation then came into play.

² The use of the term ‘frontiers’ here is likely to be in reference to Frederick Jackson Turner’s ‘Frontier Thesis’, which details the settlement and expansion of Europeans into North America where “only sedentary cultivation [was seen as...] true civilization and [...] lands not used for that purpose were at best wasted, even empty”, pushing native peoples from their lands in the process (see Kearns, 2009).

In 1905, a forester by the name of Gifford Pinchot, who had seen the environmental degradation and the loss of forests in Europe, persuaded President Franklin Roosevelt that America's forests needed protecting from unrestrained exploitation by capital investment (Lamb, 1996). Vast areas of forests in America had been cut down in living memory to build settlements, railroads and highways, and this, according to Lamb (1996), struck home with more immediate impetus than it had in Europe. In 1905, Franklin Roosevelt set up the US Forest Service within the Department of Agriculture (Lamb, 1996). Pinchot was already the head of the previous forestry division within the Department, having been appointed by the previous president, William McKinley (Dowie, 1995). It was during Theodore Roosevelt's presidency that the term 'conservation' was coined (Scheffer, 1991). Pinchot was taken with the modern forestry management techniques that he had seen in Germany, and he wanted to implement them in the US before it was too late (Lamb, 1996). He coined the term 'wise-use', which described "an accommodation between nature preservation interests and the economic imperatives to extract natural resources like timber or minerals or to clear land" (Lamb, 1996: 21).

Preservation, or more precisely, wilderness preservation, which referred to the protection of vast land areas for hunting, fishing, camping and aesthetic enjoyment, took a more uncompromising stance towards the 'use' of nature (Dowie, 1995). With the spectre of Europe's environmental degradation, "naturalist writers and philosophers began advocating stewardship of the land and *preservation of nature for its own sake*" (Dowie, 1995: 14, emphasis added). It was John Muir, founder of the Sierra Club (1892), in particular who took up these reins, believing "deeply in the redemptive powers of nature" and that some of nature should be kept virtually untouched by humans (Dowie, 1995: 16). Both Muir and Pinchot lobbied the Roosevelt administration and presented to both the government and the nation these two competing and conflicting conceptions of the environment (Dowie, 1995). Despite conservation and preservation's differences, in tandem with the art world, they "primed the environmental imagination with seductive images of nature", which defined the environment as wilderness, non-urban, and "separate from most people's daily lives (Dowie, 1995: 20).

Furthermore, many early conservationists and preservationists belonged to exclusive clubs such as the Boon and Crockett Hunter's Club, where, for example, Pinchot and Roosevelt's relationship stemmed, both being members 'of good standing'. These clubs characterised wilderness preservation as, generally, the preserve of the privileged elite few (Dowie, 1995). Many that belonged to such clubs, some with 'white-only' provisions in their charters, were "prosperous white men, a mixture of hikers, campers, mountain climbers, hunters and fishermen who looked to the wildness as a place of recreation and refreshment from urban pursuits" (Dowie, 1995: 2). Beinart and Coates (1995: 93) claim that wildlife preservation and national parks provided an attractive proposition for white environmentalists because "they furnished a route out of the central conservationist dilemma: how to enjoy the advantages of urban-industrial society while salvaging a modicum of nature". The environmental movement retained this demographic of membership and leadership, as well as a narrow focus on conservation and preservation up until the 1950s/1960s, a time of great social ferment (Faber, 1998b).

2.3 The Birth of Modern Environmentalism: Changing Social Contexts and Organisational Shifts

The economic boom years following the end of the Second World War saw the rise of a broad range of grassroots protest movements that would become known as the 'liberation movements' (Scheffer, 1991). Americans, having fought for the freedom of people abroad, turned their attention inwards to "groups who, for generations past, [...] had endured civil and economic inequality" (Scheffer, 1991: 16). The new movements were "uncomfortable with the rampant modernism, social conservatism and naïve technophilia of the post-war economic boom" (Beinart & Coates, 1995: 94). The young and students, or 'war-boom-babies', were at the forefront of the early marchers³ (Scheffer, 1991). The demographics of the American populace had changed. It was much younger (half of the population was under 25 by 1970)

³ 'Marchers' is perhaps a reference not only to those on protest marches, but also to those at the fringes of society and established authority. In medieval Europe, for example, the term 'marchers' was also used to refer to the regions at the periphery of feudal monarchs' lands. The monarchs' authority waned towards these regions, where 'marcher lords' exercised significant autonomy (Kearns, 2009).

and a higher proportion were in education than the generation that had preceded it (Beinart & Coates, 1995; Scheffer, 1991). This vibrant counter-culture sought to challenge and critique old dominant values and structures, fighting for “freedom of opportunity and constitutional rights for themselves and for others [..., and to] change outmoded attitudes and institutions” (Beinart & Coates, 1995; Scheffer, 1991: 16).

The Vietnam War (1959-1975) was particularly significant here as it was the main cause of the student revolt of the 1960s (Scheffer, 1991). It troubled four presidents, with the call of many young being: “if we’re old enough to fight and die we’re old enough to vote” (Scheffer, 1991). The ratification of the 26th Amendment in 1971, which reduced the voting age from 21 to 18, created 11 million new voters, enfranchising many of the youth and quietening their objections (Scheffer, 1991). Anti-war, anti-consumerism, feminism, civil rights, sexual liberationists movements and other likeminded movements, all with their own histories and origins, coalesced and flourished in this reformist climate (Beinart & Coates, 1995). Environmentalism, despite being on the periphery of these other movements, also matured and attracted many of the same activists (Beinart & Coates, 1995; Scheffer, 1991). It was not universally popular, however. Some saw the environmental movement as directing attention away from ‘more important’ causes such as civil rights, poverty and Vietnam, which took “58,132 American lives, [and] cost \$100billion” (Scheffer, 1991: 20). Indeed, both presidents, Johnson and Nixon, endorsed the environmental movement as a welcome distraction on the home front (Scheffer, 1991).

An analogous resenting reaction to the environmental movement was also present with the celebration of Earth Day in 1970. Earth Day 1970, which represented “a coordinated nationwide outpouring of environmental sentiment celebrated by about 200million Americans nationwide”, marks the point at which many, according to Dowie (1995: 24), attribute the start of the modern environmental movement. Dowie (1995) asserts, however, that Earth Day should rather be seen as a culminating event, and that 1962, with the publication of Paul Ehrlich’s *Population Bomb*, Barry Commoner’s *Closing the Circle*, and in particular, Rachel Carson’s *Silent Spring*, represents a far better starting point. It was Carson’s book that “sounded the alarm bell that sparked a rebellious protest movement”, popularising and changing the application of the word *environment* “to describe an all-inclusive category comprised of *both* human and natural habitats” (Dowie, 1995: 1, emphasis

added). The improbable success of her book, according to Beinart and Coates (1995: 95), was in linking “traditional wildlife protection issues with urban-industrial ones”, and in the process making an “arcane agricultural term, pesticides, a household word and searing public issue”.

These books and new ideas “alarmed, angered, and aroused a broad new constituency of middle-class activists” (Dowie, 1995: 23), however, they did not replace the old established priorities of the conservation and preservation movements (Beinart and Coates, 1995). Increased affluence and leisure time brought what was once the preserve of the elite few to broader constituents (Beinart and Coates, 1995: 97-8). After the 1960s, what was once conservation/preservation became “an amalgam of resource conservation, wilderness preservation, public health reform, population control, ecology, energy conservation, anti-pollution regulation, and occupational health campaign[ing]” (Dowie, 1995: 24). The spoils of the post-World-War-II era of rapid economic expansion and technological development fuelled these concerns as the degradation of the environment, including the urban, had become “insistently obvious to people of all classes and races” (Dowie, 1995: 24). As modern environmentalism became more mainstream, it came to recognise that industrial activity polluted all environments and threatened people’s health and quality of life (Szasz, 1994). The American conception of what was meant by *environment* had fundamentally changed.

Opposition to modern environmentalism came from multiple sources. Some saw environmentalists as part of a new disruptive breed or just another claimant group. However, opposition came predominantly from those who saw environmentalism as a threat to the business world, capitalism, technological and engineering development, as well as to activities associated with industrialism and land development, as “government interference with [one’s] freedom to use one’s “own” property” became a common point of contention (Scheffer, 1991: 10). Freedom and property are significant issues for the US. When Gifford Pinchot persuaded Theodore Roosevelt that “business tycoons with scant concern for nature were in control of America’s least replaceable assets, and [that this] needed to be curbed”; in respect to natural forests, this meant “taking areas of forested wilderness into public ownership” (Lamb, 1996: 21). The belief that property rights were absolute was challenged and the public consciousness stirred, perhaps “something’s did belong to all” (Scheffer, 1991: 3). However, such ideas brought additional opposition from those who feared that this would

result in the ‘socialisation of property’, with proponents such as Aldo Leopold⁴ even receiving ‘red-baiting’ from his colleagues (Dowie, 1995).

The 1960s saw environmentalism become a “popular middle-class ideology for the first time” (Beinart and Coates, 1995: 94) with the membership also expanding to include some sections of the white-working-class (Dowie, 1995). According to Scheffer (1991: 16), those involved in multiple movements were, “the thoughtful kinds who in every generation have seen no distinction between injustice to men and injustice to the earth”. However, unlike the more radical movements whose rebellions were forged in oppression, the leadership of the modern environmental movement was still predominately white, middle-class, males who were “inspired by apolitical naturalists to protect the sources of their aesthetic pleasure” (Dowie, 1995: 3). While the movement did include technophobes and critics of capitalism, those with any radical sentiment were not present or welcome in leadership circles and had limited ideological influence (Dowie, 1995). These white males typically came from privileged backgrounds and were educated at the top universities, usually in law (Cole & Foster, 2001; Dowie, 1995). With this demographic of personnel, lawsuits unsurprisingly became a primary, and sometimes the only strategy, employed by these environmentalists as they concentrated on “legal and scientific approaches to environmental problems” (Cole & Foster, 2001: 29).

The 1970s thus saw the environmental movement change its organisational form. A proliferation of legal-scientific groups signalled a move away from the social justice and participatory strategies that had been used by civil rights, anti-Vietnam War, and liberation movements, to “an insider strategy based on litigation, lobbying, and technical evaluation” (Cole & Foster, 2001: 29). The environmental movement became more professionalised and institutionalised, aligning and structuring itself more closely with government and business (Faber, 1998b). Where previously it would have organised support from its membership to support the passage of legislation, there was now a centralisation of decision making power and a ‘partial demobilization of membership’ in many of the major environmental organisations (Faber, 1998b). Dowie (1995: 6) cites a “desperate drive to win respectability and access in Washington” as a reason for this move, lamenting a “politely pursued [...]”

⁴ Aldo Leopold worked under Pinchot but became increasingly convinced by the arguments of preservation (Dowie, 1995)

course of accommodation [, compromise,] and capitulation with elected officials, regulators, and polluters”, which resulted in only limited gains. Disassociating with the more radical elements within the movement was thought to be necessary to achieve this goal (Cole and Foster, 2001: 29). Those involved in the centralization of decision making power, and shifting the focus to legislative and litigation methods, viewed the grassroots as “at best helpful, at worst an embarrassing sideshow to the main event”, which took place in the capital (Dowie, 1995: 5).

While these approaches adopted by modern environmentalists were sometimes successful in cleaning up the environment, they also had the “*unintended* consequence [... of excluding] those without expertise from much environmental decision making” (Cole and Foster, 2001: 30, emphasis added). Although it would seem logical and even natural for those involved in the modern environmentalism movement to adopt these approaches given their skills background, this may only tell half of the story, with the question being whether these exclusionary practices were really unintentional. Dowie (1995: 168, emphasis in original) cites a reticence of environmental groups to include ‘outsiders’, as they found them ““common,” the agenda radical, and the vocabulary, particularly words like *empowerment*, alienating”. There was more than mere socio-economic class divisions being displayed here, there was also a racial element too, which is tied to mainstream environmentalism’s, and America’s, historical past, and it is evident not only in the charters of the exclusive clubs of the movement’s origins, but also in the make-up and attitudes held by the membership and leadership of the movement. A prime example of this is evident when considering the Sierra Club, one of America’s biggest environmental organisations. Cole and Foster (2001: 30) cite a membership survey undertaken in 1971, which asked “[s]hould the Club concern itself with the conservation problems of such special groups as the urban poor and ethnic minorities?”. This question solicited a majority response of opposition. David Brower, who later went on to establish Friends of the Earth, put forward motions in the Sierra Club in 1959 and in 1973 for the recognition and inclusion of people of colour, and latterly also the urban poor, but failed both times (Dowie, 1995). The Sierra Club’s members did not want to get involved with the environmental concerns of the urban poor (Cole & Foster, 2001) and, according to civil rights activist John McCown, who was later hired by the Sierra Club, they were people who “avoid[ed] African Americans like the plague” (Dowie, 1995: 169).

Thus it is evident that the 1950s and 1960s brought about some significant changes to environmentalism in the US, namely in the restructuring of environmental organisations and reshaping of how Americans conceptualised the environment. The support for environmental organisations was also expanded, although those who were most marginalised in society remained excluded. It was only in the late 1970s and the early 1980s that major challenges to mainstream environmentalism emerged. It was during this period that slow economic growth led to increased exploitation of the natural environment, the negative consequences of which were disproportionately felt by the poor and marginalised in society. At the same time public awareness of environmental issues was becoming more established, and mobilisation around environmental issues was growing. Despite a socio-political context to the contrary, the environmental context of the time created conducive conditions for the formation of new environmental movements. With the emergence of the anti-toxics movement and the EJm, those who had been previously excluded found their voice and adopted a justice framework that directly challenged established environmentalism. The following section of the chapter explores the anti-toxics movement and the EJm, including how they both emerged and fused together.

2.4 The Anti-toxics and Environmental Justice Movements

According to Andrew Szasz (1994) and Daniel Faber (1998b), the 1970s and 1980s were not good decades for environmentalism. Faber (1998b) attributes increased economic exploitation of both labour and the natural environment to the problems being experienced by the American economy and capitalism, as threatened corporate profits were sought to be maintained and increased. The American economy had been experiencing a low Gross Domestic Product (GDP) and slow growth rates since the mid-1970s, and in the 1970s and 1980s American industry and capital began to have its economic hegemony threatened. It was Japan and Germany in particular that constituted the biggest threat, as these countries concentrated on maximising their market share. Industries that were traditionally the backbone of the US economy lost “market after market for mass-produced consumer goods” (Faber, 1998b: 31). The globalisation of capital meant that American industry was not able to

pass on its increased costs to the consumer in the form of higher prices. Thus, in order to maintain profits, American industry sought to reduce its production costs. US capitalism and industry perceived American labour costs, which included various welfare benefits, and environmental regulation, to be economically burdensome. In comparison to their competitors' regulations, the US was seen to be far stricter. Thus to keep profits high and costs low, American industry aimed to dispose of its vast amounts of hazardous waste in the most cost-effective manner possible. This often meant the least environmentally sustainable manner however. They also set about attacking gains achieved by labour unions, environmentalism and progressive movements; "pollution containment and environmental conservation measures are a luxury that American business [...] was] increasingly unwilling to absorb" (Faber, 1998b: 32). Faber (1998b) also describes how liberalist policy initiatives that commodified waste, also made it more mobile, allowing it to be transported along the path of least resistance to end up in the least powerful neighbourhoods.

The economy, not the environment, was at the forefront of public attention in the 1970s and 1980s. The 1980s, in particular, was marked by conservatism with the "optimistic activism of the 1960s a thing of the past [and the populace seemingly] split between increasing indifference to politics and increasing acceptance of conservative positions" (Szasz, 1994: 5). However, the 1970s saw evidence of increased local mobilisation around environmental conflicts emerging. These mobilisations were concentrated primarily in a few highly industrialised states, and they "tended not to be about nature, per se, but about "land use, social impact, [and] human health"" (Gladwin, 1987: 23 quoted in Szasz, 1994: 40). America had a history of community resistance to locally unwanted land uses, or LULUs, such as prisons, housing projects, hospitals and power plants, which "provided a good for society as a whole but concentrate[d] all the undesirable costs in the host community" (Popper, 1987a; 1987b cited in Szasz, 1994: 41). People were also beginning to organise in opposition to the development of hazardous waste facilities, landfills and incinerators (Szasz, 1994). Szasz (1994: 41) draws the conclusion that "the beliefs propagated by modern environmentalism had begun to change the public's view of hazardous waste facilities, from an attitude of neutrality toward the view that such facilities are LULUs that communities ought to oppose".

Szasz (1994) also cites polls showing public concern about water and air pollution with a call for government to do something about it. Before 1976, *toxic waste* was a non-issue for the

public generating no awareness of health concerns (Szasz, 1994). There was opposition to hazardous waste facilities, but they were localised concerns at the time, and as yet they had not entered the public consciousness on a national scale (Szasz, 1994). The widespread industrial production of hazardous substances, and the waste that was sited and/or disposed of in populated areas, was producing intolerable environmental conditions for certain sections of American society. These conditions, and their un-abating production, produced a tinder-box where but a spark was needed for some kind of a reaction to spring into life. The first ‘spark’ occurred in 1978 in Love Canal, Buffalo, New York. The event received sustained national media coverage, which made ‘Love Canal’ and ‘toxic waste’ household words (Szasz, 1994). The second key event followed in 1982 in Warren County.

2.4.1 Love Canal and the Start of the Anti-Toxics Movement

In 1978, residents in a blue-collar housing development in Buffalo complained to city officials when a black substance began to ooze into their basements. Children from the development who played barefooted on the grass complained to their mothers that it burnt their feet, and some dogs and cats also began to lose their fur (Dowie, 1995). The residents’ complaints were ignored by city officials who were aware that the housing development had been built on a landfill site operated by a chemical company. Resident Lois Marie Gibbs, whose son had developed a severe respiratory problem, organised the Love Canal Homeowners Association and aggrieved residents took their complaints to the state capital in Albany (Dowie, 1995).

With “abnormally high rates of birth defects, miscarriage, epilepsy, liver abnormality, rectal bleeding, and headaches” being found by state epidemiologists who then visited the area, the New York State Health Commissioner declared that the landfill constituted “a public health nuisance and an extremely serious threat and danger to the health, safety and welfare of residents” (Dowie, 1995: 128). Nevertheless, the state and the federal government were slow to react. In 1980, when two Environmental Protection Agency (EPA) inspectors arrived in Love Canal, the residents demanded action. Two days later it was declared a national disaster area by President Jimmy Carter and he agreed to purchase all the homes in the contaminated area and to relocate the residents (Dowie, 1995).

Andrew Szasz (1994), who analysed news coverage of Love Canal, found that it was presented like a horror movie, whereby terror was shown to lay in wait for ordinary, unsuspecting communities all across America. Szasz describes how instances like Love Canal were used as ‘scope stories’ in the media, who portrayed communities and neighbourhoods disrupted and degraded by this ‘insidious evil’:

“The most frequent, most persistent images throughout these news stories were of community lands (school yard, suburban field, backyards) that *ought* to be green, vibrant with suburban/domesticated vegetation, but instead show only sparse, half-dead plant cover, punctuated with holes filled with unnatural-looking chemical soup” (Szasz 1994: 44, emphasis in original).

In a mutually reinforcing way, through the media and its reporting of public opinion polls, the view that the government could not provide the protection needed was perpetuated and adopted by the public (Szasz, 1994). As such, the government had to weigh up its treatment of Love Canal between political embarrassment and setting a financially costly precedent (Szasz, 1994). Love Canal was declared a national tragedy (Szasz, 1994). It was framed as America’s biggest environmental problem. Big problems prompted big legislation, and the administration went further to establish the Superfund⁵ (Szasz, 1994). Together with social protests, which drew further national media attention, popular demand for enforcement of toxic-control legislation was generated, providing an incentive for the EPA to protect working-class neighbourhoods that did not previously exist (Dowie, 1995: 129). In particular, they sought enforcement of the Resource Recovery Act (Szasz 1994).

As mentioned previously, there was evidence of local mobilisations in opposition to hazardous waste sites before Love Canal. They were marked, however, by the fact that they were operating alone (Szasz, 1994). They organised themselves and no national organisations (of any form) were there to help them (Szasz, 1994). Pre-1978 and Love Canal there was a “total *lack of contact* among local groups” (Szasz 1994: 70, emphasis in original). It was the media coverage of Love Canal that changed this. Beforehand, Szasz (1994: 71) claims, “activists found it hard to convince the larger community that there was, indeed, a real problem [..., however, after] 1978, people would find it easier to conceive that they, too, may be victims of toxic contamination, to construe their own situations as potentially “another Love Canal””. Crucially, the media coverage of Love Canal did more than simply increase

⁵ The Superfund was a \$1.3 billion trust fund that was established by the US Congress in 1980 to clean up toxic waste dumps (Shrader-Frechette, 2002).

the growth of local action, it stimulated networking among the local groups and their campaigns (Szasz, 1994).

Consequently, the 1980s saw a dynamic social movement emerge and develop. As local actions became widespread and groups networked, a more formal, sedimented infrastructure began to develop. Lois Gibbs, for example, then went on to set up the Citizens' Clearing House for Hazardous Wastes (CCHW), which by 1994 "was a national organization providing management services, counsel, and financial support to thousands of ad hoc environmental organizations around the country" (Dowie, 1995: 128). According to Dowie (1995: 129), Lois Gibbs was a "natural, [and] almost inevitable phenomenon", as America's environmental imagination had been captured by alarming images of environmental degradation and toxic terrors. Local struggles were linked with others and various umbrella organisations like CCHW came into being (Cole & Foster, 2001). The movement increased the range of issues that it engaged with to include other local contaminants, changing from being specifically about 'hazardous waste' to 'toxics' more generally (Szasz, 1994).

Love Canal, which was a significant event in sparking the anti-toxic movement, took place in a predominately *white* neighbourhood. The event that would draw in the civil rights movement's leaders and activists, and begin the progression of the anti-toxics movement to the EJm, happened in 1982 Warren County, North Carolina. This is when the US "environmental justice *movement* [...] is generally believed to have started" (Agyeman, 2005: 14, emphasis in original).

2.4.2 Warren County and the Formation of the Environmental Justice Movement

In the autumn of 1982, the siting and opening of a plant for the disposal of polychlorinated biphenyls (PCBs) in a very poor and largely *black* neighbourhood, prompted large protests and demonstrations, generating much national media attention. The fact that the EPA allowed the waste to be placed a mere 7ft above the water table, instead of the standard requisite of 50ft, further fuelled the outrage (Newton, 1996, cited in Shrader-Frechette, 2002).

Approximately 500 people were arrested in the protests, including people in positions of influence. Among them was Walter Fauntroy, a member of Congress, and Reverend Benjamin Chavis, executive director of the United Church of Christ (UCC) Commission for

Racial Justice. Upon Fauntroy's request, the General Accounting Office (GAO) conducted a study of recent hazardous-waste developments that were being located in the south eastern US (Dowie, 1995). The 1983 GAO study focused on "the racial and economic make-up of the communities where landfills, incinerators, and deep-well injectors were being situated" (Dowie, 1995: 142). The study found evidence to suggest concern about hazardous facilities being disproportionately distributed in racial minority communities (Agyeman, 2005). Indeed "African Americans comprised the majority of the population in three of the four areas studied" (Dowie, 1995: 142).

The UCC, wanting to know more, conducted their landmark study, *Toxic Wastes and Race in the United States* in 1987 (Agyeman, 2005; Dowie, 1995; United Church of Christ Commission for Racial Justice, 1987). Their research substantiated the GAO's findings that *race* and not income was the primary determinate in the siting of hazardous facilities, which led to the term *environmental racism* being coined by Benjamin Charvis (Agyeman, 2005). 'Environmental racism' was a dramatic and succinct phrase, which highlighted to researchers the inequitable distribution of environmental risks in society (Szasz and Meuser, 1997). Szasz and Meuser (1997: 100) argue that the studies of 'environmental racism' were influential because the overall pattern was so consistent. All over the country, the urban poor, and of course this often meant the African-American urban poor, were more likely to be exposed to pollution than any other social group. Essentially these research reports provided scientific backing for the movement; "[f]or those who believed the findings were a statistical fluke⁶, the UCC report concluded that "the possibility that these patterns resulted by chance is virtually impossible, strongly suggesting that some underlying factors, which are related to race, played a role in the location of commercial hazardous waste facilities"" (UCC 1987, quoted in Dowie, 1995: 142). These reports incensed civil rights leaders and activists and added extra impetus for the movement, acting as a catalyst. They also enabled local residents to "understand their community's struggle in the context of a larger regional or national pattern and movement" (Cole & Foster, 2001: 25).

Not only were environmental hazards disproportionately distributed, but there was also "unequal protection and enforcement of environmental law by the EPA" (Agyeman, 2005:

⁶ There were attempts by the waste industry, namely Chemical Waste Management Inc. to discredit the GAO and UCC findings (see Dowie (1995: 227, §22).

15). In 1992, Marianne Lavelle and Maricia Coyle published a “comprehensive analysis of all environmental law suits settled during the previous seven years” in the *National Law Journal*, and they found that race determined the severity of financial penalties against pollution law violations, as well as the speed, type and extent of action taken by the EPA in response (Dowie, 1995: 143). Academia also played its role in the growth of the EJm by producing research that demonstrated the extent to which the negative impacts of environmental hazards and risks were disproportionately placed upon poor people of colour (Cole & Foster, 2001: 25). Academia had a dialectical relationship with the grassroots movement, where its research “sparked and moved forward local struggles [...] shaped or reaffirmed movement leaders’ consciousness about the structural or systematic nature of environmental oppression [...] and] provided expertise to community groups during litigation or administrative advocacy in a local environmental justice struggle”. At the same time academics learnt about the communities’ situations on the ground (Cole & Foster, 2001: 25).

The believed spark of the EJm, which centred on the placement of environmental hazards in ‘communities of colour’, was something that enraged people from a broad social spectrum (Agyeman, 2005). In organising against the landfill “the tactics and rhetoric of the Civil Rights movement [was brought] to bear on an environmental issue” (Szasz and Meuser, 1997: 99), and as such, the event of Warren County came to represent “one of the first times civil rights groups and environmental groups worked together on issues important to both” (Schlosberg, 2007). Szasz (1994: 80) describes further how the numerical and issue expansion of the EJm was “accompanied by an increasingly comprehensive, totalizing critique of modern economic production and forms of political power”. Through these struggles, the anti-toxics activist “came to understand discrete toxic assaults as part of the “natural” functioning of the economy, [where] certain communities would be polluted” (Cole & Foster, 2001: 23). Often being poor themselves and living in working-class communities, these activists began viewing their environmental problems as “connected to larger structural failings – inner-city disinvestment, residential segregation, lack of decent health care, joblessness, and poor education [- and thus] seek remedies that are more fundamental than simply stopping a local polluter or toxic dumper” (Cole & Foster, 2001: 33).

For these activists, an understanding of EJ also came in different forms from the civil rights movement and the anti-toxics movement. This understanding is intrinsically linked to the

actual people involved, the context they were in and their backgrounds. The anti-toxics movement's leaders were typically women like Lois Gibbs (Cole & Foster, 2001), and characteristically had no background or previous inclinations to become involved in environmental politics before their particular toxic struggle (Cole & Foster, 2001; Dowie, 1995). Instead they mobilised in response to what they perceived as direct threats to their families and communities (Cole & Foster, 2001). In the process, however, they were transforming themselves "from apolitical, diffident housewives who had never spoken in public[,] to women [...stepping] forward and confidently lead[ing] the emerging environmental ad hococracy" (Dowie, 1995: 130).

In contrast to the anti-toxics movement, the church-based civil rights leaders, who were at the forefront of the EJm as it built momentum in the 1980s, were already well-seasoned activists. As such they brought three things to the EJm: "a history of, and experience with, direct action, which led to similar exercises of grassroots power by the Environmental Justice Movement; a perspective that recognised that the disproportionate impact of environmental hazards was not random or the result of "neutral" decisions but a product of the same social and economic structure which had produced de jure and de facto segregation and other racial oppression; and the experience of empowerment through political action" (Cole & Foster, 2001: 21). They too understood discrete incidents as part of a social structure, but "of racial oppression[, and one] that ultimately had to be dismantled if racial justice was to be achieved" (Cole & Foster, 2001: 23). According to Cole and Foster (2001: 23), it was when the anti-toxics and civil rights leaders took on and embraced each other's critiques, that a "conceptual fusion" took place that helped to create the EJm. However, it was more than just a conceptual fusion that occurred as the EJm took-off. It was also a fusion of personnel and expertise. For example, more than half of the dramatically increasing organisations that the CCHW's served "were founded and staffed by people of color" (Dowie, 1995: 144). It was also the linking of local struggles with others, as done by the CCHW and other umbrella organisations, that created the larger movement and helped make their actions "more technically sophisticated and strategically coherent" (Cole & Foster, 2001: 22).

According to Szasz (1994), the development of the EJm involved the bridging of class and race boundaries, which invalidated the dismissal of earlier phases of American environmentalism as white and middle-class. The older, established national environmental

organisations, such as the Sierra Club, to varying degrees, took on the issues of the new movement within their existing efforts in Washington (Szasz, 1994). However, as Dowie (1995: 127) articulates, the EJm and mainstream environmentalism “could not be more different, or separate; saying that they are as different as black and white is truer than it sounds”, and there remained significant differences and tensions between the new EJm and the older mainstream environmental movement.

2.5 The Environmental Justice Movement's Expansion and Ideological Development

It is important to point out that when the EJm first emerged, it operated “adjunct to the labor, public health, and civil rights movements [... and] was not seen as an *environmental* initiative (Dowie, 1995: 127, emphasis in original). Dowie (1995: 125-6) writes that despite America being a nation supposedly built on “notions of equal opportunity and equal rights, [...] the premise that the environment belongs to us all; that we share equally its life-sustaining attributes and whatever degradation we impose upon it[, was until] quite recently [... a] basic point [that] has somehow escaped most American environmentalists”.

As discussed above, the racial make-up of these EJ groups alone marked a significant point of difference and contention between them and the mainstream groups. The lack of minority representation in mainstream environmental organisations, in terms of activists and staff (particularly at board levels), was viewed as a significant problem. This issue perhaps reached its most confrontational moment in 1990, when civil rights leaders sent a letter to the Big 10⁷ environmental organisations accusing them of ‘racist hiring practises’. This letter generated widespread media attention and received a mixed reaction from the mainstream groups (Cole & Foster, 2001; Dowie, 1995).

⁷ The ‘Big 10’ are: The National Wildlife Federation, Friends of the Earth, the Wilderness Society, the National Audubon Society, the Sierra Club, the Sierra Club Legal Defence Fund, the National Resources Defence Council, the Environmental Defence Fund, World Wide Fund for Nature, and The Izaak Walton League of America.

As a result of this letter, Benjamin Chavis (of the UCC), who was also a signatory to the letter, called for the concerned parties to meet (Cole & Foster, 2001). Consequently, in 1991, the First National People of Color Environmental Leadership Summit took place, bringing together for the first time civil rights, grassroots anti-toxics, academic, labour, and indigenous groups (Cole & Foster, 2001). Participants at the event formed alliances and “made conceptual linkages between seemingly different struggles, identifying common themes of racism and economic exploitation of people and land” (Cole & Foster, 2001: 32). Similarly, Faber (2005: 44) cites Lee’s (1992) assertion that through the Summit the need for stronger “institutional linkages between local community-based groups and other organizations working on related issues” was recognised, and as a result, national and regional constituency-based networks and issue-based networks, were created.

The event also produced the 17 Principles of Environmental Justice (see Appendix 1) (Agyeman, 2005; Cole & Foster, 2001; Dowie, 1995) through which one can see many, if not all, of the contributing elements of the EJm at the time. Division between these multiple movements that came together at summit – which to some extent shared mutual goals – was a theme that was explicitly sought to be addressed. Dowie (1995), for example, views the first ‘principle of EJ’, which affirms “the sacredness of Mother Earth, ecological unity and the interdependence of all species, and the right to be free from ecological destruction”, as a deliberate attempt to reach out and offer assurance to the mainstream groups. One can also see the inputs of the anti-toxic and civil rights movements, as well as input from the Native American struggles and the labour movements, in the 17 principles.

The Native American struggles brought depth to the EJm by introducing the concept of self-determination and the idea of sovereignty over one’s environment (Cole and Foster, 2001). As the inhabitants of the land that became the US in 1783 (Beinart & Coates, 1995), “Native Americans have struggled for self-determination in land use decisions since their first encounters with Europeans more than 500 years ago” (Deloria, 1985, cited in Cole and Foster, 2001: 26). As a consequence of these encounters, the Native Americans were effectively forced off their land, vastly reducing their population and demographically confirming white hegemony and white economic and political power in the process (Beinart & Coates, 1995). These groups therefore had centuries of experience of struggling against resource-extractive land use and environmental exploitation (Cole and Foster, 2001). This did

not abate when mainstream environmental organisations took an interest in their environments, however. They too ignored the Native Americans' land use claims, further threatening their survival (Dowie, 1995). The concept of self-determination, which their struggles brought to the EJm, also brought with it the creation of the EJm's "credo, "We speak for ourselves"" (Cole and Foster, 2001: 27). For the "Native Americans the slogan defined their relationship to the state and federal governments", whereas for other communities it "was an attempt to take back environmental policy decisions from" mainstream environmental groups (Cole and Foster, 2001: 27).

Much of the contribution to the EJm from the labour movement was driven by toxics in the workplace. The farm-workers movement, which initially organised in opposition to the use of dangerous pesticides, mirrored the Native American struggles and the grassroots anti-toxics movement in demanding self-determination, this time in the workplace, and they too asked for a role in decision making (Cole and Foster, 2001). The occupational health and safety movement was spurred on by the public health activism of the 1970s and "[t]he rise of Committees on Occupational Safety and Health (COSHS) across the country in the 1970s and 1980s brought increased attention to the environmental hazards faced by workers in the workplace", made only a small contribution to the EJm (Cole and Foster, 2001: 28). However, it brought to light one of its central battlefronts.

'Divide and conquer' was the order of the day. Workers were pitted against the environmentalists with what could be described as 'job blackmail' (Dowie, 1995). Workers were threatened with the claim that better and safer working conditions would result in higher costs, and therefore redundancies, and possibly plant closures and international facility relocation (Dowie, 1995). This discouraged workers "from seeing themselves as victims of environmental pollution", and to instead view their interests aligned with those of their employers (Dowie 1995: 158). However, the leaking of substances poisoning people in the workplace, into the local neighbourhoods, and well publicised disasters like Bhopal⁸, helped workers further realise the hazards of their work and conceptualise their workplaces as part of their environments (Dowie, 1995). Coalitions between workers, unions and EJ activists were formed as the different groups came to understand that their aims were not mutually

⁸ Bhopal refers to a chemical spill in Bhopal, India, which took place in 1984, whereby a leaked toxic gas accident "killed nearly 4,000 people and permanently disabled another 50,000" (Schrader-Frechette, 2002: 10).

exclusive, and that political support for their agendas could be gained. They also came to realise “that the alleged trade-off between environmentalism and economics is simplistic and essentially invalid” (Cole & Foster, 2001: 159; Dowie, 1995).

Thus, despite the differences between these various movements’ involvement and engagement with the concept of EJ and within the EJm, they can be seen to have something in common:

“what many EJ-orientated movements share is a *subaltern* consciousness and location, that is, a recognition of the multiple forms of political domination, cultural oppression, economic exploitation, environmental degradation, and social resistance experienced by the most marginalized members of society at the hands of the ruling political and economic elites” (Pulido, 1996b, cited in Faber, 2005: 46-7, emphasis in original)

Reflecting these themes, the EJm, according to Szasz (1994: 81), does not have a clear, singular ideology, but rather a multitude of coexisting “political symbol systems that can be mobilized to legitimate a position of radical critique and activism”. However, according to Szasz (1994: 81), the movement does seem to consistently contain a traditional American ideology of:

“quite durable and serviceable populism that depicts American history as, most centrally, a struggle of the small people against big government and big business. It has always been “the little people” against the privilege and power of dominant, exploiting, selfish, and uncaring elites”.

Due to the elite nature of mainstream environmentalism and its close relationship with big business and government, a movement containing these ideas was never likely to sit comfortably with the parties the movement might seek address and change.

Tensions with mainstream environmentalism impinged upon the EJm. With the national mainstream organisations now more involved with urban environmental concerns, they had a habit of co-opting grassroots campaigns and flying over the top of both them, and the communities actually experiencing the environmental injustices (Dowie, 1995). In doing so they took the decision making to Washington, away from the locality and the community, and made deals and concessions to industry on behalf of people who they did not represent. In the process they disempowered the communities and took credit for success in the media (Dowie, 1995). This practice and idea of compromise was alien and abhorrent to the grassroots campaigners, as Penny Newman, Head of Concerned Citizens in Action asserts:

“The women in the environmental justice movement have made it a movement known for its irreverence for the powerful, its willingness to take strong positions of

principle, its unending persistence, and its impatience with token solutions” (Dowie, 1995: 130).

In the eyes of the grassroots campaigners, mainstream environmentalism made concessions that did not need to be made and in so doing, hindered progress.

Mainstream environmental organisations were also seen to be ‘cherry picking’ the best staff from the grassroots groups (Dowie, 1995). Furthermore, they sought and obtained funding for their own EJ projects that would have otherwise gone to the grassroots groups for the organisation and expansion of their movement (Dowie, 1995). In joint projects, the grassroots groups often did not see enough of the funds, or have sufficient input into the projects (Dowie, 1995). This could be seen as a disempowering, re-oppression, co-opting of communities and groups who had newly become empowered by their direct action and activism. In contrast to mainstream environmentalism, the grassroots movement had a strong belief in citizen participation, and so while they networked to share information, strategies and tactics, they debated but consciously avoided centralisation due to their experiences with the national mainstream organisations (Dowie, 1995).

The racial exclusivity of the EJm in the USA also poses a problem to the expansion of the movement. The leadership structure of the EJm consists exclusively of people of colour. This creates tension, even if it is there for a good reason: "to pre-empt the very real threat of organizational colonization by whites and white-led groups with different agendas" (Walker & Bickerstaff, 2000). However, especially in the Southern EJ struggles, this slightly more exclusive focus has resulted in difficulties for the building of the transnational movement and coalitions (Walker & Bickerstaff, 2000). As Faber (2005: 49-50) points out:

"Currently, there is no openly formalized process or national organizational structure by which the EJM as a whole (representing people of color) can negotiate differences and develop unified strategies with either grassroots or mainstream environmental organizations "representing" primarily working-class and middle-class whites".

Indeed, EJ in the US is dominated by race-based identity politics: "Given the vicious legacy of racism in American culture, particularly in terms of the genocidal acts committed against indigenous peoples, the dominance of racial identity-orientated EJ frame is understandable" (Faber, 2005: 47), but it also has important implications, namely: "EJ frames emphasizing the potential for solidarity with the white working class or white middle class are typically

deemphasized, if not completely discounted, by broad sectors of the EJ movement in the United States" (Walker & Bickerstaff, 2000).

A final issue to discuss with regard to the difficulties and dynamics of the EJm relates to sexism. The EJm is overwhelmingly comprised of women (Buckingham & Kulcur, 2009; Rahder, 2009; Szasz, 1994). Rahder (2009) cites Stein's (2004: 2) work that claims that "women make up 90 per cent of active members and 60 per cent of leadership in the EJ movement in the United States". According to Rahder (2009: 81), this is as to be expected as "women - particularly women of colour - are the most likely to be affected by poverty and, consequently, the most likely to be exposed to the environmental hazards, risks, and other systemic disadvantages associated with poverty and space in the United States". However, their participation is rarely recognised and relegated to 'and all other distinguishing demographics' behind the duopoly of race/ethnicity and class/income (Buckingham and Kulcur, 2009). There are a number of theories put forward as to why this is the case. Buckingham and Kulcur (2009) present a compelling argument about the significance of scale.

Buckingham and Kulcur (2009: 660, emphasis added) point out that the movement and concept of EJ in the US "has focused on race and ethnicity as both an explanation for, and mobilizing tool against, environmental justice at the community level: the geographical scale at which the environmental impact is most strongly *perceived*". However, this leaves the scale of the household and body neglected. Rahder (2009) cites Tarter's (2002) assertion that cancer is a feminist issue because women are not equally protected from it. He notes that women are physiologically different from men because they store carcinogens in their fatty tissues in ways men's bodies do not. Buckingham and Kulcur (2009) compound this point by highlighting that most environmental pollution regulation is set by the standards of young, healthy male bodies, not the more vulnerable female body. The final, and again compounding, point of Tarter's that Rahder (2009: 90) cites is an acknowledgement by the World Health Organisation that "80 percent of cancers are most likely environmental".

Kaalund (2004, cited in Rahder, 2009: 87) puts forward the argument that "women haven't been highlighted in the movement for strategic purposes, in order to build an inclusive movement". This is not an argument that Rahder (2009) is particularly impressed with.

Instead she prefers an argument put forward by Simpson (2002) that women are neglected because they “lack traditionally recognised credentials”; and are dismissed and stereotyped as ‘special interests’; and “demonized by the press as ignorant and self-serving” (Rahder 2009: 88). Sexism and racism in the media, according to Shrader-Frechette (2002), also worked to deny publicity and voice to the grassroots EJm, predominately led by minority women.

The EJm is also seen to have changed, yet again, what is meant by the term environment (Cole and Foster, 2001). The exclusionary nature of mainstream environmentalism is a central theme associated with, and confronting, the EJm. As Schlosberg (1999: 62, emphasis in original) articulates:

“The argument of the environmental justice movement, for example, is that the homogeneity of the mainstream environmental movement excludes some experiences of the ‘environment’ – especially the urban environment – and this exclusion leads to inequality not just of *recognition*, but of the *distribution* of environmental risks. This is a critique of interest-group pluralism in practice, as it illustrates how particular experiences may be organized off the political agenda”.

The EJm “redefined the term *environment* so that the dominant wilderness, greening, and natural resource focus now includes urban disinvestment, racism, homes, jobs, neighbourhoods, and communities” (Agyeman, 2005: 2, emphasis in original). The EJm is comprised of, and takes up the concerns of, subaltern, exploited, structurally depressed and oppressed people, and as such carries with it a subaltern ideology and critique of structural forces that produce and reproduces their environmental and social conditions. However, this constitution and agenda highlights a tension with, and the differing composition of, the mainstream environmental movement. Despite the EJm’s rapid success at the grassroots, it was not until 1990 that the US EPA admitted that some environmental hazards and risks were disproportionately borne by certain demographics of the population (Shrader-Frechette, 2002). The following section looks in closer detail at EJ’s impact upon the US state, before concluding this chapter with a brief exploration of EJ’s expansion and move beyond US borders.

2.6 Success and Neoliberal Retaliation

As a result of a 1992 EPA study, which found “significant evidence that low-income, non-white communities are disproportionately exposed to lead, air pollution, hazardous waste facilities, contaminated fish and pesticides”, and recommended greater attention to EJ, the Office of Environmental Equity was established (Shrader-Frechette, 2002). The office lobbied federal government and provided the basis for “policy changes at the local, state and national levels” (Cole and Forster, 2001: 25-6). Faber (2008: 133) claims that on the back “of the First National People of Color Environmental Leadership Summit and the formation of new regional and national constituency-based EJ networks, the Clinton administration [1993-2000] was compelled to respond more forcefully to the movement”. The Office of Environmental Equity was then changed to ‘the Office of Environmental Justice’ and an advisory board to the EPA consisting of stakeholders from the EJm, academics, industry and government, the National Environmental Justice Advisory Council (NEJAC) was established. Thus, the status and influence of the movement reached new heights with the institutionalisation of the movement’s “transformative power over agency policy” (Cole and Foster, 2001, cited in Faber, 2008: 133). In 1994, Clinton signed an executive order that directed each federal agency to develop an EJ strategy for “identifying and addressing ... disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations” (Shrader-Frechette, 2002: 12). NEJAC and Executive Order 12898 “integrated the EJ perspective into the institutional culture of the EPA and other agencies” (Faber, 2008: 134). Further successful impact upon the state occurred when EJm leader and academic, Bob Bullard, was appointed to serve on the Clinton-Gore transition team (Shrader-Frechette, 2002). However, it is worth pointing out that before Clinton left office, he effectively reduced funding to the EJ branch at the EPA (Shrader-Frechette, 2002), and the EJm’s success at state level appears to have been in decline ever since.

Faber (2008) places these concessions to, or success of, the EJm and ecology movement more widely as part of a co-option and accommodation approach adopted by the Bill Clinton and Al Gore administration. This he places in the middle of part of an evolving relationship between the state, the ecology movement broadly, and then latterly additionally the EJm, and what he terms the *polluter-industrial complex*, “those sectors of business that would stand to

profit the most from a weakening of the liberal regime of environmental regulation” (Faber, 2008: 9). While during the term of President Nixon (1969-1974), the broad-based social ecology movement forced the establishment of the EPA, the Occupational Health and Safety Administration, the Council of Environmental Quality, and the signing of new legislation into law, such as the “National Environmental Policy Act (1969) and the Clean Air Act (1970)”, the liberal regime of environmental regulation has since been under sustained attack by the polluter-industrial complex according to Faber (2008: 5). Faber (2008, emphasis added) identifies three phases of this attack, beginning with *direct confrontation* with the environmental movement employed by Presidents Ronald Reagan (1981-1988) and George H. W. Bush (1989-1992); the *co-option and accommodation* utilised by Clinton and vice president Al Gore; and finally what Faber has termed an *Orwellian face* under Bush Jnr. and vice president Dick Cheney (2001-2008).

Reagan and Bush Snr.’s approach of direct confrontation with the environmental movement involved utilising reports from right-wing think-tanks and policy institutes in “attempts to publically discredit and deligitimate” the movement, and convince the public that environmental problems are not serious, don’t exist, and the costs to American industry are excessive (Faber, 2008: 127). This was complimented and assisted by appointments to the Department of the Interior and the EPA of James Watt and Ann Gorsuch respectively who “[b]oth openly ridiculed environmental sensibilities” (Faber, 2008: 127). Reagan eviscerated the EPA, firing the “entire staff of the Council on Environmental Quality and eliminated 25 percent of the EPA’s workforce”, cutting the EPA’s budget by a third in his first term and its research budget by over a half, greatly reducing “the government’s ability to monitor, investigate, and enforce environmental laws” (Davis, 1984, cited in Faber, 2008: 128). However, overt confrontation in the form of “public denuncements of environmentalists and ecological concerns [... proved] counterproductive, provoking a political backlash by the American people” and membership of environmental organisations increased dramatically (Faber, 2008: 128).

Taking heed of this, the Clinton-Gore administration enlisted the support of business-friendly environmentalists and organisations in “highly symbolic policy proposals”, whilst simultaneously ostracising the ‘progressive’ segments of the heterogeneous movement (Faber, 2008: 129). While Clinton and Gore engaged in a more ‘stealthlike attack’ than their

predecessors, instituting “new and weaker rules hidden away in various riders, amendments, and appropriations bills”, they also “embraced the *takings compensation* principles (paying companies for any “lost” profits resulting from environmental regulations) as embodied in free-market theology” and replaced older regulations with “cost-effective” reforms such as pollution taxes and credits and markets for pollution rights which all increased “capital’s flexibility to meet regulation requirements but continue polluting in a profitable manner” (Faber, 2008: 130, emphasis in original). Bush and Cheney continued in this vein but to a yet greater degree, being, according to Faber (2008: 133), “the most antienvironmental administration in the modern era”. They deployed ““lip-service” to environmental concerns and rhetoric to create a public image of caring about the environment”, assigning ‘Orwellian’ names to ecologically devastating initiatives such as ‘Healthy Forests’ and ‘Clear Skies’ (Faber, 2008: 131). In addition to continuing cuts of funding to regulatory agencies and programmes, the Bush-Cheney administration also made further agency nominations and judicial appointees “openly hostile to environmental and public health protections” (Faber, 2008: 133). They avoided new laws, which must be passed by congress, instead writing and revising regulations which they can do on their own; for example, allowing the Data Quality Act (2000) to be “[w]ritten by an industrial lobbyist and slipped into a giant appropriations bill without congressional discussion of debate” (Faber, 2008: 132).

This profound attack and dismantling of the liberal regime of environmental regulation has come about, according to Faber (2008), by the capture and colonisation of the US government and state infrastructure by a ‘power elite’ with the polluter-industrial complex at its forefront. Faber (2008) explicates this capture, colonisation and restructuring of the US state in detail, and is something that extends, or begins, right at the top of the US power structure. Election campaigns in the US are very expensive to run, and money, more than any other factor such as party affiliation or ideology, influences electoral success (Shabecoff, 2003 cited in Faber, 2008). As such, successful US politicians, those who reach and are in power, and as Faber (2008: 156) summarises with the Clintons, Bill and Hillary, and Al Gore, frequently owe “a substantial part of their political souls to the polluter-industrial complex”. However, it is more than mere electoral success, political candidates and agency staff also gain personally by their affiliation and abetting of industry via a revolving door of lucrative jobs within these corporation and companies and personal assets (Faber, 2008). As governor of Texas, George Bush Jnr. “worked to continually weaken state environmental laws to the

benefit of Texas industry” and in particularly the oil industry which he had recently entered into (Faber, 2008: 76). Once in office he then filled his cabinet with oil executives such as Condoleezza Rice who had served on Chevron’s board, “was a policy expert on securing oil from the Caspian Sea”, had an oil tanker named after her, and held \$240,000 of Chevron stock (Faber, 2008: 77). Similarly, Dick Cheney prior to becoming vice president, was chief executive of Halliburton Inc. “one of the worst violators of environmental health in the United States”, and a major beneficiary of Bush-Cheney’s 2004 Energy Bill, which contained a provision to exempt the method of gas extraction pioneered by Halliburton, ‘fracking’, from regulation under the Safe Drinking Water Act by the EPA (Faber, 2008: 76). Even Al Gore, widely associated and known for his involvement in the hit climate change documentary *An Inconvenient Truth* (Guggenheim, 2006), oversaw and profited from the selling of the Elk Hills petroleum reserve to Occidental Petroleum, the largest privatisation act in US history, with whom he held substantial stock (Faber, 2008).

The most obvious form of attack and advance by US capital and the polluter-industrial complex has been through the dismantling of the ‘liberal regime’ of environmental regulation, predominately through the subversion, disregarding, and weakening of laws, regulations and capacities of regulatory bodies. What can also be seen with Clinton-Gore and then Bush-Cheney administrations, is a replacement of this form of environmental management, what Faber (2008) terms ‘command-and-control’, with a ‘free-market’ form of environmental management involving pollution taxes, credits, and markets. Holifield (2004) draws upon Peck and Tickell (2002) to categorise these two currents as a *roll-back* or *shallow* form of process of neoliberalisation, and a *roll-out* or *deep* form, respectively. According to Holifield (2004) it was Clinton’s brand of roll-out neoliberalism, and in particular Executive Order 12898 and the ‘Superfund’, that laid the groundwork for a version of EJ itself, otherwise conceived of as antithetical, that was then instead compatible with roll-out neoliberalism. What Holifield’s (2004) research presents is attempts through the EPA at: a co-option and production of EJ that is both narrower in focus and scope than that of the EJm’s; a deepening and extension of the neoliberal project using EJ communities themselves; and a removal of both neoliberal economic policy and environmental injustice (EiJ) claims from political contestation.

Unsurprisingly, as Holifield (2004) notes, the ‘version’ of EJ that Clinton administration adopted or produced, was not one which embraced the EJm’s Principles of Environmental Justice (Appendix 1) and notions such as the “cessation of the production of all toxins”, “the right to participate as equal partners at every level of decision making”, or opposition to “the destructive operations of multi-national corporations” for example. Instead, it focused upon “data analysis, public participation, and economic opportunity (Forman, 1998)” where data analysis provided a means of consolidating “a technocratic basis for federal environmental justice policy decisions”, and public participation and economic opportunity facilitated the simultaneous placation of themes that have animated the EJm such as community and citizen empowerment and involvement, economic self-sufficiency, with the roll-out of neoliberal institutions and programmes (Holifield, 2004: 287). The theme of the expansion of the neoliberal project and the extrication of political contestation will be explored further in the next chapter (Three) along with the notions of post-politics and post-democracy. However, there are a further few important aspects revealed by Holifield’s (2004) research to highlight here. Holifield’s (2004: 295) research revealed that in making remedial decisions, remedial project managers were keen to stress that race and class did not enter into their analysis, and instead claimed that their decisions were based on objective science, and “lamented the “interference” of politics in what they maintained should be a completely objective, scientific process”. These attempts to base governance decisions on a form of objectivity devoid of politics, is again, something that will be taken up and explored in the later chapters, however, Holifield’s (2004: 293) “case study suggests that the Clinton EPA’s approach to environmental justice did not include an effort to engineer a “fairer” distribution of Superfund risk along lines of race or class”. Faber (2008) notes the plan to use “color-blind” language in the EPA’s Environmental Justice Strategic Plan under Bush which would insert “‘regardless’ of demographic’ with respect to the EPA’s duties. As Faber (2008: 138) states however, “[a]lthough reasonable at first glance, the draft plan’s use of the term “regardless” effectively removes race and income from receiving any special consideration and makes the EJ policy meaningless”. Holifield’s (2004) research reveals that this was already informally taking place.

There has thus been “a series of failures in enforcing federal policies forbidding environmental discrimination” (Benford, 2005: 46). A report by Monique Harden (2002, cited by Faber, 2008; also, Benford, 2005: 46) for the National Black Environmental Justice

Network “concludes that the EPA has failed to enforce Title VI of the Civil Rights Act of 1964”: consistently ignoring complaints of people of colour, recently dismissing “70 percent of the complaints filed without any clear criteria for doing so”; and “of the 129 Title VI complaints filed with the EPA, the agency has not found one case of racially disparate impact”. In the 2001 *Alexander v. Sandoval* case, the Supreme Court ruled that only intentional racism could be sued for (Faber, 2008). This was a blow to the EJm, as “[w]hile citizens may demonstrate that the siting and operation of an ecologically hazardous facility will *result* in disproportionate impacts in a specific community of color, *proving* that such a facility was sited in the community so as to intentionally *cause* discrimination is an almost impossible task” (Faber, 2008: 136, emphasis in original). Some of the implications of this will, again, be discussed further in the following chapter (Three), but, as Faber (2008: 137) concludes, while the polluter-industrial complex can thus avoid racism claims by demonstration of economic grounds:

“the siting of facilities occurs in the context of the capitalist system and a legacy of racial oppression and segregation that [...] gives the decision a larger racial impact. As a consequence, environmental racism will not be solved by civil rights law until the larger social injustices endemic to American capitalism are addressed and resolved”

Benford (2005: 46) notes that a decade after the First National People of Color Environmental Leadership Summit, there was a sense that the movement was stagnating, illustrated in the Environmental Justice Fund’s call in planning a second summit, in their words to ““energize the environmental justice movement,” “recognize the significant strides to date,” “share information on emerging issues,” and “galvanize support.””. Nonetheless, there has been some optimism with the election of President Obama (Holifield, Porter and Walker, 2009). In Obama’s election campaign he promised to “strengthen the EPA’s Office of Environmental Justice and to make environmental justice a priority within the EPA” (Callan & Thomas, 2013: 220). In 2010 the EPA began developing *Plan EJ 2014* “to mark the 20th anniversary of the signing of Executive Order 12898 on environmental justice” (Office of Environmental Justice, 2011: 3). The plan seeks to: “Protect the environment and health in overburdened communities; Empower communities to take action to improve their health and environment; Establish partnerships with local, state, tribal, and federal governments and organizations to achieve healthy and sustainable communities” (Office of Environmental Justice, 2011: 3). While EJ funding at the EPA under Obama is reportedly 25% higher than when his tenure began (Jacobson, 2012), the future and effects of the Obama administration on EJ remain as yet unclear.

EJ and the EJm have had notable successes whilst overcoming and continuing to face substantial difficulties in the US. Walker (2009: 358) draws on Benford’s (2005) analysis of EJ over a 20-year period, who “traces how an initial innovative discourse of environmental racism” broadened to become EJ, “which was both more elastic and inclusive of the many dimensions of environmental discrimination that were being diagnosed”. The EJ frame has subsequently moved beyond the shores of the US. Walker (2009: 355) takes interest in the globalisation of the EJ frame here, both in its vertical extension, to “encompass concerns that do not end at national borders”, as well as in its horizontal diffusion to different cultural, political and geographic contexts and countries. The following section explores the transmission of the EJ frame around the world and highlights some of the difficulties associated with such policy and conceptual transfers.

2.6 Transmission of Environmental Justice

Environmental *in*justice is not a phenomenon that is unique to the US, nor is it a recent phenomenon, as illustrated perfectly by the Native American struggles. It is the language, naming and framing, and the associated social movement that constitutes the ‘new’ phenomena, which emerged in the US in the 1980s. According to Walker (2009), evidence of the naming and labelling using the term ‘environmental justice’ was first found outside of this originating context in the early to mid-1990s. Through a search of “academic and grey literature databases and web searches” Walker (2009: 361) takes a ‘snapshot’ of the global spread of the term mid-2008⁹. His findings are reproduced below:

Table 2.1 Countries included in written material using an environmental justice frame

<i>Region</i>	<i>Countries</i>
Africa	Nigeria, Ghana, South Africa, Tanzania, Cameroon, Zambia, Angola, Mozambique
Asia	Taiwan, Israel, India, Singapore Philippines
Australasia	Australia, New Zealand
Europe	United Kingdom, Germany, Sweden, France, Spain, Belarus, Bulgaria, Hungary, Macedonia, Romania, Slovakia, Czech Republic, Latvia
North America	United States, Canada
South and Central	Brazil, Peru, Nicaragua, Ecuador, Columbia, Mexico

⁹ Also see Shroeder, Martin, Wilson and Sen (2008) for a review of recent research on EJ in various ‘Third World’ contexts.

Source: Walker (2009: 361)

It is clear from this table that EJ, in naming and labelling at least, has spread widely from its origins in the US.¹⁰ However, the form EJ might take in these other locations will undoubtedly be different to that of its origins in the US. Despite the differences between various contexts, and the ways in which the EJ frame is interpreted and operationalized, Walker (2009: 375) does highlight some 'common reference points', arguing that this;

"is not to say that the environmental justice frame is born anew in each place it emerges, or that it has evolved out of all recognition from where it began. There are clear common reference points - around for example the incorporation of core demands for distributive and procedural justice, and, Schlosberg (2007) has argued, for individual and community level recognition and capability to function - but the ways in which these are interpreted, combined and operationalized is open to variety and diversity".

Walker (2009: 365) cites a range of commentaries (such as Carruthers, 2008; Schlosberg 2007; Schrodeder et al. 2008; Sze and London 2008; and Walker and Bulkeley, 2006), which observe that "it is now possible to speak of environmental justice in far more global terms and as a dynamic frame for activism, research and policy that has international as well as local manifestations and agenda".

Walker (2009: 361) argues that EJ has transferred in a similar manner to other social movements with "deliberate transnational networking between environmental justice activists groups in different countries" being a prominent feature. According to Walker (2009), in different contexts, the EJ frame is either used to identify new cases of inequality or, more commonly, it is used to label existing inequalities thereby linking them to wider inequitable social structures.

However, in some instances it is not easy for different organisations in different contexts to mobilise together using a particular EJ frame. As Faber argues (2005: 46), "[t]ransnational coalition building requires that activists frame environmental justice issues in ways that resonate with those in both the global North and the global South, and experience shows that this is often difficult to do". The US EJ frame, which has distinct racial overtones, further limits transnational EJ coalitions, as Faber (2005: 49) notes: "[t]he exclusivity aspects of racial identity politics limits the ability of the U.S. EJM to form transnational coalitions". In

¹⁰ Reed and George (2011), through their empirical research, counter the claim that EJ research has spread and broadened conceptually, instead claiming that research on EJ predominately focuses on distribution and is produced in the US.

this respect, Faber (2005: 50-1) argues further that a broader definition of EJ is necessary, beyond environmental racism, to ensure that the different EJ organisations are able to network effectively, both within the USA, but also across the globe:

"Broader definitions of environmental injustice beyond "environmental racism" will one day certainly necessitate the creation of linkages between people of color and whites, between the working poor and middle classes, and between peoples of the North and the South (perhaps around the principles of "clean production"). This will require the sublation of identity politics, radical democratic, anti-imperialist, and socialist discourses into a new master EJ frame."

While Faber talks here about the requirement for this multiplicity of discourses and identity politics to be fitted 'into a new master EJ frame' to facilitate the networking of EJ and EJ coalitions, adaptation into new contexts, and adoption by new and different actors, also carries a risk. Walker (2009: 375) notes the scope for the more radical elements of EJ claims, as well as the realisation of environmental rights, to "become blunted through reframing, relabeling and incorporation into the managerialist frameworks of governmental bodies and more conformist NGOs" (Non-Governmental Organisations). Walker (2009: 375) notes the interaction between EJ and the concept of sustainable development as one which "has proved particularly problematic". He notes Agyeman *et al.*'s (2003) observation that in the UK, the EJ frame appeared to be merging with the sustainability discourses, believing that it may prove productive under the guise of 'just sustainability', however, for others he also notes that, "the tendency of sustainability perspectives to emphasize compatibility with the market, consensus approaches and ecological modernization solutions can mean that questions of inequality and impacts on vulnerable and excluded groups are too easily down played if not pushed aside" (Walker, 2009: 375). This, according to Walker (2009: 375), is all the more reason to "keep the distinct language and approaches of environmental justice framing activity alive, not as something static, but as a continually reproducing space for asserting the importance of not seeing one global populace and one environment, but a diversity of unequal interactions between multiple environments and multiple forms of social difference".

At another level however, some aspects of this transfer may be attributed to an "exuberance of ("new") economic growth in the US during the 1990s [...that] served to validate American policies across a wide range of fields, not least those relating to welfare reform and labour-market flexibility" (Peck, 2001, in Peck and Tickell, 2002: 397). In Western Europe, Peck and Tickell (2002: 398) note that "a deepening and intensification in the process of

neoliberalization, US-style” has taken place. They cite Peck (2001), Tickell and Clark (2001) and Wacquant (1999) to note that:

“mechanisms of international and interlocal policy transfer – which take place along channels that have been created, structured, and lubricated by technocratic elites, think tanks, opinion-formers, consultants, and policy networks – have been rapidly established as one of the principal modes of policy development in strategically critical fields such as systemic financial stability, the management of urban “underclasses,” the regulation of contingent labour markets, and the displacement of welfare entitlements with socially authoritarian packages of rights and responsibilities” (2002: 398)

Thus, there are not only different conceptions of EJ, but also different actors who may transfer the concept to different places, in different ways, for different purposes. The same phenomena, the same concept, can be thought about, dealt with, and imbued and ascribed different meaning by different actors. As we have seen, it is not just the EJm and the US state that had differing conceptions of EJ, but also mainstream environmentalism. This ascription of meaning and construction of reality will be explored further in the following chapter.

2.7 Conclusion

The emergence of the EJm in the US and the establishment of the concept of EJ is the focus of this chapter. Given that this thesis aims to explore EJ discourses in the English context, it is important to understand where the EJ concept originated from and how it developed. This provides a valuable benchmark to situate an exploration of how the EJ concept emerged and developed in England. The chapter charts how the EJm and concept redefined what was meant by the term *environment*, from one that was predominately concerned with nature preservation and the wilderness, to one that involved the urban environment and took a broad concern with social justice. The EJm sparked into life when the degradation of the urban environment created intolerable conditions, giving rise to the Anti-Toxics movement. However, it was the revelation that such inequitable conditions were disproportionately born by certain sections of American society, in particular black African Americans, which drew in the civil rights movement. Catalysed by academia, the civil rights movement played a key role, bringing its experience of mobilising and critique of the structural inequality in US society to the burgeoning movement. Through the creation of the EJm, the civil rights

movement and the mainstream environmental movement began to work together on the same issues for the first time.

The EJm, however, existed in conflict with mainstream environmentalism, which was reluctant to engage with the concerns of the urban poor, being historically rooted to a different set of concerns and being comprised of very different sections of society. Some of the notable differences between the two movements include the grassroots fashion in which the EJm emerged, from the bottom up, unlike mainstream environmentalism (which was professionalised and institutionalised); and the fact that the EJm included marginalised voices, most notably women, the poor, people in urban environments and people of colour, whereas mainstream environmentalism consisted of mostly wealthy, white males, and concerns with non-urban environments. The mainstream movement was also one which had a close relationship with government and industry, more often than not, the very targets of the EJm's concerns. Mainstream environmentalism not only exhibited exclusionary membership and staff profiles, it also practiced in such a way as to take decision making to Washington, away from the communities suffering Eijs. Those without 'recognised expertise' were effectively excluded from decision making and their opinions were at the same time devalued. The mainstream environmental movement, despite some efforts to become more open and inclusive, remains masculinist, neoliberal and a site reinforcing the status quo. In contrast, the EJm and concept of EJ is one which expanded to include many other forms of social and environmental difference, as well as including various social movements, such as the Native American struggles and hazards in the workplace, and exhibiting a significant subaltern ideology.

Finally, as is evident in the final sections of the chapter, the concept of EJ, from its grassroots beginnings, not only made its way into mainstream environmentalism in the US, but also emerged in policy and the state apparatus, such as the US EPA. EJ as a frame and a concept has spread beyond the borders of the US, where it has been adapted and reframed in a variety of international contexts. Before exploring the emergence of EJ in England in Chapter Five, EJ's political claims and potential will be assessed in the following chapter, together with an exploration of some of the ways in which EJ discourses are conceived and circulate. The themes of state capture and colonisation by capital interests and the extrication of political contestation will be examined further with the concepts of post-democracy and post-politics.

Concomitant changes in the organisational structure of civil society, such as the professionalization of mainstream environmentalism, will also be explored.

Chapter Three

Political Potential versus Post-Politics

3.1 Introduction

The aim of this chapter is to provide the theoretical framework and overview of relevant literature needed to understand and explore environmental justice (EJ) in this thesis. The political and democratic nature of the concept and movement is explored, in particular, its radical political potential. Whilst the previous chapter detailed the emergence of EJ in the United States (US), and ended with its geographical spread beyond its boundaries, this chapter begins with a brief conceptualisation of EJ framing, claim-making, and as a discourse. As we have seen, it is an emancipatory discourse, both in terms of its aims and how it attempts to achieve them. Scholars such as Shrader-Frechette (2002) and Faber (1998a) position EJ as a discourse and a social movement that possesses strong democratic elements and potential. The second section of this chapter explores and critically discusses these potential democratic and radical claims of EJ. This chapter also explores and theorises the context within which EJ emerged and operates, both in the US and England. Issues with the framing of EJ and the way in which it operates come to light while the context within which it does so is seen to be distinctly hostile. This discussion then leads onto the central section in this chapter, which will conceive of EJ as operating within a post-political and post-democratic context. The dynamics of this context is explored and is followed by a survey of this growing body of literature. Theorisations on post-politics and post-democracy is conceived of as belonging to post-foundational theory. The work and concepts of Jacques Rancière, whose advancement of an emancipatory project is particularly appropriate for the study of EJ's political potential, is then explicated. This provides the tools, together with the analysis of the EJ frame, claim making, and as a discourse, with which explore EJ's political potential in the following chapters.

3.2 Conceptualising Environmental Justice

Framing theory, claim-making and discourse analysis are different and common ways of conceptualising EJ, as both a movement and concept, and how it functions and operates in different situations or contexts. Social movements and ‘collective action’, such as the EJm, are conceptualised and analysed by many EJ scholars using framing theory (for example Agyeman, 2005; Agyeman, Bullard, & Evans, 2003; Benford, 2005; Benford & Snow, 2000; Walker, 2009); and the EJm has been no different (Walker, 2012). Framing, according to Walker (2012: 4), “is a notion that recognises that the world is not just ‘out there’ waiting to be unproblematically discovered, but has to be given meaning, labelled and categorised, and interpreted through ideas, propositions and assertions about how things are and how they ought to be”. According to Benford (2005: 38), social movement scholars conceptualise this ‘signifying work’ as framing, which “denotes an active, processual phenomenon that implies agency and contention at the level of reality construction [...; the] resultant products of this framing activity are referred to as collective action frames”. *Collective action frames* thus have certain interpretive functions. Firstly, they have a *punctuating function* – “underscoring and embellishing the seriousness and injustice of a social problem. What was once considered misfortune is articulated as unjust, inexcusable, and immoral”; Secondly, they provide different *modes of attribution*, namely: *Diagnostic* – “identify problems and indicate who or what is to blame” and; *Prognostic* – “offer solutions as well as specify how to achieve those goals” (Benford, 2005: 38). Finally, collective action frames can also act as *signalling and collating devices* – constructing observed reality into a meaningful framework (Benford, 2005: 38). The EJm’s new frame held many advantages. Cable and Shriver (1995: 434) note that “with so many dimensions to environmental discrimination, the frame environmental justice was the most accurate and the most inclusive”. Indeed, it was so elastic and inclusive that it functioned as a ‘master frame’ (Agyeman, 2002; Essoka & Brulle, 2002; Sandweiss, 1998; Taylor, 2000), “a *collective action frame* that could be readily adapted for use by a variety of movements (Snow & Benford, 1992)” (Benford, 2005: 41). The notion of ‘frames’ provides an appropriable way to view (a package of) the analysis and conception of reality that someone adopting EJ may be engaging with.

In order to explore EJ’s analysis or diagnosis, it is useful to draw upon Benford’s (2005) succinct examination of the US EJ frame, starting from how it was first framed as

‘environmental racism’ and tracking its evolution. Benford (2005: 40) argues that under ‘environmental racism’, the frame was evocative, provocative and innovative: It “*evoked* feelings and memories of the legacy of intentional racial discrimination, of victimization, of white racism”; *provocatively* it “directly attributed a pattern of ecological inequalities, including a variety of chronic health problems, environmental hazards, and public health risks disproportionately experienced by people of color, to the policies, practices, and directives of “governmental, legal, economic, political, and military institutions” (Bullard, 1993: 17; also see Bullard, 1994, 1999)”; and *innovatively* it “discursively linked two of the twentieth century’s most vibrant and well-known social movements: the environmental and civil rights movements”. The frame in this form, however, was almost entirely diagnostic, identifying racial discrimination as the problem and “government, industry, and mainstream environmental groups as the culprits” (Benford, 2005: 41). The prognosis, on the other hand, was unstated and had to be inferred (Benford, 2005). The move from ‘environmental racism’ to ‘environmental injustice’ was similarly lacking a prognosis quality and although it was more inclusive, it was also less radical (Benford, 2005). The deletion of the prefix ‘in’ from ‘injustice’ completed the re-framing, yielding “the more positive and proactive sounding term ‘environmental justice’” (Benford, 2005: 41). *Framing Theory*, and in particular the EJ frame analysis done by Benford (2005) and the elucidation of an often existing disparity between EJ’s diagnosis and prognosis, opens up one of the central questions of the thesis: of EJ’s political potential. Benford’s (2005) frame analysis succinctly explains the development of the EJ frame in the US, while in the England, this already existing frame was imported and adapted by a number of actors; the subject of Chapter Five.

Walker (2012: 5) also uses the notion of *claim-making* “to emphasise that there are many different ways in which we can try to make sense of, or make claims about, the world around us”. In this respect, Walker (2012: 40, emphasis in original) outlines three interrelated elements of ‘environmental justice claim-making’: *justice claims*, which concern ‘how things ought to be’ (with inequality being distinguished as a descriptive term of difference); claims about *evidence* and *how things are*; and explanations of *process*, “*why things are how they are*” – in other words “the processes through which inequalities and injustices are produced and reproduced”. These different elements can be identified and used to analyse and evaluate EJ claims (Walker, 2012). Furthermore, EJ claims can also be comprised of any one or combination of these elements (Walker, 2012). In this thesis, claim making provides a means

to pick apart and analyse different actors' conceptions of an E(i)J phenomenon and the context of their views. This is particularly useful in Chapter Six, when examining a community's reaction to the planned citing of a waste treatment facility (WTF) in their area.

Finally, the concept of *discourse* or *discourse analysis* is another way in which EJ as a set of ideas and practices can be conceptualised and analysed. Hajer and Versteeg (2005: 175) define a 'discourse' as "an ensemble of ideas, concepts and categories through which meaning is given to social and physical phenomena, and which is produced and reproduced through an identifiable set of practices". There are, however, many different conceptions of what constitutes a discourse. These can range from something closely resembling the 'signalling and collating' of frames, which deals with the construction and meaning given to observed reality, or to a more 'general usage' concerned with verbal or textual communication, for example, holding of conversation or writing on a subject with some degree of formality (Mills, 1997). Like frames, discourses can be strategically deployed and engaged in by actors to further particular agendas. In this respect, Maarten Hajer's conception of discourse and discourse coalitions are useful in this project to describe the way in which EJ emerged and functioned/was promoted in England.

Hajer (1995) notes how on a complex environmental issue (for example, acid rain) many different areas of expertise, and therefore discourses, are present, each covering a different aspect of the issue. Hajer (1995: 61) argues that problems such as acid rain are inter-discursive in nature, and understanding them requires "the combination of knowledge claims that are the product of distinct discourses". As such, the communication that takes place on such environmental issues is affected. Hajer (1995: 61) argues that many different actors may make a contribution to the understanding of a problem, but that "there are hardly any actors (if any at all) who can actually understand the problem in all its details". Environmental politics, Hajer (1995: 45) argues, "brings together a great variety of actors who not only have their own legitimate orientation and concerns, but have their own modes of talking too".

Hajer's insights here are pertinent because of the nature of contemporary environmental politics, whereby wider networks of actors are typically involved in decision-making, which can be linked to broader changes in governance structures. In the last 30 years within the UK, for example, significant changes have taken place in the way that services are delivered,

policy is created and implemented, and in the way that the state exerts and exercises its control and power. Bob Jessop (2000: 11) details some of the changes that have taken place, noting “privatisation, liberalisation, de-regulation, [and] the use of market proxies in the residual state sector” by the Thatcher (1979-1990) and Major (1990-1997) governments. Despite their intentions, these changes did not manage to address the “market failures and inadequacies” for which they had been created and instead they led to “increasing government interest at all levels in how public-private partnerships and similar forms of governance might contribute to public policy” (Jessop, 2000: 11). This resulted in an increase in actors involved in governing. Whereas the ‘State’ was once the principal actor involved in setting policy and directing service delivery, increasingly public, private and voluntary sector actors, agencies and organisations, as well as non-elected actors, those outside the formal political arena and supranational institutions, such as the European Union, are now also involved (Goodwin, 2005). Swyngedouw (2005: 1992) cites Dingwerth (2004) to define *governance* as “the socially innovative institutional or quasi-institutional arrangements of governance that are organised as horizontal associational networks of private (market), civil society (usually NGO) and state actors”¹¹. The question Hajer (1995) attempts to answer is how these different actors find ways to communicate at an inter-discursive level, and how many separate elements of knowledge come together to form an authoritative narrative. Thus, Hajer’s concept of a discourse coalition is suited to the analysis of EJ discourse in England in that it helps one understand its emergence in a context where issues are framed and acted upon by a number of actors beyond simple state/non-state boundaries.

This ‘communicative miracle’ of complex environmental problems, involving diverse actors and discourses, takes place through, and is heavily influenced by, the effects of story-lines (Hajer, 1995). *Story-lines* are “narratives on social reality through which elements from many different domains are combined and that provide actors with a set of symbolic references that suggest common understanding” (Hajer, 1995: 62). Story-lines reduce the discursive complexity of a problem, allowing different actors to expand their understanding of a phenomenon beyond their own particular discursive expertise or experience, and as they are used more and accepted, they get a ritual character, giving permanence to the debate (Hajer, 1995).

¹¹ It is worth pointing out that the shift from government to governance is disputed by some scholars, who argue that no fundamental shift has occurred and instead the changes in which governance is conducted have always been part of the political condition (see for example Rhodes, 1997).

Hajer (1995: 61), drawing upon the work of Michel Foucault and social psychologists Billig and Harré, devises the concept of *story-lines* alongside another concept of *discourse-coalitions*, as what he terms ‘middle-range’ concepts to “show how discursive orders are maintained and transformed”. Hajer (1995: 56) defines a story-line as “a generative sort of narrative that allows actors to draw upon various discursive categories to give meaning to specific physical or social phenomena”, while a discourse-coalition is “the ensemble of (1) a set of story-lines; (2) the actors who utter these story-lines; and (3) the practices in which this discursive activity is based” (1995: 65). Hajer uses these two concepts in what he terms an ‘argumentative approach’ to discourse analysis. This argumentative approach conceives of politics as a “struggle for discursive hegemony in which actors try to secure support for their definition of reality” (Hajer 1995: 59). It is in this struggle that “coalitions are formed among actors (that might perceive their position and interest according to widely different discourses) that, for various reasons (!) are attracted to a specific (set of) story-lines” (Hajer, 1995: 65).

From Hajer’s (1995: 65) perspective then, the EJm that emerged in the US can also be seen as a discourse-coalition that is “formed if previously independent practices are being actively related to one another, if a common discourse is created in which several practices get a meaning in a common political project”, as occurred with the anti-toxics, civil rights and environmental movements. Hajer (1995: 66) further distinguishes discourse-coalitions from traditional political coalitions or alliances on that the basis that the discourse coalition is linguistic: “story-lines, not interests, form the basis of the coalition, whereby story-lines potentially change the previous understanding of what the actors’ interests are”. This distinction between interests and storylines is evident when considering the disparity exhibited between the mainstream US environmental movement’s engagement with EJ, the US Environmental Protection Agency’s (EPA), and that of the EJm’s (see Chapter Two).

Hajer (1995: 59) argues further that actors’ interests are “intersubjectively constituted through discourse”. This is important because new discourses, such as EJ, sustainable development or his example of ecological modernization, may alter “perception of problems and possibilities and thus create space for the formation of new unexpected political coalitions” (Hajer, 1995: 59). Hajer (1995: 50) highlights the usefulness of Foucault’s term

the ‘tactical polyvalence of discourses’, to refer to “the way in which the various discursive elements, that might have been introduced for various unrelated strategic purposes, together create a new discursive space within which problems could be discussed [... and it is there that] the structuring capacity of discourse gains its meaning”.

Hajer’s (1995: 59) approach focuses upon discursive interaction, the language in use, and views politics as “a struggle for discursive hegemony in which actors try to secure support for their definition of reality”. In much the same as Benford and Snow’s (2000) factors affecting frame resonance, Hajer (1995) argues that credibility, acceptability and trust are three factors determining the dynamics of what he terms ‘this argumentative game’. To give measure to the influence of a discourse, Hajer conceives of discourse structuration and discourse institutionalisation. *Discourse structuration* is “when a discourse starts to dominate the way a given social unit (a policy domain, a firm, a society – all depending on the research question) conceptualises the world” (Hajer, 2005: 303); “if the credibility of actors in a given domain requires them to draw on the ideas, concepts, and categories of a given discourse” (Hajer, 1995: 60-1). *Discourse institutionalisation* occurs “if a given discourse is translated into institutional arrangements i.e. [...] translated into concrete policies” (Hajer, 1995: 60-1) or “say a measuring system for air pollution” (Hajer, 2005: 303). If both these criteria are met, then a particular discourse can be said to be dominant or hegemonic in a particular domain (Hajer, 2005, 1995).

Essentially, Hajer (1995) argues that the environmental conflict has become discursive and that the actual exchange taking place in a compromising, consensus, governance arrangement is a discursive exchange. To illustrate, he notes how politicians can be heard saying, ‘we are all green now’ and that “[t]alking green [now] no longer [definitively] connotes a radical social critique” (Hajer, 1995: 14). Likewise, Hajer (1995) discusses how the Brundtland Report on sustainable development managed to present the environmental case to big institutions, such as the World Bank and the International Monetary Fund (IMF), considered to be in the opposite camp to environmentalists. After the 1992 Earth Summit in Rio de Janeiro, the World Bank was made “one of the central agencies monitoring the greening of policies all over the world, [... which had radical critics arguing] that this did not prove the success of the environmentalists, but their total collapse” (Hajer, 1995: 12). Hajer (1995: 14) argues that sustainable development is the first global discourse-coalition in environmental

politics, one that “shares a way of talking about environmental matters but includes members with widely differing social and cognitive commitments”, and thus should be analysed as a story-line:

“the new environmental conflict should not be analysed as a conflict over a predefined unequivocal problem with competing actors pro and con, but is to be seen as a complex and continuous struggle over the definition and the meaning of the environmental problem itself. Environmental politics is only partially a matter of whether or not to act, it has increasingly become a conflict of interpretation in which a complex set of actors can be seen to participate in a debate in which the terms of environmental discourse are set” (Hajer 1995: 14-5).

In this study, Hajer’s ideas are valuable in understanding that a variety of key discourses and claims permeate and compete with and within EJ, such as conceptions of ‘social-justice’ (see Harvey, 1996), ‘sustainability’ (see Agyeman, 2005), and an ecological discourse (see Lash, Szerszynski, & Wynne, 1996; Low & Gleeson, 1998; Erik Swyngedouw & Heynen, 2003; Wenz, 1988). However, because EJ deals with justice claims, it potentially has an advantage over these competing discourses, for example (Harvey, 1996: 389, emphasis added) notes how a powerful arm of the EJm is obtained “by posing matters in terms of the defilement, violation, or even “rape” of ‘sacred Mother Earth’, the environmental justice *movement* adopts a non-negotiable position of intense moral rectitude untouchable by legal, scientific, or other rationalistic discourse”. Thus, thinking back to the discussions presented in the previous chapter, the US EJm appears to possess or constitute a radical discourse that holds notable advantages over other environmental discourses, and is of interest to many different actors for this dynamic.

The above section highlights some of the ways in which EJ is commonly conceived in existing literature, drawing attention to the ways in which these ideas and concepts are applied in the later sections of this thesis. The work of Maarten Hajer is also used to note changes that have occurred in UK government/governance structures where there are now an increasing number of actors involved beyond simple state/non-state boundaries and that the environmental conflict has now become discursive. Whilst thinking of EJ in terms of framing, claim-making and discourse theory is useful, this thesis is also interested in the radical political potential of EJ. The following sections unpack this idea and critically reflect on EJ’s ability to be ‘properly’ political in what is conceived of as a post-political and post-democratic context.

3.3 Environmental Justice's Radical Potential

Research interest into EJ has continued to increase since its emergence in the 1980s. Holifield, Porter, and Walker (2009), writing in *Antipode's* second special issue on the subject, the first being in 1996 (Volume 28, number 2), note that at the time of their writing, in the last “5 years alone, there were 425 journal papers published on environmental justice in the social sciences, and no fewer than seven special journal issues dedicated to the topic”. Crucially, this represents a great deal of interest in the topic, and there are a number of reasons for this. Gottleib (2001: 45 quoted in Benford, 2005: 43) suggests that the emergence of EJ has made the “possibility of breaking free from a bounded environmentalism to become a broader, more socially inclusive movement capable of challenging the very structure and logic of a capitalist social order [...] available again”. Key EJ texts such as Shrader-Frechette's (2002) *EJ: Creating Equity, reclaiming democracy*, and Faber's (1998a) *The Struggle for Ecological Democracy: Environmental Justice Movements in the United States*, emphasise a democratic element, whereby EJ is seen to represent a potential means through which democracy might be strengthened or reclaimed. The idea that EJ may possess a positive democratic element and is capable of challenging the hegemonic capitalist or neoliberal order is attractive to both academics and activists interested in such issues. This democratic or radical potential is critically assessed below in terms of the demands made by the EJm, the analysis or diagnosis by the EJm and within the concept of EJ, as well as the organisational structures and practices of EJ organisations.

According to Schlosberg (2004: 522), “the construction of inclusive participatory decision-making institutions” is at the centre of EJ demands. In this sense, EJ is an emancipatory discourse, one that, according to David Harvey (1996: 386, 339), “puts the survival of people in general, and of the poor and marginalized in particular, at the centre of its concerns”, while the justice that it enunciates is “coupled with a struggle for recognition, respect and empowerment”. In a similar vein, like Agyeman and Evans's (2004, cited in Walker, 2012: 1) argument that EJ has “provided a ‘vocabulary of political opportunity’” Walker (2012: 1) adds that it provides “an important way of bringing attention to previously neglected or overlooked patterns of inequality which can matter deeply to people's health, well-being and quality of life”.

It is the EJ frame's diagnosis and the prognosis that are crucial here, and for the US EJm they frequently do not match up (Benford, 2005). Benford (2005: 50) cites several diagnoses that imply 'radical corrective action': "the economic system and nation-state are the core structures of society that create ecological problems" (Brulle, 2000: 207); "[f]or environmental justice activists [...] the most immediate mission is to dismantle the mechanisms by which capital and the state disproportionately displace the social and ecological costs of production onto working-class families and oppressed peoples of color" (Faber, 1998a: 13). However, he further states that: "like the reluctant swimmer who sticks her toe in the water only to retreat, the EJm's prognoses almost always fall short of calling for revolutionary social change" (Benford, 2005: 50). Thus Benford (2005: 43) argues that the EJm has shown a "reluctance to follow through on the radical implication of its own environmental justice framing by calling for sweeping systemic changes".

Benford (2005) argues further that some of the actions employed by the EJm are ones that actually reinforce the system and the status quo. The use of the term 'justice' features predominantly in Benford's (2005) explanation here. Essentially a focus on justice shifts the emphasis from the environment to the victimisation of people, becoming a champion of the underdog. However, "by using the tort system to seek redress for past environmental injustices", it "subscribes to and reproduces the commodification of justice" (Benford, 2005: 51). With the false presumption that the law is a neutral arbiter of disputes and that everybody is equal before the law¹², the primary framing of solutions in terms of justice, "places faith in the efficacy [of] using extant legislative and judicial systems to remedy problems – [which is] an ironic commitment to, and reaffirmation of, the systemic status quo" (Benford, 2005: 51). This is particularly significant for the EJm in the US, as "the courtroom where environmental justice lawyers try to prove racial intent" is one of the two primary arenas of EJ, the other being activism (Agyeman, 2002: 31).

In terms of the EJm's organisational structures and practices, Faber (1998a) argues that the EJm not only makes the demands mentioned above, but they also act as the possible 'means' through which these demands may be achieved (in other words, being part of the 'end' in

¹² Disparities in wealth are likely to be mirrored by disparities in legal representation. Wealthier parties are likely to be able to afford better lawyers.

itself). For Faber, EJ does this through the increasing adoption of principles of ecological democracy:

“Of these principles, the most fundamental is the claim that those communities of people suffering ecological injustices must be afforded greater participation in the decision-making processes of capitalist industry and the state (at all levels), as well as the environmental movement itself, if the social and environmental problems plaguing *all* Americans are ever to be resolved. This demand by marginalised communities for greater participation in the management of their own affairs is providing a growing number of activists with a vision of both the means and the end result by which environmental justice will be achieved.” (Faber, 1998a: 1, emphasis in original)

There are two points of interest worth discussing here. The first, most clearly seen in the above quotation, is the colonisation of state and capitalist structures and apparatus by marginalised communities and EJ activists. This is central to EJ demands, as noted by Schlosberg (2004) earlier in this chapter. According to Field (1998, cited in Faber, 1998b: 7), the democratisation of these structures and apparatus is necessary to overcome “the contradictory nature of liberalist environmental policy [... and realise] the goals of the environmental justice movement”. The second point of interest is the development and practice of civic EJ organisations in exercising control over their environments. For Faber (1998a: 8), this is part of the practice of ecological democracy that is being used by EJ activists: “the development of new organizational structures that directly represent and promote the substantive democratic participation of community members victimized by environmental abuses”.

The potentially positive democratic element that is provided by the EJm is based on ideas about their part and operation in civil society, which “forms an autonomous site independent of the market economy and the state, providing citizens with the opportunity to freely associate, develop an ethical life[,] and exercise citizenship” (Brulle and Essoka, 2005: 205). Civil society organisations “are seen as a critical link in translating the impulses from everyday experience into political demands for change (Habermas, 1987, 1998)”, and thus “form an important site for the creation and maintenance of a democratic society (S. Clarke, 2001; Skocpol, 2003)” (Brulle and Essoka, 2005: 205).

As hinted at above, and according to Brulle and Essoka (2005), ‘a democratic and open movement’ is the self-assigned image and theoretical perspective of the EJm. Brulle and Essoka (2005: 206) provide the example of Cook (1992: 38) who “contrasts the highly

institutionalised and bureaucratic structure of mainstream environmental groups with environmental justice organizations noting that they are “organized in a highly democratized fashion, and shun top-down hierarchical models”¹³. They argue, however, that “this and many other analyses are anecdotal, or are based on case studies of only a few organizations”. Their own analysis of 49 EJ organisations found that the form of governance present was in fact very similar to that of mainstream environmental organisations. They also found that over 60% of the organisations that they studied had ‘oligarchic’ forms of governance¹³ that make no provision for input from individual members. Thus Brulle and Essoka’s (2005) evidence suggests that the democratic nature and structure of EJ organisations may in fact be overstated. The authors argue further that this is problematic for EJ as a “rights-based” discourse focusing on the democratic participation of all concerned citizens to secure environmental equality[, ... EJ] groups based in non-representative governing structures fundamentally undermine the ideological premise and legitimacy of this movement” (Brulle and Essoka, 2005: 215).

The evidence that the majority of EJ organisations are organised in an ‘oligarchic’ fashion that is similar to that of mainstream environmental organisations in the US is commensurate to a wider trend (Brulle and Essoka, 2005). It is argued by Skocpol (2003, cited in Brulle and Essoka, 2005: 208) that “civic life in the United States has undergone a substantial transformation, from large-scale participatory membership organizations to oligarchically managed, professional advocacy organizations”. These organisations have also been labelled “professional social movement organizations” (Zald and McCarthy, 1987) [or as...] the “protest business” (Jordan and Maloney, 1997)” (Brulle and Essoka, 2005: 209). In such organisations, the members are reduced to, and treated as, mere financial contributors and not as constituents to be mobilised (Brulle and Essoka, 2005). According to Skocpol (2003: 251, quoted in Brulle and Essoka, 2005), these professional advocacy organisations “make it difficult to bridge between national and local activities and discourage the involvement of large numbers of citizens in organized, ongoing civic endeavours”. Thus, “[p]rofessional advocacy has also diluted the potential for broad-based civic engagement [...], mobilization capacity of civic institutions has declined, and concomitantly, their political power” (Brulle and Essoka, 2005: 208).

¹³ The ‘forms of governance’ Brulle and Essoka (2005) refer to here is based upon the analyses described by Lipset (1956) and Brulle (2000).

This transformation in civic life is something that has also taken place in England – Jordan and Maloney’s (1997) *Protest Business* (explored in more detail in Chapter Five) is based on UK organisations, primarily the UK branches of Amnesty International and Friends of the Earth (England, Wales and Northern Ireland¹⁴). The decrease in broad-based citizen involvement in organised and ongoing civic endeavours and mobilisation capacity observed by Skocpol, may be explained by authors Beck (1997, 1994) and Giddens (1994, 1991) who argue that modern life has become individualised and that collective identities and the politics they entail has become outdated. Beck and, in particular, Giddens advance a position that can be seen to lay the intellectual foundations for what is regarded as the ‘third way’ and is seen manifested in the UK political party of *New Labour*. However, the politics espoused by Beck and Giddens is critiqued by Mouffe (2005) (in particular) as one which is unable to assert a non-conflictual consensus and dispense with antagonism, and in the accepting of neoliberal hegemony, is a large source of our inability to think politically. Such a political context and political conundrum is what a growing number of authors (see for example Crouch, 2004; Mouffe, 2005; Rancière, 1995; Erik Swyngedouw, 2009, 2011) regard as a post-democratic and post-political arrangement that is becoming increasingly established in western democracies. As discussed above, EJ provides a critique and a diagnosis of the hegemonic capitalist system and structures that produce EiJs, however, it often falls short in its demands or prognosis. Although EJ is thought to provide a possible vision and means through which democracy can be practiced and change can be brought about (as exhibited by Shrader-Frechette (2002) and Faber (1998a), for example), it is not without its pitfalls. Furthermore, its own actions can sometimes go against these interests and can conversely reinforce the very structures and processes that produce the source of its grievance. A world view which accepts neoliberal hegemony, that neoliberalism has ‘won the argument’, is likely to come into conflict with an EJ discourse that has neoliberalism as the cause of its grievance.

Two issues have thus come into the focus in this section: the reluctance of the EJm to follow through with its radical diagnosis; and, the changes in civic life and constitution of EJ organisations as not necessarily legitimately providing the purported means to their desired aims. It is therefore useful to explore theorisations of the current context which may offer an explanation for the changes in civic life, and what may be influencing EJ’s diagnosis,

¹⁴ Scotland has its own Friends of the Earth branch.

prognosis and functioning. In doing so, the next two sections examine first, Beck and Giddens' claim of an end of collective identities, the rise of individualism, and the hegemony of neoliberalism, and then second, the critique of this as conceived as a post-political and post-democratic zeitgeist.

3.4 The End of Collective Identities? The 'Third Way' and Consensus Governance

Ulrich Beck (1994, 1997) and Anthony Giddens (1991, 1994) revive in a new guise, an announcement which emerged in the early 1960s, that of the coming of a 'post-industrial society' and 'the end of ideology' (Mouffe, 2005: 35). Beck and Giddens argue that "the model of politics structured around collective identities has become hopelessly outdated, owing to the growth of individualism, and that it needs to be relinquished" (Mouffe, 2005: 35). Beck challenges the basic tenets of political science which all have collective agents at their base and the individual not fit for politics, and turns this on its head to put the individual at the "centre of the politics scene" (Mouffe, 2005: 39). The growth of a new individualism, for Beck and Giddens, "represents a real challenge to the usual way of doing politics" (Mouffe, 2005: 44). They argue that the dynamics of this individualism are central to the disappearance of collective identities, destroying "collective forms of life necessary for the emergence of collective consciousness and the kind of politics which corresponds to them" (Mouffe, 2005: 49).

Beck and Giddens argue that we should now think in terms of 'sub-politics' or 'life politics' respectively, where the main political questions "need to be decided by individuals not groups" and is about different lifestyle choices (Mouffe, 2005: 48). Giddens opposes 'life politics' to the 'emancipative' mode, asserting: "Life politics concerns political issues which flow from processes of self-actualization in post-traditional contexts, where globalizing tendencies intrude deeply into the reflexive project of the self, and conversely where processes of self-realization influence global strategies" (Giddens, 1991: 214, quoted in Mouffe, 2005: 43). Beck's sub-political "mobilisations around life-style issues [...] and identitarian politics" also replaces emancipatory class politics (Oosterlynck & Swyngedouw,

2010: 1579). This purported growth of individualism and declining relevance of collective identities and emancipatory class, or collective, politics, poses a challenge to an EJm or EJ discourse which conceivably presents and engenders both.

Beck and Giddens both argue that we need to move beyond the old ways of doing politics, that we need to move *Beyond Left and Right* (the title of Giddens's 1994 book), that "the old lines of conflict and partisan controversies have lost their relevance" (Mouffe, 2005: 48). After the historic victory of democratic capitalism (Swyngedouw, 2011) and rise of liberal democracy, the wider political context in the West is that of a largely uncontested hegemonic liberalism (Allmendinger and Haughton, 2011; Mouffe, 2005). Giddens argues that after the collapse of communism, social democrats' identity has been thrown into crisis and they "must acknowledge that there is no alternative to capitalism" (Mouffe, 2005: 57). Of these liberal perspectives which take a pluralistic understanding of the world, the typical belief is that "there are many perspectives and values and that, owing to empirical limitations, we will never be able to adopt them all, but that, when put together, they constitute a harmonious and non-conflictual ensemble" (Mouffe, 2005: 10). It is then Giddens who is usually credited with providing the inspiration for those wanting to "create new institutions for a more consensual politics" (Allmendinger and Haughton, 2011: 91) and attempts "to lay the intellectual foundations for the centre-left position referred to as 'the third way'" (Mouffe, 2005: 56).

Concrete expressions of these ideas began to be found in the UK political party *New Labour* from the late 1990s with its "'big tent' emphasis on 'joined up thinking', 'policy integration' and improved systems for wider participation through reformed systems of governance" (Allmendinger and Haughton, 2011: 91). In order to "transcend the old left/right division" Giddens argues for a 'widening of democracy' in which it is necessary to "reform the state and government to make them act in partnership with civil society" (Mouffe, 2005: 62, 58). This is something that *New Labour* adopted enthusiastically through 'public-private partnerships' which is "paradigmatic of the third way: neither state (left) nor private sector (right), but their supposed harmonious partnership" (Mouffe, 2005: 63).

The new institutional configurations being articulated in this manner is something that, according to Swyngedouw (2011: 371), "Geographers have begun to argue and show [...]"

mark the emergence of consensual modes of policy making”. Here, as with the mooted change from *government* to *governance* indicated (above), the act of governing is reconfigured to a stakeholder and networked-based “arrangement of governance in which the traditional state forms (national, regional or local government) partake together with experts, non-governmental organizations and other ‘responsible partners’ (see Couch, 2004) in the pursuit of environmentally sustainable socio-ecological practices” (Swyngedouw, 2009: 608; Oosterlynck and Swyngedouw, 2010).

Allmendinger and Haughton (2011: 89) investigate the expression of this dynamic in planning, “the primary arena in which competing objectives for future land use in the UK are played out” (a surface of E(i)J disputes and the subject area of Chapter Six), with New Labour’s ‘spatial planning’ experiment introduced in 2002. Spatial planning is purported to provide an empowering arena for wide-ranging debate, appealing to “many diverse constituencies (planners, developers, land owners, community groups, etc.) [...] offering something to each”. Under New Labour, spatial planning “was portrayed as providing an overarching framework within which [... some] objectives could be ‘managed’ without serious conflict or compromise” (Allmendinger and Haughton, 2011: 94). This approach emphasises “partnership and consensus as ways to help resolve or ‘balance’ sources of potential tension, positioning itself as a means for reconciling differences and achieving social justice and sustainable development alongside economic growth” (Allmendinger and Haughton, 2011: 95). Congruently, terminology in planning shifted “away from notions such as ‘trade-off’ (for instance trading off environmental damage against economic growth) in favour of ‘balanced approaches’ and ‘win-win-win’ policy solutions (where there are no losses against the so-called triple-bottom line of social, economic and environmental improvement)” (Allmendinger and Haughton, 2011: 95).

Allmendinger and Haughton (2011: 90), however, reject the view that spatial planning represents a progressive change, that it is “an empowering arena for debating wide-ranging societal options”, and is instead one with subtly ‘stage-managed’ and ‘choreographed’ processes carefully delineating what is open for debate and controlling participation. It is one in which issues such as climate change, sustainability and social justice are conceived of as ‘lower order’ issues to be incorporated only “insofar as they did not conflict with the mainstream growth agenda” (Allmendinger and Haughton, 2011: 93). The deployment of

terms such as, and in particular, sustainable development or New Labour's "preferred terminology of 'balanced' sustainable development" are, according to Allmendinger and Haughton (2011: 94), crucial here in brokering agreement "through appealing to universal themes that seem to command agreement as a result of their broadly progressive if nonspecific framing". It is the deployment of 'fuzzy concepts' and 'fuzzy practices' that are "key to delivering growth within a complex policy landscape of potentially irreconcilable issues" (Swyngedouw, 2007, cited in Allmendinger and Haughton, 2011: 94).

Mouffe (2005: 60) states that "Giddens' proposals for a renewed social democracy[']s" influence upon New Labour provides "confirmation of this fit between neo-liberal hegemony and the 'third way'". Mouffe (2005: 60-1) draws on Stuart Hall's (2003) observation that "instead of challenging the neo-liberal hegemony, [...] New Labour picked up where Thatcherism left off", absorbing social democracy into neo-liberalism. While retaining some social democratic objectives, such as "aiming for [...] a certain level of redistribution and improvements of public services, [...] they were] subordinated to the neo-liberal agenda of setting the corporate economy free of the regulations which previous social democratic governments had installed to control capitalism" (Mouffe, 2005: 60-1). Allmendinger and Haughton (2011: 93) detail how in spatial planning, alterity, deviation, or "dissent from the mainstream 'balanced' approach to growth is repoliticised as contrarian, parochial or regressive, and in effect given outsider status" (Allmendinger and Haughton, 2011: 93). Likewise, Mouffe (2005: 54-5) asserts that the key word for Beck and Giddens is 'modernization', having the effect of discriminating "between those who are in tune with the new conditions of the modern, post-traditional world and those who still cling desperately to the past".

Mouffe (2005: 50, 51) criticises Beck and Giddens for having little to say about "power relations and the way they structure our society", nor a seeming realisation of "how deeply many of the problems related to the environment have to do with neo-liberal policies with their prioritizing of profit and market mechanisms". She concludes that "[in] all the crucial areas where power structures are at stake, the non-conflictual political approach is unable to pose the adequate questions" (Mouffe, 2005: 51). Mouffe (2005) develops an 'agonistic' perspective that is "sceptical about the political possibilities to transcend or eliminate deep divisions and conflicts within society [to which d]isagreement and tensions are an integral

part” (Swyngedouw, 2011: 379, §3). For Mouffe (2005), Beck and Giddens fail in their attempts to assert a non-conflictual consensus and dispense with antagonism. In Beck and Giddens ‘modernisation’ play, they fail to avoid making a ‘we/they distinction’ because, according to Mouffe (2005), the construction of an identity always entails a ‘constitutive outside’¹⁵. Mouffe (2005: 48) rejects Beck and Giddens arguments that in ‘post-traditional’ societies “political frontiers have dissipated” and collective identities are no longer constructed in terms of we/they distinctions. For Mouffe (2005: 16, 12), “all forms of political identities entail a we/they distinction, [...meaning] that the possibility of antagonism can never be eliminated”, and as “far as liberal thought adheres to individualism and rationalism, its blindness to the political in its antagonistic dimension is not a mere empirical omission but a constitutive one”.

It might be instructive to recall Benford’s (2005: 38) *diagnostic* function of EJ which “identifies problems and indicates who or what is to blame” as precisely such a procedure conducive to we/they constructions. A non-conflictual consensus governance arrangement also raises questions for an EJm or EJ discourse that can adopt, as Harvey (1996: 389, emphasis added) describes above, “a *non-negotiable position* of intense moral rectitude untouchable by legal, scientific, or other rationalistic discourses”, and what fate will befall such a movement or discourse to emerge in such a context. Mouffe (2005) is one of a growing number of authors (Oosterlynck and Swyngedouw, 2010; Allmendinger and Haughton, 2011, among others) who have begun to conceive of and critique the type of politics advanced by Beck and Giddens and exhibited by New Labour, as a *consensual* mode of governance, that is expressive of a new *post-political* configuration. For Swyngedouw (2011: 370-1), and as demonstrated by Allmendinger and Haughton (2011) above, this is something that:

“has apparently reduced political conflict and disagreement to either an ultra-politics of radical and violent disavowal, exclusion and containment or to a para-political inclusion of different opinions on anything imaginable (so long as it does not question fundamentally the existing state of the neo-liberal political economic configuration) in arrangements of impotent participation and consensual ‘good’ techno-managerial governance”

¹⁵ *Constitutive outside* is a term proposed by Henry Staten (1985) from developing several themes and notions of Jacques Derrida’s to “highlight the fact that the creation of an identity implies the establishment of difference” (Mouffe, 2005: 15), difference, which in the creation of meaning by delineating what is referred to, what is included, the inside, is necessarily simultaneously provided and constituted by the delineation of what is excluded, the outside.

Thus, Swyngedouw (2009, 2011), Mouffe (2005) and these authors (Crouch, 2004; Rancière, 1995, among others), have begun to examine and enquire about not just the empirical field of politics, the domain of political scientists, but the essence of ‘the political’ itself, the domain of philosophers (Mouffe, 2005). This growing body of literature not only provides a meta-narrative of a global trend in western democracies and an interpretation of EJ’s context(s), it also theoretically examines the possibilities and form change itself may take.

3.5 The Post-Political Condition

This section briefly sets out the theoretical perspectives of post-politics and post-democracy before exploring some of its dynamics, how it came to be, and its interaction with EJ. The proceeding section then explores the particular theorisation of what politics *is* provided by Jacques Rancière, whose emancipative focus is particularly appropriate for the exploration of EJ’s political potential.

The most important theoretical distinction made within what is referred to as the current ‘post-political’, or ‘post-democratic’ which runs in parallel (Swyngedouw, 2009), *zeitgeist*, is between *politics* and *the political* (Mouffe, 2005). According to Marchart (2007: 7-8) this splitting of the notion of politics from within, to distinguish between politics and the political, is something that despite the giving of different predicates to *the political*, is seen as a necessity “by theorists as diverse as Schmitt, Ricoeur, Wolin, Mouffe, Nancy, Badiou, Rancière, and others”. The new term, the political, “had to be introduced in order to point at society’s ‘ontological’ dimension” (Marchart, 2007: 5). This draws upon the vocabulary of Heidegger to say, as Mouffe (2005: 8) does, that “politics refers to the ‘ontic’ level while ‘the political’ has to do with the ‘ontological’”. *Politics* referring to the ontic then, encompasses largely what has been discussed above and is broadly conceived of as “the set of practices and institutions through which an order is created, organizing human coexistence” (Mouffe, 2005: 9) or “the empirically verifiable and institutionally articulated actions, strategies, and assemblages of governance that mark the management of the public sphere” (Swyngedouw, 2011: 373).

Marchart (2007: 2, emphasis in original) traces this ‘constellation of theory’ as one which could be described as a ‘Heideggerianism of the left’ that produced “a particular leftist version not only of ‘post-structuralism’ [...] but of *post-foundationalism*” which he takes to be “a constant interrogation of metaphysical figures of foundation – such as totality, universality, essence, and ground”. In this splitting of politics by post-foundationalists, according to Marchart (2007: 7), “something essential is released”:

“On the one hand, politics – at the ontic level, remains a specific discursive regime, a particular social system, a certain form of action; while on the other hand – at the ontological level – the political assumes the role of something which is of an entirely different nature: the *principle* of autonomy of politics, or the *moment* of institution of society” (Marchart, 2007: 7-8, emphasis in original)

In briefly explicating post-foundationalism, it is useful to start with how it differs from foundationalism and anti-foundationalism. Foundationalism, or foundationalist theories, are those “which assume that society and/or politics ‘are grounded on principles that are (1) undeniable and immune to revision and (2) located outside society and politics’ (Herzog, 1985: 20)” (Marchart, 2007: 11). In Heidegger’s ‘interrogation of the metaphysical figures of foundation’, he sees an absence of a final or ultimate ground in the nature of an abyss, “that is to say, of a ground *without* ground, of a bottomless ground” (Marchart, 2007: 18, emphasis in original). This is not the same as denying the presence of any ground, as an anti-foundationalist perspective might, grounding or “the ‘function’ of ground as ground does not disappear completely” (Marchart, 2007: 18, emphasis in original). With this critique of foundationalism – the idea that “society cannot be grounded, and never will be, in a solid foundation, essence or centre” – Marchart (2007: 7) states that:

“the notion of foundation is split into a purely negative foundation on the one hand (the impossibility of a final ground), and the possibility of ‘contingent foundations’ on the other to use a term coined by Judith Butler (1992) – that is, a plurality of hegemonic moves that seek to ground society without ever being entirely able to do so”.

This rejection of an ultimate ground and idea that every foundation is only ever “a partial foundation within a field of competing foundational attempts”, this pluralisation of ground, makes the ontological status of any ground necessarily contingent (Marchart, 2007: 7). It is *the political* that represents the fundamental lack of ground and ultimate contingency of any social order, of ‘the social’, in its entirety (Marchart, 2007; Swyngedouw, 2011; Mouffe, 2005, emphasis added). Like Butler, Mouffe (2005: 17) contends that every society and social order, is hegemonically constituted and the product of a “series of practices attempting to establish order in a context of contingency”. Politics, or the social, is the realm of sedimented

practices (Mouffe, 2005) that “contingently institute society, give society some (in stable) form and temporal, but spatialized, coherence” (Swyngedouw, 2011: 373). In doing so, these sedimented practices also “conceal the originary acts of their contingent political institution [...] which are taken for granted, as if they were self-grounded” (Mouffe, 2005: 17); politics “sutures or colonizes the space of the political, [...] disavows the political origins of politics” (Swyngedouw, 2011, 373); denies and conceals its contingency and that things could always potentially be otherwise. Beck and Giddens’s deployment of ‘modernisation’, for example, is a powerful rhetorical gesture that, by presentation as neutral, sociological evidence, “they deny its political nature” according to Mouffe (2005: 55). However, this attempt at suturing fully the social order, at denying contingency, is a fallacy and can never be fully realised (Swyngedouw, 2011).

This is representative of an anti-political impulse that can be traced to the origins of political thought, however, there now exists a modern anti-politicism that, rather than aiming at the elimination of the political, offers particular substitutes and is instead directed at its sublimation (Wolin, 1960, cited in Marchart, 2007). Marchart (2007: 44) terms this the ‘sublimation thesis’ which can be characterised as a version of a *colonisation thesis* wherein “the political becomes increasingly naturalized or colonized by the social (Schmitt, Arendt) or sublimated into non-political domains (Wolin)” (see Arendt, 1968; Schmitt, 1993, 1996; Wolin, 1960). The colonisation thesis in today’s post-foundational social theory, is “in one way or the other shared by most, if not all, left Heideggerians” and “underlines, [in] one way or the other, nearly all theories employing the political difference” (Marchart, 2007: 47, 67). For Wolin (1960: 418, quoted in Marchart, 2007: 46-7) the sublimation of the political takes place in a double move, where on the one hand, “the political proper, as the care for what is general to society, becomes increasingly bureaucratized and discredited, [and] on the other hand, more and more social spheres [...] become ‘politicized’, albeit in a deficient way, so that “[w]hat has been denied to the political order has been assimilated to the organizational order””. Wolin (1960, cited in Marchart, 2007: 47) attributes the source of this process to the championing of “a view of society consisting of separate little islands” by small groups, communities, sociologists and pluralists, and then the politicisation of these groups or entities and the reduction of the politicalness of the political order to them. This, according to Wolin (1960, cited in Marchart, 2007: 47), amounts to a ‘placebo’-politicalness, because “[p]olitical

concepts have meaning only in reference to a general order, and this cannot be substituted by multiple fragmented constituencies” (Wolin, 1960, cited in Marchart, 2007: 47).

Nancy and Lacoue-Labarthe (1997), according to Marchart (2007), develop a ‘sophisticated version’ of the sublimation thesis in which they delineate the operation of a ‘new totalitarianism’¹⁶. This points to the totalitarian moments of the ontic level with “exclusive operations, marginalisations and silences” (Swyngedouw, 2011: 373), where Nancy and Lacoue-Labarthe’s broad sense understanding of totalitarianism “designates the merging of the political with diverse authoritative discourse, among which the authors count socio-economic, technological, cultural or psychological discourse” (Marchart, 2007: 66, also Swyngedouw, 2011: 373). Similar to Wolin, the political is simultaneously converted “into ‘technological’ forms of management or organization, [and is] a process which leads to the effective silencing of genuinely political questions” (Marchart, 2007: 66). In this new totalitarianism, which Nancy and Lacoue-Labarthe (1997: 126, quoted in Marchart, 2007: 66) hold that the political has become *unapparent* by its omnipotence and attained an “obviousness of an ‘it goes without saying’”, transcendence of any kind has been dissolved into all spheres of life, alterity has been dissolved, and thus transcendence and alterity appear in retreat (Marchart, 2007: 66, emphasis in original); politics thus, as Swyngedouw (2011: 373) summarises, “implies the ‘retreat of the political’”.

It is this that a “growing body of thought and analysis [...] argues that the past decades or so have been marked by a process of de-politicization, the erosion of democracy and of the squeezing of the public sphere” (Swyngedouw, 2011: 370). For Swyngedouw (2011: 373, 371-2, emphasis added), *post-democratisation* “is a particular procedure of colonization of the political”, the emergence and characteristics of which combine a “series of interrelated dynamics (Mouffe, 2005)”. In addition to the hegemony of neoliberalism and its attendant claim of ‘there is no alternative’, which attempts to deny the possibility of alterity and thus supports Mouffe’s (2005: 10) attribution of an “incapacity to think politically”, the ‘processes of neoliberalisation’ (see Peck & Tickell, 2002) are heavily implicated in this process¹⁷. Swyngedouw (2011: 372) claims that the process of post-democratisation is marked by a

¹⁶ Nancy and Lacoue-Labarthe (1997, cited in Marchart, 2007) do not exclude liberal democracies from the regimes which usually incur this charge.

¹⁷ Like Peck and Tickell (2002) who claim neoliberalisation is best viewed as a process similar to a view of globalisation, post-politics and post-democracy/isation is also best viewed in this vein.

combination of what Bronwan Morgan (2003) has termed an ‘economization of politics’, and Pierre Bourdieu (2002) has called ‘the de-politization of the economic’, to say that:

“A particular fantasy of autopoietic organization of ‘economy’ has sutured political imaginaries of how to produce and organize the distribution of social wealth, one centred on a practice that seemingly separates economic dynamics from the political process.”

In post-democratisation the political options open to citizens are circumscribed (Swyngedouw, 2011), and the options that are offered, are often deemed too complex for ordinary citizens to comprehend, necessitating an appeal to experts to legitimise decisions (Sloterdijk, 2005, cited in Swyngedouw, 2011). *Politics* becomes about the managerial state in which the state-civil society is reorganised, and *democracy* becomes concerned with “the broadening and deepening of individual consumer choice” (a la Beck and Giddens above), *in both* of which, the “market imperative as the naturalized resource allocation technology” is accordingly infused (Swyngedouw, 2011: 372).

It is the ‘roll-out’ aspects of the process of neoliberalisation (touched upon briefly in Chapter Two) that is to the fore here and the engagement with EJ by the United States Environmental Protection Agency (EPA) under the Clinton administration can be viewed as propagation of a post-democratic governance arrangement. As noted by Holifield (2004), it was Clinton’s brand of roll-out neoliberalism and in particular Executive Order 12898 and the ‘Superfund’ that attempted to take an otherwise antagonistic discourse of EJ and enrol it in the processes of neoliberalisation. The EPA under Clinton attempted to use data analysis to ““normalise” the “environmental justice community” and to make environmental justice subject to calculation, measurement, and mapping” (Holifield, 2004: 287). This aimed at providing a tool by which the boundaries of an EiJ community could be defined and standardised, a community’s claim of EiJ could be scientifically verified, and thus “remove the claim from political contestation” (Holifield, 2004: 291). Holifield (2004: 286, emphasis in original) argues that Clinton’s approach to EJ “constituted part of what Jessop (2002) identifies as a *neocommunitarian* strategy for extending and sustaining the project of neoliberalisation”. While the use of GIS (geographic information systems) analysis constituted a technocratic attempt at normalising and ‘managing’ EJ communities, the neocommunitarian strategy “revolved around efforts to *empower* and *build trust*” (Holifield, 2004: 286, emphasis in original). Through the establishment and extension of various grants and programs (such as the Superfund Jobs Training Initiative, the EJ Small Grants Program) aimed at training workers, creating private sector jobs and stimulation of investment in the neglected EiJ

communities, the EiJ communities themselves became sites for a neocommunitarian strategy for roll-out neoliberalism (Holifield, 2004) and part of a neoliberal project that has “been able to made a virtue of uneven spatial development” (Peck and Tickell, 2002: 401).

To add to Holifield’s (2004) analysis, the US EPA can also be seen to be (re)appropriating ownership of the EJ discourse and the EiJ phenomenon, while at the same time shutting down the formation of collective identities and the need for collective association. Similarly, the transformation in civic life noted by Skocpol (2003) and manifest in protest business organisations (see above and Chapter Five), may be seen as a hoarding and policing of expertise that *ironically* constitutes an anti-democratic move. The ‘para-political’ inclusion and ‘impotent participation’ mentioned by Swyngedouw (2011) is also visible in Holifield’s (2004: 288) analysis, as the executive order defined “public participation primarily in terms of improved public relations: making agencies’ information and decisions “accessible” and allowing the public to submit recommendations”. Thus the correlation between the processes of post-politics, post-democratisation, and roll-out neoliberalism is evident and can be seen to be exemplified in the changing neoliberal projects “epitomized by the Third-Way contortions of Clinton and Blair” which became:

“increasingly associated with the political foregrounding of new modes of “social” and penal policy-making, concerned specifically with the aggressive reregulation, disciplining, and containment of those marginalized or dispossessed by the neoliberalization of the 1980s”; and the “striking coexistence of technocratic economic management and invasive social politics[, where n]eoliberal processes of economic management [...] are increasingly technocratic in form and therefore superficially “depoliticized,” acquiring the privileged status of a taken-for-granted or foundational policy orientation” Peck and Tickell (2002: 389).

However, what Holifield’s (2004: 296, emphasis added) research also shows, is in the attempts by the EPA under the Clinton administration to ‘manage’ EJ communities, it was *unable* to standardise and normalise them, to “consolidate state control over the boundaries of the EJ community”. The EPA was still forced to treat as ‘EiJ communities’ as those who self-identified as such (Holifield, 2004). This points to the inability to constrain the construction of a ‘we/they identities’ argued by Mouffe (2005), and also, the limits of attempts at depoliticisation and technocratic management. Peck and Tickell (2002: 400) ponder upon the future for ‘progressive politics’ and opposition to neoliberalism in contexts where “[c]ontemporary politics revolve around axes the very essences of which have been neoliberalized”. Neoliberalism for Peck and Tickell (2002: 400) has shown a capacity to capitalise upon “the very economic cycles and localized policy failures that it was complicit

in creating, and to erode the foundations upon which generalized or extralocal resistance might be constructed”, and thus they propose that specific, strategic local resistance may provide a necessary but insufficient challenge. Nonetheless, they ponder that resistance movements, in their “own explicit politicization, [...] may have the capacity to hold a mirror to the process of (ostensibly apolitical) neoliberalization, revealing its real character, scope, and consequences” (Peck and Tickell, 2002: 400), and it is this that forms the basis of Holifield’s (2004: 400, reflecting upon Peck and Tickell, 2002) question: “have the politics of environmental justice succumbed to the fate of other partial progressive projects”; or, despite the processes of roll-out neoliberalism increasingly embedded in civil society, do the new points of vulnerability in its project that have opened up enable “environmental justice activism become one of the new “basing points”” of a politics of resistance?

As the above discussion has demonstrated, it is thus crucial to engage in the debate on post-politics and post-democracy – a conception of the contemporary context and the ways in which it seeks to maintain itself, the status quo – when exploring the concept of EJ, or an EJm, that challenges and seeks to alter it. Post-foundational and post-political authors not only have different conceptions of ‘the political’ (Marchart, 2007), but also ‘politics’ and the relation between the two. One of the key authors in this debate on post-politics and post-democracy, and providing one particular ‘predicate of the political’ (Marchart, 2007), is Jacques Rancière who advances an emancipatory political project (Swyngedouw, 2014; Davis, 2010). In his book, *Disagreement* (1995), Jacques Rancière “revisits the Aristotelian foundations of political theory and [...attempts] to re-centre the ‘political’ as distinct from ‘policy’ (what he calls ‘the police’) and to ask whether the properly political can be thought of and, if so, what constitutes a proper political gesture” (Swyngedouw, 2009: 605).

Rancière’s conception of the police is commensurate with views that hold that EiJ, and injustices more generally, are systematically produced. Rancière’s work is particularly useful to the study of EJ because of the way in which his conception of the police as the organising and distributional processes of a social order resonates with EiJ conceived in distributional terms, not just materially, but also subjectively. The foundation of his analysis upon the *equality of speaking beings* has strong resonances with justice as ‘recognition’ aspects of EJ and the EJm’s demand ‘we speak for ourselves’. Rancière’s work is both applied to the case study (in Chapter Six) to help explore what counts as a political act, as well as to reflect on whether an EJ discourse has the potential to be properly political in England. The remainder of this chapter explicates Rancière’s ideas and explores EJ in their light.

3.6 Jacques Rancière: The Police, the Political, Wrong and Politics

This section begins with Rancière's conception of *the police* as a social order, status quo, foundation, before moving on to his concepts of *politics* and *wrong* and what would be conceived of as a meaningful properly political gesture and act.

3.6.1 The Police, Neoliberalism and the Naturalisation of Environmental Injustice

For Rancière (1995: 28), what has now been identified as politics under post-foundational/political perspectives (above), namely: “the set of procedures whereby the aggregation and consent of collectivities is achieved, the organization of powers, the distribution of places and roles, and the systems for legitimizing this distribution”, he prefers to call *the police*. According to Rancière (1995: 29), the police is not a ‘state apparatus’, traditionally conceived – “a “cold monster” imposing its rigid order on the life of society” – instead it is “the law, generally implicit, that defines a party’s share or lack of it”. It defines a certain *partition of the sensible*, or “configuration of the perceptible in which one or the other is inscribed”. For Rancière (1995: 29):

“The police is thus first an order of bodies that defines the allocation of ways of doing, ways of being, and ways of saying, and sees that those bodies are assigned by name to a particular place and task; it is an order of the visible and the sayable that sees that a particular activity is visible and another is not, that this speech is understood as discourse and another as noise”.

Rancière (1995: 27) states further that:

“There is the mode of being-together that puts bodies in their place and their role according to their “properties,” according to their name or their lack of a name, the “logical” or “phonic” nature of the sounds that come out of their mouths. The principle of being together is simple: it gives to each the part that is his [*sic*] due according to the evidence of what he [*sic*] is. Ways of being, ways of doing, and ways of saying – or not saying – precisely reflect each person’s due.”

Like politics (above), Rancière's conception of the police is one that is “almost synonymous with the social order in its entirety” (O. Davis, 2010: 76); it refers “to both the activities of the state as well as to the ordering of social relations” (Swyngedouw, 2014: 7). Indeed the concept provides a useful way to talk about and analyse a system or social structure that

configures society and structures social reality. Moreover, it provides a conception of the organising and distributional processes of a social order. In the context of modern Western democracies, this ‘social order’ has become neoliberal in nature. As such, the police in these contexts is (increasingly) structured and mediated through neoliberal modes of production. Given that neoliberalism has become so pervasive and hegemonic, as it is in England, it can be argued that the police in these contexts is neoliberal or of a neoliberal logic. For example, Read (2009: 25) examines Michel Foucault’s critique of neoliberalism to argue that “neoliberalism can be viewed as a particular production of subjectivity, as a way in which individuals are constituted as subjects of “human capital””. As we have seen above and as Jamieson (2012: 35, emphasis added) recounts, the idea of the market has “discursively and materially colonised diverse areas of social, political, cultural and economic life elevating ‘the market’ to a principle of economic and *social justice*” where even *social risk* is *individualised and marketised*. So the neoliberal police affects the way we think about key determinates in EJ – social justice and risk. Thus it is not just the technologies of governing that are structured and imbued with the neoliberal logic (as above), but in neoliberalism’s pervasiveness, so too is the social, the police, more broadly.

When thinking about EJ or *EiJ* then, the police may be regarded as determining the distribution of environmental ‘goods’ and ‘bads’ in the material environment, as well as subjective production of *E(i)J*, the relations that serve to (re)produce them, such as issues of procedure, recognition, and even capability (see Chapter One). Rancière’s conception of the police is commensurate with views that hold *EiJs*, and injustices more generally, as systematically produced. When thinking about a neoliberal police, one can conceive of material *EiJs* as prescribed and inherently inequitable, or as reflecting the (mal-)distribution of the spoils and sacrifices necessary for economic growth to a subaltern group or demographic.

However, more than this, Rancière’s work also provides a conception of the obfuscation and denial of contingency (mentioned above) and an elucidation of the naturalness of this social order and the status quo. The police: ‘puts bodies in their place and their role according to their “properties”’; ‘gives to each that is their due according to the evidence of what they are’. As Davis (2010: 78) comments, “the adage ‘a place for everything and everything in its place’” readily evokes the hierarchizing and ordering work performed by the police. The

police has “everyone in their ‘proper’ place in the seemingly natural order of things” (Dikeç, 2005: 174). To conceive of this from a post-foundational perspective, the police (re)presents a ‘foundation’.

The police for Rancière, is a system of distribution and legitimisation. In the current neoliberal context, this distribution and legitimisation intrinsically produces and reproduces EiJs. The appearance and presence of EiJs therein, and the processes that create these injustices, are naturalised and legitimised. Take for example, EJ’s predecessor, the US term ‘environmental racism’. Bob Bullard (1990: 89, quoted in Walker, 2012: 67) argues that environmental racism is “reinforced by ‘governmental, legal, economic, political and military institutions’ through embedded and normalised processes that lead to ‘benefits for whites’ while shifting the costs to people of colour”. Walker (2012: 67, emphasis added) recounts Bullard’s example regarding “how land-use zoning policies are used to direct industry towards particular areas that are historically already industrialised, or where vacant and cheap land is available. Whilst a *normal and accepted part of planning logic*, such zoning policies also have the consequence of directing industry towards places often populated by racial minorities”. Further, Pulido (1996a: 144) rejects the idea that racism is only intentional and therefore the direct result of the agency of an actor, but that it is “ideological such that it ‘infuses society, including culture, politics and economic structures’” (quoted in Walker, 2012: 67).

The police and neoliberalism can thus be seen to legitimise and naturalise EiJ whereby it sees nothing out of the ordinary with the status quo, ‘this is the correct distribution’. The police, however, has a nemesis, and this is what above was termed ‘the political’, the fundamental lack of a final ground, ‘the moment of institution of society’. It is the meeting of these two logics, these two heterogeneous processes, *the police* and *the political*, that Rancière reserves the name *politics* (Swyngedouw, 2014).

3.6.2 Politics and Wrong

For Rancière (1995: 28), the police and politics are antithetical to one another:

“On the one hand, there is the logic that simply counts the lots of the parties, that distributes bodies within the space of their visibility or their invisibility and aligns ways of being, ways of doing, and ways of saying appropriate to each. And there is the other logic, the logic that

disrupts this harmony through the mere fact of achieving the contingency of the equality, neither arithmetical nor geometric, of any speaking beings whatsoever”.

Equality, and the equality of speaking beings, is at the heart of Rancière’s politics. Rancière begins his exploration of politics with Aristotle’s *Politics* wherein Aristotle makes a claim about how nature has supposedly endowed humans with a superior mode of expression from that of other animals. Humans, Aristotle claims, are political animals because they possess speech and not merely voice. Whereas voice is only able to express and communicate pleasure and pain, speech:

“serves to indicate what is useful and what is harmful, and so also what is just and what is unjust. [...] Humans alone have perception of good and evil, the just and the unjust etc. [and it] is the sharing of a common view in these matters that makes a household and a state” (Aristotle, *Politics*, I, 1253 a 9-17, p.60 in Rancière, 1995: 1).

In line with the base tenants of the post-foundational critique of foundationalism outlined above, Rancière (1995: 22) rejects this deduction, claiming that the opposition between logical animals and phonic animals is not the given upon which politics is based, instead it is actually “one of the stakes of the very dispute that institutes politics”:

“there is the symbolic distribution of bodies that divides them into two categories: those that one sees and those that one does not see, those who have a logos – memorial speech, an account to be kept up – and those who have no logos, those who really speak and those whose voice merely mimics the articulate voice to express pleasure and pain. Politics exists because the logos is never simply speech, because it is always indissolubly the *account* that is made of this speech: the account by which a sonorous emission is understood as speech, capable of enunciating what is just, whereas some other emission is merely perceived as noise signalling pleasure or pain, consent or revolt” (Rancière, 1995: 22-3 emphasis in original).

Like Nancy and Lacoue-Labarthe’s totalitarianism (above), ‘the symbolic distribution of bodies’, a certain partition of the sensible, the police, therefore dictates what is considered or recognised as intelligible voice, or merely noise. One might consider the appeal, “necessitation” and insisted deference, to experts under the processes of post-democratisation (above – Sloterdijk, 2005, cited in Swyngedouw, 2011) here as the propagation and imposition of a partition of the sensible that delineates the ordinary citizen’s voice lacking logos. This determining or prescription of voice, also relates to the notion of justice as recognition, as defined in Chapter One. Schlosberg (2004) argues that in order to even partake politically one has to be acknowledged and recognised; recognition is a fundamental requisite to political involvement as a social norm and a relationship, rather than something to be distributed. Justice as recognition conceives of justice “in terms of who is given respect and who is and isn’t valued” (Walker, 2012: 10) and thus further to Schlosberg’s argument,

like Rancière's critique of Aristotle, EJ's demand for equality of speaking beings enacts politics.

Politics exists, for Rancière (1995: 16), as it does for other post-foundationalists, "because no social order is based on nature, no divine law regulates human society". For Rancière (1995), it is the equality of speaking beings that is key in the play of contingency. He argues that for one speaking being to understand an order (or instruction) from another, they must be equal speaking beings. A social order with inequality between speaking beings may be interrupted by this very equality upon which it depends, revealing its contingency:

"Politics only occurs when these mechanisms [, such as the management of interest,] are stopped in their tracks by the effect of a presupposition that is totally foreign to them yet without which none of them could ultimately function: the presupposition of the equality of anyone and everyone, of the paradoxical effectiveness of the sheer contingency of any order" (Rancière, 1995: 17).

Rancière argues further that a social order premised upon an inequality of speaking beings is always susceptible to politics. The police, however, (as above) seeks to deny this contingency and to instead pretend that the social is entirely saturated and sutured (Swyngedouw, 2009: cf606): 'there is no part of no part', there is no outside, there is no alternative. Politics, nevertheless, undermines this, as Davis (2010: 79, emphasis in original) explains:

"politics seeks to demonstrate that since all are equal, anyone could in principle occupy a different position from the one they do in fact occupy, and shows accordingly that the hierarchizing work of the police order rests ultimately on 'an-archy', the absence of any foundational ordering principle, or *arkhe*".

Thus, as far as EiJs are concerned, there is no necessary or natural production or distribution of environmental 'goods' and 'bads', and there is nothing innate, natural or necessary about the relations of production and distribution of these elements. EiJs and their (re)production and distribution can be changed: they could be distributed otherwise, to a different logic, or even not produced at all. In addition to an inequality of speaking beings that renders a police order premised upon which susceptible to politics, Swyngedouw (2014: 129-130) adds that "other modes of being-in-common and of constructing a political community are constantly emerging[, ...] there will always be a constituted lack or surplus; that which is not accounted for in the symbolic order of the police (Dikeç, 2005; Erik Swyngedouw, 2011)". To draw in Mouffe (2005) here, this also alludes to the spectre of 'the constitutive outside'.

According to Dikeç (2005: 179) Rancière (1995: 97) argues that politics “is a function of the fact that a wrong exists, an injustice that needs to be addressed”. For Rancière, the declaration of a *wrong* is about the assertion of a polemical universal of equality by ‘the part who have no part’ setting up the political dispute between parts of society. Thus, politics is seen to be visible when a demand for equality exposes a wrong in the police:

“politics (or a properly political sequence) arises when, in the name of equality, those who are not equally included in the existing socio-political order, demand their ‘right to equality’, a demand that both calls the political into being, renders visible and exposes the ‘wrongs’ of the police order: this is the place and time of politics when the staging and articulation of an egalitarian demand exposes the lack, the superfluous, inscribed in the order of the given situation” (Arsenjuk, 2005, in Swyngedouw, 2009: 606).

As above with the systemic (re)production of EiJ and the operation of the police Rancière states that:

“[the subjects the declaration of] a political wrong sets in motion are not entities to whom such and such as happened by accident, but subjects whose very existence is the mode of manifestation of the wrong. The persistence of the wrong is infinite because verification of equality is infinite and the resistance of any police order to such verification is a matter of principle” (Rancière, 1995: 39).

A subaltern population or group, a community of EiJ, where EiJs are systematically produced, entities to whom EiJ has not happened by accident, may be seen as manifestation of a wrong in the police. However, according to Swyngedouw (2009: 615), urban EJms are an example of “exactly such [a] procedure of the colonization of the political by the social”. For Swyngedouw (2009: 615) the EJm’s “‘politicization’ is structured by the blatantly race or class bias of the socio-technical-managerial distribution of environmental goods and bads”. In parallel to Benford’s (2005) critique (above), the mobilisation based on seeking redress drawing upon the promise of equality as enshrined in law, sees that “the proper political moment of radical antagonism predicated upon dissensus is displaced onto the terrain of the socio-technical-legal (onto society)” (Swyngedouw, 2009: 615), i.e. to the ontic, as opposed to the ontological. While this is illustrated with actions of the US EPA (above), it is also worth considering the *Alexander v. Sandoval* case here (mentioned in Chapter Two) where the Supreme Court ruled that only intentional racism could be sued for (Faber, 2008). While Pulido (1996a) refutes that racism can only be intentional (above) and proving such is “an almost impossible task” (Faber, 2008: 136), this ruling might be seen as one where the matter is moved from one which recognises and seeks to address systemic *outcomes*, to one which not only denies racial inequality/discrimination present in the police operations, resisting the ‘verification of a wrong’, but also a denial of structure, the elision of the police altogether.

The ruling can also be seen to be one that chimes with the advance of neoliberal ideology in that it individualises the matter. However, while it may appear as if a wrong in the police order was previously more ‘visible and exposed’, this common action of seeking judicial redress by the US EJM, only ever extended to addressing the outcomes of EiJ, not the relations or processes that produced them. So while an EiJ community may be a manifestation of a wrong in the police, the seeking of judicial redress is an example of the disparity between the diagnosis and prognosis of the EJM (above), and the *Alexander v. Sandoval* ruling is an illustration of the ‘resistance of the police order’ and its further consolidation. In fact, this further sedimentation of a neoliberal police order may be seen as a political act in that it changes the ‘order of the perceptible’ and what the ‘mode of being in common’ is. No longer are people connected through a diffuse and complicated chain of action and consequence, but society is atomised, made up of individuals connected through direct actions alone. Further, this may be seen as a de-politicising move. The demand to prove racial intent removes the ‘we/they distinction’ from within the system/social/police. All is counted and accounted for, and while there still exists racist individuals, a la neoliberal ideology they are ones which carry their own agency and responsibility, they are accounted for and can be dealt with through these already existing procedures – no systemic change is necessary. This elides the “embedded and normalised processes that lead to ‘benefits for whites’ while shifting the costs to people of colour” mentioned by Bullard (1990: 89, in Walker, 2012: 67) above.

Indeed, Rancière (1995: 39) states explicitly that a “[p]olitical wrong cannot be settled – through the objectivity of the law suit as a compromise between the parties”. In considering what intervention is meaningful and effective then, Rancière (1995: 30) defines ‘political activity’ as:

“whatever shifts a body from the place assigned to it or changes a place’s destination. It makes visible what had no business being seen, and makes heard a discourse where once there was only place for noise; it makes understood as discourse what was once only heard as noise”.

A political act which may address a wrong is one that is “not simply something that works well within the framework of existing relations, but something that *changes the very framework that determines how things work*...[A]uthentic politics... is the art of the *impossible* – it changes the very parameters of what is considered “possible” in the existing constellation” (Žižek, 1999: 199, emphasis in original, in Swyngedouw, 2009: 615). A

political act makes contentious the ‘givens’ of a particular situation (Rancière, 2000, in Swyngedouw, 2009). For Rancière, the political emerges “through the mechanisms of political subjectification that give it substance as an alterable relationship between the parties, indeed as a shift in the playing field” (Rancière, 1995: 39).

So while EiJ communities may be a manifestation of a wrong, they are not innately a political subject, and in fact Rancière (1995: 39) states that “parties do not exist prior to the declaration of wrong”. According to Rancière (1995: 40):

“A political subject is not a group that “becomes aware” of itself, finds its voice, imposes its weight on society. It is an operator that connects and disconnects different areas, regions, identities, functions, and capacities existing in the configuration of a given experience – that is, in the nexus of distributions of the police order and whatever equality is already inscribed there, however fragile and fleeting such inscriptions may be.”

A community becoming aware that that they are a community of EiJ then is an insufficient subjectification to be properly political, the political, the ontological dimension, must also evoked and challenged. Political subjectification unfolds through staging/enacting equality existing in the act (Swyngedouw, 2011), and it is this that constitutes a political procedure through the exposing of a wrong (Swyngedouw, 2014). Political subjectification is the refusal of the identity imposed by others, a refusal to observe the ‘place’ delineated by the police (Swyngedouw, 2011), changing the (ac)count that is given by the police order (Rancière, 1995).

Rancière helps one conceive of a whole social order and, crucially, what intervention upon it is. It does not matter what the dynamics of the systemic production of EiJs necessarily are, but it is important to recognise that EiJs are systemic, ‘they did not happen by accident’, but they can be intervened upon, their (re)production is not, or as a result of, a divine rule of nature. To bring about a meaningful intervention, a change in the police, a ‘shift in the playing field’, a political act is necessary where an injustice, a wrong, is exposed, and equality is performatively staged and demanded.

3.7 Conclusion

This Chapter has introduced the key concepts and theories that are used in this thesis to explore and discuss the emergence of EJ discourses in England, their presence, and their political potential. The conceptualisation of EJ as a frame not only helps explicate some of the EJm's key features, but the analysis of EJ as frame also helps bring into light a disparity between EJ's radical diagnosis and its prognosis. The question of why and how this disparity exists runs parallel to one of the central aims of this thesis: to explore EJ's political potential. The US EJm and EJ frame is one which is viewed to possess both radical political potential and democratic potential, in both the demands it makes and the means through which it attempts to achieve them. However, despite this, the US EJm appears to operate in ways that undermine the aims of both the movement and frame, and the legitimacy of these claims. Congruently, as the Chapter then goes on to explore, the context within which EJ operates is distinctly hostile. By then exploring literature on post-politics, post-democracy, and theorisations of *politics* and *the political*, the chapter provides a foundation upon which to explore EJ's political potential accompanying the earlier discussion of EJ claim making, EJ as a discourse and EJ as a frame, to explore EJ's emergence and presence in England.

There has been a great deal of interest in EJ, from a grassroots activist point of view, a state point of view, and an academic point of view. Chapter Two detailed how EJ took off as a social movement in the US, while Benford's (2005) analysis (this Chapter) details how it evolved as a concept. Benford (2005: 50, 43) discerns EJ's diagnosis and prognosis. He cites several EJ diagnoses that 'imply radical corrective action', yet "the EJm's prognoses almost always fall short" and the EJm has shown a "reluctance to follow through on the radical implications of its own environmental justice framing by calling for sweeping systemic changes". Benford (2005) argues that the US EJm's deployment of 'justice' and the seeking of redress for Eij's through existing legislative and judicial systems ironically reaffirms the systemic status quo. This is significant because, as Agyeman (2002: 31) has pointed out, "the courtroom where environmental justice lawyers try to prove racial intent" is one of the two primary arenas of EJ, the other being activism.

It is EJ's grassroots activism which is purported to provide both a 'means' to obtaining its demands and the 'end' in itself. Faber (1998a) articulates this as EJ's adoption of the

principles of ecological democracy where the communities suffering EijS seek greater participation in decision-making and the management of their affairs. Faber (1998a: 8) sees EJ activists developing “new organisational structures that directly represent and promote [...] substantive democratic participation”. These organisations operating in civil society, would form a “critical link in translating the impulses from everyday experience into political demands for change (Habermas, 1987, 1998)” (Brulle and Essoka, 2005: 205). Brulle and Essoka (2005: 215) note that ‘a democratic and open movement’ is the self-assigned image and theoretical perspective of the EJm, however, in their analysis they find that not only is this overstated, but the EJ organisations they studied tended to be organised in a contrary fashion which “fundamentally undermine the ideological premise and legitimacy of this movement”.

This is commensurate to a wider trend and transformation in civic life that in part sees a movement away from “large-scale participatory membership organizations to oligarchically managed, professional advocacy organisations” (Skocpol, 2003, cited in Brulle and Essoka, 2005: 208). This is further problematic for EJ as “professional advocacy has also diluted the potential for broad-based civic engagement [...], mobilization capacity of civic institutions has declined, and concomitantly, their political power” (Brulle & Essoka, 2005: 208). The transformation in civic life is not unique to the US with Jordan and Maloney (1997) conceptualising the UK branches of Amnesty International and Friends of the Earth (England, Wales and Northern Ireland) as *Protest Business* organisations. Ulrich Beck (1997, 1994) and Anthony Giddens (1994, 1991) offer a possible explanation for this change with the rise of individualism, the end of collective identities and the politics entailed therein, and an acceptance that capitalism has ‘won the argument’, an acceptance of neoliberal hegemony. This is critiqued however, and instead seen as part of a post-political and post-democratic zeitgeist.

This then expands the exploration of the context within which EJ operates. The institutional configuration and politics advanced by Beck and Giddens, and exhibited by New Labour, is what a growing number of authors (Mouffe, 2005; Oosterlynck and Swyngedouw, 2010; Allmendinger and Haughton, 2011; among others) have begun to conceive of and critique as a *consensual* mode of governance that is expressive of a new *post-political* configuration. This is illustrated in this chapter with Allmendinger and Haughton’s (2011) analysis of New

Labour's Spatial Planning experiment, and as Swyngedouw (2011: 370-1) articulates, is something that:

“has apparently reduced political conflict and disagreement to either an ultra-politics of radical and violent disavowal, exclusion and containment or to a para-political inclusion of different opinions on anything imaginable (so long as it does not question fundamentally the existing state of the neo-liberal political economic configuration) in arrangements of impotent participation and consensual ‘good’ techno-managerial governance”

This leads on to a look at the post-political literature, and in particular the work of Jacques Rancière, which provides a theorisation of not merely *politics*, but also *the political*. This body of literature employs ‘the political difference’, splitting politics from within and using *the political* to refer to society's ontological dimension and *politics* to its ontic (Marchart, 2007). Post-politics is seen as a version of post-foundationalism that denies the possibility of a final ground, but posits the presence of competing contingent foundations that seek to suture the social and deny their contingency without ever being able to fully do so. The current post-political zeitgeist is seen as representative of a modern anti-politicism that goes further and aims at either the sublimation, or the colonisation, of the political (Marchart, 2007). *Post-democratisation* “is a particular procedure of colonization of the political” and this collective body of thought sees the past decades being marked by a process of de-politicisation and erosion of democracy (Swyngedouw, 2011: 373).

Adding to Mouffe's (2005: 10) claim that the hegemony of neoliberalism and its attendant claim of ‘there is no alternative’ is the source of much “incapacity to think politically”, it is argued that the processes of neoliberalisation are heavily implicated in these processes. In particular it is the *roll-out* aspects of neoliberalisation, and this is perfectly illustrated by returning to Holifield's (2004) exploration of the US EPA's engagement with EJ (Chapter Two) and viewing it as a propagation of a post-democratic governance arrangement. The correlation between the processes of post-politics, post-democratisation, and neoliberalisation can be seen. The correlation is exemplified by the changing neoliberal projects “epitomized by the Third-Way contortions of Clinton and Blair” (Peck and Tickell, 2002: 389). In fact, roll-out neoliberalism can very much be seen as a response to earlier effects of roll-back neoliberalisation, of which EiJ communities are arguably a result (see Chapter Two). As Peck and Tickell (2002: 389) argue, Clinton and Blair's ‘Third-Way contortions’ were “concerned specifically with the aggressive reregulation, disciplining, containment or those marginalized or dispossessed by the neoliberalization of the 1980s”. Neoliberalism, for Peck and Tickell

(2002: 400), has shown a capacity to capitalise upon “the very economic cycles and localized policy failures that it was complicit in creating, and to erode the foundations upon which generalized or extralocal resistance might be constructed”.

However, Holifield’s (2004) research also points to the limits of technocratic management and attempts at de-politicisation. Holifield (2004: 400) reflects upon Peck and Tickell (2002) to ask the question: “have the politics of environmental justice succumbed to the fate of other partial progressive projects”; or, despite the processes of roll-out neoliberalism increasingly embedded in civil society, do the new points of vulnerability in its project that have opened up enable “environmental justice activism become one of the new “basing points”” of a politics of resistance? Mouffe’s (2005) critique of Beck, Giddens, the Third Way, and a proposed consensus governance arrangement also raises questions for an EJm or EJ discourse that can adopt, as Harvey (1996: 389) describes, “a non-negotiable position of intense moral rectitude untouchable by legal, scientific, or other rationalistic discourses”. Thus, the debate on post-politics and post-democracy is apt for exploring these questions with its provision of a conception of the contemporary context, and the ways in which it seeks to maintain itself, when exploring the concept of EJ or an EJm that challenges and seeks to alter it. It is the ideas and concepts of Jacques Rancière in particular that are useful here with his advancement of an emancipatory political project that has strong resonances with EJ and provide the framework to explore the political dynamics of EJ in England.

Drawing upon Rancière, the production and causality of EiJ is conceptualised as part of a neoliberal *police* order. EiJ is seen as a *wrong* within the police that may be challenged through politics that acts upon and changes the police. Hajer (1995: 59) argues that actors’ interests are “intersubjectively constituted through discourse” and that new discourses may alter “perception of problems and possibilities”. Thus it is conceivable that new discourses are a potential vehicle for politics, offering an alternative, and an alteration of the *partition of the sensible*. Together with the concept of a discourse coalition (Hajer, 1995), this material provides a conceptual context and means through which to explore the emergence of EJ discourses in England, the subject of Chapter Five. In Chapter Six, Rancière’s ideas are used to explore the operation of the police against EJ claims, which are made in a mobilisation against a ‘classic’ example of EiJ in the case study of this thesis. Before moving on to the

above mentioned discussion, however, the following chapter describes how the empirical research was carried out.

Chapter Four

Searching High and Low for Environmental Justice: Investigating an ‘Elite’ Import and a Classic Local Mobilisation

4.1 Introduction

As discussed in Chapter One, this project focuses on exploring environmental justice (EJ) discourses in England. Although EJ has remained a central focus of the project since its inception, the topic and research design have undergone numerous developments and transformations since 2008 when the project originally started as part of a CASE (Co-operative Awards in Science and Engineering) Studentship Award, jointly funded by the Economic and Social Research Council (ESRC) and Friends of the Earth England Wales and Northern Ireland (FoE). This chapter aims to describe the evolution of the project, as well as explain and justify the methods and approaches that were employed to produce, analyse and interpret the empirical data. In order to address the research objectives and critically explore the topic, a sample of ‘elite’ civil society actors were interviewed. These actors (including NGO (Non-Governmental Organisation) actors, activists and academics) work in diverse positions within academic, environmental governance and NGO circles in the *United Kingdom* (UK)¹⁸, and thus are well positioned to comment and reflect on how discourses of EJ have emerged and developed within England. In addition to the elite interviews, a relevant case study was also selected and analysed. The case study, which is situated in Sinfín, Derby, concerns the local mobilisation against a proposed incinerator in the vicinity. Given that Sinfín is a relatively marginalised area that suffers from a number of environmental *injustices*

¹⁸ Some participants, most notably those who had an engagement with Friends of the Earth Scotland, were and remain active within the UK more widely and were able to provide insight into EJ in the UK as well as specifically England.

(EiJs), the proposed incinerator and community mobilisation against it provides a useful opportunity to explore how justice claims are framed by those experiencing EiJs in England, and the processes through which these claims are heard, reframed or disavowed.

The chapter begins by introducing the study as a CASE Studentship that underwent, roughly, three evolutionary research-design changes before it arrived at its current focus and form. The changes in the research design, the reasons behind them, and the effects they had on the study, are briefly described before a more thorough explication of the final research design and methods used is presented. The study adopts a qualitative approach and employs qualitative research methods that have not changed from the original ‘proposal’ (See Appendix 2). The data production is comprised of two phases: data produced through a set of semi-structured interviews with ‘elite’ civil society EJ actors; and a case study of an EiJ mobilisation against an incinerator. How the data was produced, analysed and interpreted is detailed in the latter sections of the chapter, followed by some critical reflections on the difficulties this study faced.

4.2 PhD as a CASE Award

CASE Studentships¹⁹ were “awards for research students to carry out projects in the Social Sciences in collaboration with non-academic organisations either in the private, public or third (voluntary) sectors” (ESRC, 2010: 9). According to Demeritt and Lees (2005: 128), CASE Studentships partly reflected a concern of governments to justify public financing of university research. In the UK, CASE Studentships aimed “to harness university research more closely to the goals of national competitiveness, regional economic development and local regeneration”. CASE Studentships were part of a government attempt to establish a ‘third-stream’ of university funding, alongside the more traditional elements of teaching and research (OST, 2004 cited in Demeritt and Lees, 2005). This was done in order to “encourage the dissemination, use and especially commercialization of university research findings” (Demeritt and Lees, 2005: 128). The policy context wherein UK Research Councils, such as the ESRC operate, is one where discussion about collaborative research has largely been

¹⁹ It is worth noting that CASE Studentships have been discontinued by the ESRC.

imagined “as a vehicle for so-called knowledge transfer: transferring good ideas, research results and skills between universities, other research organisations, business and the wider community to enable innovative new products and services to be developed (OST 2004, 2)” (Demeritt and Lees (2005: 128). These awards were previously made to academic departments who then advertised and nominated a student to carry out the project (ESRC, 2010). CASE Studentships, as well as procuring a financial contribution from the CASE partner, were designed in such a way that the participating PhD student would be able to gain skills and experience both in an academic and a non-academic environment, allowing them to become better equipped for employment in either sector (Demeritt and Lees, 2005).

The original CASE Agreement for this study set out a research design to carry out a project entitled *Rethinking environmental justice? Analysing public and policy discourses in North East England*. The research aimed to “investigate how principles of environmental justice are being articulated and developed by non-governmental and policy actors in North East England” (CASE Agreement, see Appendix 2: 2). More specifically its research aims were:

- 1) “To conduct a systematic review of how principles of environmental justice are being articulated and developed by non-governmental and policy actors in the North East.
- 2) To evaluate the achievements of a selection of local campaigns that have in different ways engaged (or not engaged) with the language of EJ to pursue their goals
- 3) To assist non-governmental and public policy actors to design a statement of regional environmental justice principles.
- 4) To draw together and critically develop social science research on environmental justice, social mobilisation and regional environmental governance”

(CASE Agreement, see Appendix 2: 2).

This original research design selected four case studies seeking to examine EJ in a different way in each: as a defining, emergent, implicit, and latent principle. Two of the case studies were directly related to FoE’s activities in the region, namely: a community group that formed after a FoE pilot project in Teesside; and FoE’s North East Networking Project which ran from 2006-2009. The other two case studies concerned a campaign group that was successful in opposing an incinerator, and the Community Reuse and Training Enterprise (CRATE) initiative.

As part of providing skills and development opportunities to PhD researchers, this CASE Studentship with FoE offered the following:

- “Build skills across a broad portfolio of research methods

- Acquire work experience in a voluntary sector non-governmental organisation and during a crucial phase in its development as an EJ organisation
- Secure a good understanding of the practical workings of environmental policy including decision-making, campaigning and citizen participation
- Gain experience of working in a non-academic environment and in learning how to communicate research findings to non-academic audiences and users” (CASE Agreement, see Appendix 2: 4).

FoE’s EJ work and interest became evident in the mid-1990s when it connected “issues of industrial and transport pollution and degraded environments with social, health and local economic concerns” (CASE Agreement, see Appendix 2: 6). The region of the North East of England has been particularly significant for FoE in its ‘development as an EJ organisation’. Indeed, since “2000[,] North East England has been the main expression of [...FoE’s] EJ focus in the UK and has involved working with communities on Teesside and engaging in policy discussions with regional bodies such as the North East Assembly and One North East economic development agency” (CASE Agreement, see Appendix 2: 6). Thus, this very CASE Studentship was complementary to FoE’s attempt to advance its EJ agenda in the region and to “actively and consciously articulate and promote EJ to policy makers and to communities” (CASE Agreement, see Appendix 2: 7).

This original CASE Studentship can also be seen to represent an interest in the geographical and governance scale of the ‘region’, and efforts to harness university research for regional economic development and competitiveness. The regional tier of governing was pursued by the Tony Blair *New Labour* government, which came into power in 1997. It marked an addition to the hierarchical two tiers of central and local government, which dominated under the government of Margaret Thatcher in the 1980s. The principal drivers behind the interest in the regional scale (or tier) of governing, can be seen as an attempt to address an economic and democratic deficit (Jones, 2001). The regional scale was seen as one able to support and attract business, as well as make the region globally competitive (Jones, 2001; MacLeod & Jones, 2001).

The devolution and purported increase in democracy potentially provided by the regional tier of governance is something that chimes well with the EJ frame. However, like the version of EJ produced by the Clinton administration’s Environmental Protection Agency (see Chapter Two), the institution of the regional tier to address an economic deficit and increase

economic competitiveness, can be viewed as part of a roll-out of neoliberalism. The same can be said of CASE Studentships aiming to direct university research towards the goals of “national competitiveness [... and] regional economic development” in the context of *justifying* the public financing of university research (Demeritt and Lees, 2005: 128, emphasis added). This institutes the market into the university sector. Higher education and research is no longer justifiable for reasons such as it being a public or wider societal good, but must be justifiable according to the market. Further, the CASE Studentship, which procures a financial contribution from the CASE partner, ties in with Mouffe’s (2005: 63) description of New Labour’s enthusiastic adoption of ‘public-private partnerships’ (see Chapter Three), that is, “paradigmatic of the third way: neither state (left) nor private sector (right), but their supposed harmonious partnership”.

The region of the North East in particular was seen as a region in England most likely to be receptive to the development of the regional scale of governing. With an assumed strong regional identity, in 2004 the North East was used as a test-case with the conduction of a referendum concerning the prospect of elected regional assemblies. However, the North East rejected the proposal²⁰, and in April 2009 the North East Assembly was disbanded. Following the election of the Conservative and Liberal Democrat Coalition government in May 2010, the Communities and Local Government Secretary, Eric Pickles, quickly signalled a move away from the regional tier of governing (Pickles, 2010). Following a June 2010 coalition announcement, the North East’s Regional Development Agency, One North East, ceased operation in March 2012.

The regional element was reflected in the original research design set out in the CASE Agreement and it was part of FoE’s interests. However, through the abandonment of the regional tier of governing and other significant developments in the research process, the research design and focus outlined in the CASE Studentship Agreement underwent substantial changes. For example, besides the declining focus on the regional scale, various issues with the proposed case studies also prompted a shift in the research focus. In particular, with one exception, the proposed case studies were either in the process of winding down or they were no longer going concerns by the time the Studentship commenced and the fieldwork was being planned. This might also be something that CASE

²⁰ For a better understanding of ‘Why the North East Said No’ (see Rallings & Thrasher, 2005).

Studentships, or other projects where the research design and topic are designated in advance, are particularly vulnerable to, given the additional time required after designing the research to secure funding, advertise and nominate a student to carry out the research and then for the nominated student to begin the project. The evolution of the research design and focus are discussed in the following sections.

4.3 Evolution of Research Design

The research design and topic as detailed and defined in the CASE Agreement (Appendix 2) were not ‘set in stone’. Within reason, it was possible to adjust the research topic, while the research design would then be drawn up according to what the project sought to explore. This was to be defined by the researcher and the CASE partner’s interests, and it would be guided by the academic supervisors. As is clear from the previous chapters, the core focus on EJ was maintained throughout the project. As discussed above, the focus on regional governance was initially removed as an a priori focus because of uncertainties about the future of the regional scale of governing, and also as a desire not to assert its relevance beforehand. It was then eventually dropped completely as the project moved in a different direction. Through these changes, it was *initially* decided that FoE should be put at the centre of the project design.

The research project as a CASE Studentship presented a tremendous opportunity, from both a personal interest point of view and a research perspective, to study and work with FoE, one of the UK’s largest and most influential environmental NGOs. Part of the CASE Studentship’s premise of providing additional skills and experience for the researcher was a three-month work placement with the CASE partner, FoE, as well as access to the organisation and its associated resources. In addition to the three month placement, the CASE Agreement (Appendix 2: 7) detailed:

“Our support for the project and student would include: access to project, management and specialist staff including project and management supervision; access to research facilities and reports; [...]; involvement in projects which will bring opportunities to engage with our community contacts and volunteer; attendance at conferences, seminars, internal briefings and training events; access to regional forums and meetings with our key contacts and decision makers to help disseminate findings; provision for further dissemination through other regional events we organise”

FoE then, as seemingly one of *the* key actors involved in establishing and furthering the EJ discourse in the UK, provided a natural and obvious actor to study in order to explore EJ discourses in England. As the sole focus and source of data, the revised research design proposed to trace how the discourse of EJ had emerged and developed in its present form, as well as EJ's status and prevalence within the organisation and its outward projects. It was intended that the three months designated to be spent in FoE's offices would form the principal portion of the fieldwork period where data would be produced. The CASE Studentship Agreement provided a rare opportunity to conduct an in-depth ethnographic case study of EJ in and for FoE, whilst incorporating the data production component of the project into the placement provided an efficient use of the research time.

However, this research design did not come to fruition, largely due to difficulties in communicating and engaging with FoE. These difficulties constitute one of the most significant obstacles faced by this research project, the research design, and myself as a researcher²¹. It became increasingly difficult to elicit a response from emails sent to the FoE supervisor. These communication difficulties resulted in a delay in accessing FoE and the commencement of the 'work placement', which in the end did not materialise at all. These delays, difficulties and developments in this regard resulted in an evolving research design that undertook two further changes before reaching in its resultant final form.

First of all, due to delays in the materialisation of the 'work placement', the research sample was broadened beyond FoE in an attempt to keep the research project moving forward while waiting to hear from the organisation. Part of the thinking behind this was derived from the growing feeling that, from the nature of correspondence with the FoE supervisor, FoE may not be stable enough to study, and consequently that if FoE were undergoing internal changes at a rapid pace, then it would make studying the organisation problematic. The broadening of the sample came in the form of finding out what other organisations FoE engaged with in regard to EJ issues. This shift maintained the principal focus on FoE, with the aim of building up a supportive picture around FoE and their EJ actions.

²¹ The impact these difficulties had on myself are covered in greater detail in the 'Critical Reflections and Difficulties' section at the end of the chapter.

Communication and access difficulties continued until late 2010. With the research project having commenced in October 2008, and designed to be completed within three years, this presented a significant problem. The difficulties with FoE meant that it was only in the third year of the research project that access was obtained to the core participants and identified subjects, who have the highest profile, visible presence, and influence with regards to EJ in England and its emergence. The delays were such that it was not feasible to wait to gain access to FoE if the project was to be completed within the designated three years, or even with the additional fourth ‘continuation’ year. Thus the decision was made to redefine the research design once again. This final form reduced FoE to just one actor engaging in the EJ discourse in civil society in England. No central relevance or empirical sampling weight was placed upon them.

Through engaging with the literature and various EJ actors, it became clear that EJ has not taken off, or emerged, in England in the same way, or to the same *extent*, as it has in the US. Keeping this in mind, the *barriers* to EJ discourses within the English context developed as a keen point of interest. This then developed as a desired research focus of the project, which was also reflected in the original CASE Agreement’s intended analysis:

“In undertaking this analysis, the project will assess the opportunities for and barriers to the adoption of EJ principles by different kinds of actor. The project will contribute to theoretical debates about EJ by (a) examining whether it is possible to identify a distinctively regional form of EJ discourse and action, (b) establishing whether the core concepts of EJ are being re-shaped as a result of their use by policymakers and non-governmental actors and (c) advancing social science research on the translation of EJ principles and actions” (CASE Agreement, Appendix 2: 2)

As explained above, any regional focus had dissipated at this point. Additionally, there appeared to be fewer instances of actors engaging with an EJ discourse in England. While EJ clearly had nowhere near the status it managed to achieve in the US, it also appeared that it was not achieving the level of success that was once hoped or predicted for it (see Agyeman, 2002). Indeed, from the time the Studentship was designed, it seemed as though its presence might in fact be receding. Together with my research interests, a focus on the *barriers* to EJ was thus brought to the fore. Relative to the expectations and hopes that appeared to be abound around the time of EJ’s emergence in the UK (around the turn of the millennium) to the mid-decade when the Studentship was conceived, EJ could be viewed as having failed in the UK. This, in turn, also affected the scale at which the study sought to investigate EJ discourses.

As will be discussed in Chapter Five, it appears that EJ in England, unlike in the US, was imported by FoE and elite actors, rather than emerging from the grassroots up. The final research design thus abandoned FoE as a principle actor of interest, instead, still conceptualising the organisation as a major and important actor, but as merely one within an ‘ecology’ of environmental and social organisations engaging with, and having played a role in, the emergence of an EJ discourse in England, as well in its contemporary manifestations. The decision was thus taken to focus attention on civil society actors because this was where an EJ discourse appears to have been most visibly taken up in the English context. While the ecology was being investigated, interviews were conducted with elite civil society actors. This provided an account of the elite views of EJ and its emergence and development in England, which subsequently formed the first part of the empirical fieldwork. The second part consists of a case study of a local mobilisation, which could be conceived of as a case of EiJ in England. It should be noted that while this covers the changes in the research design from a data production point of view, the focus of the research and the analysis have continued to shift throughout the latter stages of the PhD. While most changes have been subtle and of an argumentative nature, there was a significant shift in the study away from being an institutional/ organisational type study to being a political one. In addition to these above-mentioned data sources, documentary sources, internet searches, event attendance, alongside academic and grey literature helped build a bigger picture and contextualise the specific research topic.

4.4 Interviewing the Elite Actors

With little word from the FoE supervisor, the decision was made to get out and start talking to people. At the same time as the interviews were being conducted, the organisational sampling was refined to provide what I have described as an ‘ecology’ of EJ in English civil society. The ecology of EJ actors was built up through a mapping exercise which aimed to explore which organisations in England are engaging with EJ in various forms and to various extents. Organisations that appeared prominent in an initial search were examined in greater detail, with the aim to provide a selection to study further. The ecology of organisations

created through this exercise revealed a number of relevant organisations of varying sizes and characteristics, as well as with different ways of working with EJ (see **Table 4.1** below).

These organisations do not reflect a spectrum of EJ actors and organisations operating in England (there are not enough actors engaging with EJ in England), but rather a selection of the bigger and more distinct crystallisations of EJ that have taken place in this context.

Table 4.1: EJ Ecology

	Organisation focus and engagement with Environmental Justice
Capacity Global	Explicitly EJ, upfront, sole focus, think-tank.
Friends of the Earth	Explicitly EJ, large well established NGO, Westminster focus, membership organisation.
Black Environment Network	Implicitly EJ, ethnicity focused, membership organisation.
Women’s Environmental Network	Explicitly EJ, gender focus.
Environmental Law Foundation	Explicitly EJ, law focus.
Green Party	Implicitly EJ, Political Party (although not, previously at least, tribally party political).
Friends of the Earth Scotland	Explicitly EJ, had significant success with EJ.
Plane Stupid	Latently EJ, direct action approach, aviation focus.
So We Stand	Explicitly EJ, direct action and popular education approach.

Using this ecology as a guide, various actors were contacted and interviews were arranged.

The sampling technique used to set up these interviews is akin to what Maarten (Hajer, 2005) describes as ‘helicopter interviews’. Essentially these are interviews with key actors and experts who can give an overview of the field (Hajer, 2005). With a few participants selected initially, a *snowball sampling* technique was then employed, whereby participants were asked to suggest other actors or individuals who may be of interest or value to speak to (Valentine, 2005).

Using this ecology as a starting point, *purposeful sampling* (Longhurst, 2010) was combined with the snowball sampling to accrue a total of 22 in-depth interviews with elite actors (see **Table 4.2** below). The sample included interviews with a wide range of actors involved in environmental governance and environmental politics within the *UK*, including academics, activists and NGO actors. These participants were selected because either they or their organisations are or were visibly engaging in EJ discourses and EJ-related activities. As EJ discourses in England appear to have been mainly imported and have manifested primarily among elite civil society actors, these were the participants sought. Given the qualitative and

in-depth nature of the interviews, 24 interviews were deemed sufficient, particularly in light of the fact that the interviews formed only one component of the empirical fieldwork. It is visible from the table below that there is significant crossover between the participants and the activities and organisations with which they engage.

Table 4.2: Individual actors interviewed and the organisations they are/were associated with.

Participant	Organisation/Occupation	Date Interviewed
Anon ²² – London Campaigns Specialist	FoE	16/11/2010
Simon Bullock – Senior Campaigner in Science, Policy and Research	FoE	07/02/2011
Elaine Gilligan – Head of Policy and Campaigns Department Programmes	FoE	21/03/2011
Anna Watson – Senior Rights and Justice Campaigner	FoE	17/03/2011
FoE Supervisor	FoE	~ 22/03/2010
Anon - Former Community Development Worker	Former FoE	16/09/2010
Charles Secret – ex-Executive Director	Former FoE	27/10/2010
Jonathan Porritt – ex-Executive Director	Former FoE	09/02/2011
Kevin Dunion – ex-Chief Executive.	Former FoE Scotland	20/09/2010
Eurig Scandrett – former Head of Community Action	Former FoE Scotland; Academic	12/07/2010
Judy Ling Wong – President	Black Environment Network	16/08/2010
Nic Vincett – Policy & Research Officer	Capacity Global ²³ (Policy & Research Officer)	26/08/2010
Chris Church – Former Local and Regional Manager (1990)	Former FoE; Associate of Capacity Global	21/01/2011
Bernadette Vallely – Founder and Director	Women’s Environmental Network and former FoE	05/05/2010
Susan Buckingham	Academic	02/03/2011
Polly Higgings	Trees have Rights; Ecocide is a Crime	20/01/2011
Diana Schumacher	Schumacher Society; Co-founder of the Environmental Law Foundation	01/10/2010
Dan Glass	Plane Stupid; So We Stand	14/09/2010
Sara Fuller	Academic	06/07/2010
Julian Agyeman – Co-founder of BEN and former Chairperson	Academic; Black Environmental Network;	30/07/2010
Karen Bickerstaff – Project Instigator	Academic	29/09/2010
Sara Fuller	Academic	06/07/2010
Gordon Walker	Academic	03/12/2010

²² Participants were given the choice of how they wished to appear in the research. Some participants wished to remain anonymous.

²³ It is worth pointing out that I did attempt to interview Maria Adebawale, Director of Capacity Global (now Living Space Project), as she was identified as a key person early on who has played a pivotal role in the emergence and furthering of EJ in England. Through my research, Ms Adebawale’s name cropped up in many reports, events, and elite participant interviews. Unfortunately I was unable to interview Ms Adebawale as, like many participants, she is very busy. When I eventually did manage to organise an interview with her, an event outside of our control prevented the interview from taking place.

Tony Grayling	Former Institute of Public Policy Research North	26/07/2010
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To conduct the interviews with the elite participants, a semi-structured interview schedule was designed consisting of open-ended questions (see Appendix 3). According to Kitchen and Tate (2000: 213), “[o]pen-ended questions mean that the interviewee’s responses are not constrained to categories provided by the interview; respondents can give whatever answer they wish. It is hoped that open-ended questions better reflect a person’s own thinking”. Using this semi-structured, or interview guide approach, thus allows for greater flexibility during the interview process. Whilst key topics and questions are prepared in advance, during the interview it is not necessary to cover all these topics and questions, nor is it necessary to adhere to a particular wording of questions, or a particular sequence of questioning. Consequently, “the interviewer has much greater freedom to explore specific avenues of enquiry, and logical gaps within the data can be anticipated and closed” (Kitchin & Tate, 2000: 214). The questions that broadly accompanied the interviews, although tailored to each participant and largely unstructured, revolved around how EJ emerged in England (including key events, personnel, organisations), its current state (generally, and specific to each participant), as well as the potential outlook for such a discourse in the future.

While conducting the interviews, time was taken at the start to explain the focus and purpose of the study, and to obtain informed consent from each participant (see Appendix 4). Due to the semi-structured interview approach, the interviews varied in length (between roughly 30 and 120 minutes), and were conducted in locations that were convenient for the participants. All the interviews were recorded with a digital Dictaphone with the permission of the participants. Recording the interview in this fashion was useful because not only did it facilitate an accurate account of what was said during the interview, which helped ensure the validity of the subsequent analysis, but it also enabled me to “concentrate fully upon the discussion rather than trying to balance conversation and note-taking” (Kitchin & Tate, 2000: 218). This particular interviewing technique was appropriate for this study because it allowed for the collection of rich and detailed information from the sample (Hoggart, Lees, & Davies, 2002). Some participants requested that they be able to look over any quotations before publication. The participants who requested this, and whose data was included in this thesis,

were sent their included data to check over, and any requested changes were duly made. No changes that were made substantively affected the meaning of the participants' data.

As mentioned previously, the elite interviews reflect only one of the data sources used in this research project; the following section details how additional data were produced drawing on the Sinfin case study.

4.5 Case Study of a Local Mobilisation

Whilst the first stage of research provided an account of the emergence and presence of the concept of EJ among elite civil society, it neglected the grassroots and the community level, which was the 'location' where the EJ movement (EJm) emerged in the US. Investigating EJ at this scale in England made sense because, as Buckingham and Kulcur (2009) indicate, it is this geographical scale at which the impacts of EiJs are most strongly perceived.

Investigating what is happening at the local level thus provides an opportunity to explore what is happening 'on the ground' in England, in other words: whether mobilisations are taking place in England with regard to EiJs; what form these sorts of mobilisations take, for example, local mobilisations against locally unwanted land uses (LULUs); whether the language, labelling and framing of EJ *is* taking place in England at the grassroots level, and if not, why is this the case; as well as analysing what competing discourses are then prevalent in this context. From speaking to the elite actors, literature reviewing, internet searching, and then also latterly analysing the case study data, it was revealed that there is not much, if any, evidence of the explicit language, labelling and framing of EJ emerging or taking place organically at the grassroots level. However, this does not mean that there are not any EiJs in England, or that there are no community mobilisations in opposition to them. Thus investigating what discourses, frames, and claims, *are* circulating at this scale in these situations, provides insight into how EiJs are conceived of in England by those suffering them and what the source and nature of these mobilisations are.

As such, a case study of a local mobilisation around a proposed incinerator in Sinfin, Derby was selected, with the following focus and objectives:

1. What caused the local community to mobilise against the development?
 2. How did the local community mobilise themselves?
 3. What were the competing discourses prevalent in this context?
- (See Appendix 5, One Page Summary for Case Study)

A case study approach is an appropriate method for this study because, as Denscombe (1998) describes, these approaches have the advantage of being holistic rather than based on isolated variables or factors, allowing the researcher to deal with the subtleties of a complex social situation. Yin (1994: 13) describes case-studies as empirical studies which “[i]nvestigate a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident”. Multiple methods and data sources are common with case-studies to capture the complex reality under investigation, facilitating triangulation and the validation of data. Case studies are particularly sensitive to context and developing ‘thick description’, which leads Gerring and Thomas (2007) to describe them as ‘process-tracing’, where the origins and nature of social changes that occur in specific settings are systematically traced. They are often the preferred strategy when ‘why’ or ‘how’ questions are being asked (Yin, 1994).

Case-studies, however, are often criticised for being idiosyncratic and having poor external validity. Arber (1993: 73) asserts that in “qualitative research, ‘the researchers’ primary goal is an understanding of social processes rather than obtaining a representative sample” (quoted in Henn, Weinstein, & Foard, 2006: 157). Due to the nature of case studies and their in-depth study of a single or a select few number of cases, the selection of the sample is not an issue to be given short shrift. There can be a variety of reasons for the selection of a case, and the indication of why a case was selected can point to where its use for generalisation lies (Gomm, Hammersley, & Foster, 2000). An often employed sampling method in case studies is theoretical sampling, which makes explicit the contribution that the case can make to the development of theory, by showing why the features of the particular case study are of theoretical interest (Henn, *et al.*, 2006). The goal, according to Eisenhardt (1989), is to choose cases that are likely to replicate or extend an emergent theory. Denscombe’s (1998) details several ‘grounds’ on which cases can be selected: typical instance, extreme instance, test-site for theory, and least likely instance. Transparent sampling strategies showing that the cases chosen for study do possess the characteristics claimed for them, telling the reader where warranted inferences can be drawn (Gomm, *et al.*, 2000).

4.5.1 Selection of the Case Study

The practice of case study selection did not happen in quite the clear linear fashion as the theory above would prescribe. Instead, the case study selected in the end had a more opportunistic nature. Nonetheless, where its value lies is well guided by the theory. This was particularly the case as the research design and focus continued to be in a state of flux throughout the project. Multiple different case studies were considered before the proposed mobilisation against an incinerator in Sinfyn, Derby was finally selected.

It is essential that at the time of the proposed development, the community in question already suffered from multiple socio-economic deprivations and industrial dereliction, and the plans to construct an incinerator in the area were met with local opposition²⁴. This particular mobilisation thus provided a case study in which to reflect on discourses of EJ in England at a local level. Indeed, when selecting a case study, I set out to identify a mobilisation against what could be conceived of as an EiJ, as opposed to what might be termed a NIMBY (Not In My Back Yard) mobilisation. For the case study to meet the criteria of being a case of EiJ, one where it was possible to investigate what discourses were circulating in local opposition, it was necessary to select a case study where the community could be conceived of experiencing, or prospectively experiencing, an injustice of some form, whether this would be through distribution, procedure, recognition, capability or other and/or a combination of these (discussed in Chapter One). Thus, a presence of any of these factors, or/and an additional burden, could be interpreted as an EiJ, as opposed to just an example of a NIMBY mobilisation.

The mobilisation against the incinerator in Sinfyn was recent, which was desirable as it would be possible and easier to talk to relevant actors, who would more likely be still involved in the area and have the case fresh in their minds/memories. Secondly, in the interview with Eurig Scandrett (12/07/10 – Interview), the prediction that anti-incinerator campaigns are likely to intensify was expressed. Waste plants possess the potential to carry multiple unwanted environmental ‘bads’, such as air pollution, smell, and noise (see Dunion, 2003). Incinerator campaigns do, as Scandrett (12/07/10 – Interview) suggested, look like they are intensifying. There are many new and planned developments in the coming and recent years. Thus, there will be a growing number of communities (potentially) experiencing similar

²⁴ Chapter Six describes the case study site and the local mobilisation against the incinerator in greater detail.

injustice at the same time. This adds weight to the relevance and generalizability of the Sinfin case study selected for this project, as there are many communities sharing similar experiences at present, and this is likely to increase in the near future. A mobilisation against an incinerator also represents a stereotypical or very common form of an EJ mobilisation, in that it is of a point location of a facility that can clearly represent a LULU, environmental hazard, risk, or 'bad'. There can be many different forms of EiJ, however, and studying a very common form of EiJ increases the generalizability and use of the study in providing insight into what is happening in this context in England. EiJs are not clear-cut however, and their existence can be very nuanced and influenced greatly by context (Bullock, 07/02/11 – Interview; Walker, 03/12/10 – Interview; Dunion, 20/09/10 – Interview).

In order to identify a recent incinerator campaign, I used the UK Without Incineration Network (UKWIN) website. UKWIN is a network of communities who help support each other campaigning on waste incineration:

“Founded in March 2007, UKWIN’s role is to help individuals and groups to develop the case against incineration, and in doing so support the UK-wide movement in favour of more sustainable waste management” (UKWIN, 2011b).

As it later emerged, UKWIN was something that Anna Watson (17/03/11 – Interview) of FoE helped set up while she was part of FoE’s waste team. Using UKWIN’s website, which contains an interactive map that shows “existing and potential municipal waste incineration sites” (UKWIN, 2011a), I was able to find local mobilisations that were on-going or recent. This also facilitated the selection of a mobilisation that could be practically studied in terms of ease of access to the site for myself. For these reasons, as well as those presented above, the mobilisation and campaign against an incinerator in Sinfin, Derby was selected as the most appropriate case study choice. Having free accommodation in nearby Nottingham was a great advantage, as this enabled me to spend a lot of time in Derby, Sinfin, exploring the area around the proposed incinerator site and getting to know the place and community, all of which brought greater depth and validity to my understanding and knowledge of the case. Whilst visiting the area as part of the fieldwork, I attended community events, conducted semi-structured individual and group interviews, as well as consulted web and grey literatures.

4.5.2 Access and Interviewing in Sinfín

Once the case was selected, the next issue involved purposively sampling and gaining access to actors who could provide insight into this case (Longhurst, 2010). The UKWIN website at the time provided information about on-going campaigns. This revealed two principle activist actors associated with the case study: Simon Bacon, Chairperson of Sinfín and Spondon Against Incineration (SSAIN); and Dorothy Skrytek of a local FoE group, Derby FoE. Gaining access to SSAIN and Derby FoE proved very difficult and ultimately fruitless. Simon Bacon and Dorothy Skrytek acted as gatekeepers (Valentine, 2005) and were key actors from these two groups respectively. Contact was made with both parties via email and a strained email exchange ensued. The emails were accompanied by a one-page summary of the research (see Appendix 5), much like that which was distributed to potential and eventual elite actor participants in the earlier part of the study. Again, this served to inform prospective participants about the study, hopefully interest them, and let them know how any data generated from their participation might be used. The exact phrase ‘environmental justice’ was extracted from this summary in this instance. The reason behind this was to preserve the question of what discourses and framings the participants were naturally engaging in without providing the words and frame of EJ.

The email exchange was with Simon Bacon, the Chairperson of SSAIN, and took place at a time when the outcome regarding whether the incinerator would be built or not was still not clear, and those opposing the incinerator were gearing themselves up for the prospect of having to fight a second public inquiry. During our email exchange, further information was sought by Mr Bacon on: who I was; what the research would lead to; how I got their contact details; how I would use their information; if I could display what my aims were; and if I had contacted other key actors in the case. Most of this information, to my mind, was already included in the initial email and one-page summary. Nevertheless I attempted to elaborate on my previous correspondence and provide all the information requested. It was thought that the level of suspicion displayed towards me may have had something to do with the fact that at this particular time the controversy of police infiltration of activist groups was hitting the news surrounding PC Mark Kennedy. To try to convince the organisation of my identity, links were provided to the web pages of the University Department of Geography, where my own presence and that of my academic supervisors’ could be found. The informed consent form to be used was attached to the emails, which further highlighted my ‘subscription’ to the

ESRC's framework for research ethics. I offered to anonymise their data and gave Mr Bacon the opportunity to pre-approve any data before publishing. Their right to withdraw their data from the project at any time was also highlighted. However, it was to no avail, and SSAIN politely declined to participate, citing extreme time poverty, along with the wish not to potentially jeopardise other anti-incineration campaigns.

Dorothy Skrytek similarly declined to be interviewed. Attempts to solicit an interview with her were made through SSAIN, FoE Derby, by both email and through phone calls. All these attempts failed. When attending the hearing questioning the decision made by the first planning inspector, Ruth MacKenzie, I took the opportunity to identify and sit next to Ms Skrytek and display the FoE logos I had on the project one page summary and informed consent form. This had the desired effect as Ms Skrytek approached me with interest in FoE. However, despite being willing to scribble some notes on a scrap of paper for me, the request for an interview was again turned down because she feared that the police might obtain access to any information given. In one final attempt, I gave Ms Skrytek an interview schedule and informed consent form that she could send back to the Durham Geography Department, but this again failed to reap a return. Having accepted both Ms Skrytek and SSAIN's decision, I informed them of my intention to continue investigating the case, noting that I hoped that this would not make them feel uncomfortable or generate ill-feeling.

Although insight into Mr Bacon and Ms Skrytek was offered by other participants, more direct input was desirable, and so their views were sought through alternative, publically available means. In the instance of Mr Bacon, this came principally in the form of his submissions during the Public Inquiry, which were available online through the council's planning pages. Another source of data of Mr Bacon, the development, and other actors involved, was the regional newspaper, the Derby Telegraph, published online at www.thisisderbyshire.co.uk. The use of newspaper data in the study of collective action and protests has become common place in recent years (Earl, Martin, McCarthy, & Soule, 2004). A critical literature has developed alongside it which has tended to focus on two types of bias, selection and description (Earl, *et al.*, 2004).

Selection bias entails to what extent, if at all, newspapers report on an event (Earl, *et al.*, 2004; Ortiz, Myers, Walls, & Diaz, 2005). This concern was not applicable here. The Derby

Telegraph was reporting on the developments around the proposed incinerator and the data here performed triangulation in the case study approach, plugging data gaps, corroborating existing data, and providing another angle. *Description Bias* concerns the accuracy of how the event is reported (Earl *et al.*, 2004). McCarthy, McPhail, Smith, & Crishock (1999, cited in Earl *et al.*, 2004: 72) distinguish between ‘hard news’ and ‘soft news’, and identify “three dimensions of description bias: (a) omission of information, (b) misrepresentation of information, and (c) framing of the event by the media”. *Hard news* concerns “the who, what, when, where, and why of the event”, and is found to be reported fairly accurately by newspapers, and so it is the omission of information that is the main concern (McCarthy *et al.*, 1999, in Earl *et al.*, 2004: 72). Errors and biases are more likely to be present in ‘soft news’ – “impressions and inferences of journalists and commentators” – particularly when the information is collected from other sources such as authorities or participants “[b]ecause these actors often have a stake in how the event is portrayed, the information they provide can be biased” (Earl *et al.*, 2004: 72, 73). Employing triangulation, and thus providing multiple accounts of the same event, Earl *et al.* (2004) contend, is one way to address both selection and description bias; indeed, according to Fuller (2014: 87, emphasis added), “[p]rior work finds that triangulation of sources has often validated the findings of research projects that *rely on newspaper data*”, which this study does not.

In Ms Skrytek’s case, I used the extensive and numerous comments she had made on/underneath the online publication of Derby Telegraph articles reporting on the case. The internet is achieving greater popularity as a site of social research (Morrow, Hawkins, & Kern, 2014), while discussion forums, blogs, and social networking sites are providing further “opportunities for social researchers to gather data in this very particular, but nonetheless popular cultural context” (Barr, 2011: 14). There are a number of issues with the use of the internet as a research tool, such as sampling and ethics, with questions of consent arising from a context that is both private and public in which people often contribute under a guise of anonymity (Barr, 2011). Self-selecting individuals providing anonymised comments “can provide social researchers with secondary data” generated through a contemporary discursive practice offering new “ways to identify public discourses on political issues that have [previously] been largely researched through surveys, interviews and focus groups” (Barr, 2011: 14).

Indeed, data gathered in this manner appears to have notable advantages. Barr (2011: 15) recounts Joinson's (1999: 25, 2005) argument that "the internet offers a discursive space that enables individuals to take advantage of both the anonymity and reduced social expectations afforded by virtual environments, so that 'people disclose more about themselves online compared to offline equivalents, and that much of that disclosure is more candid'". Barr's (2011: 19) own empirical research using comments left below an article published online by the UK newspaper *The Guardian*, appears to corroborate this position with forthcoming and strident views being expressed. Barr feels it "unlikely that the normative pressures of an interview or focus group would permit such potent comments from all but the most ardent individuals". That Ms Skrytek conceivably constitutes such an 'ardent individual' – being a renowned activist and campaigner in Derby – is less important than whether the comments can be attributed to her, as the principal reason for including this data was to fill a data-gap brought about by her declining to be interviewed. Despite the absence of the surety of identity and attribution provided by speaking to someone face-to-face, there is very little doubt that the comments that I drew upon were made by Ms Skrytek as she posted under *DerbyFoE*, for which she appears to be spokesperson like, and other identifiable 'commenter names' and content.

More widely, although this site and form of social research is in its infancy, other advantages may be seen, for example in "what Mann and Stewart (2000) term 'lurking'" (Barr, 2011: 15). In this setting "the researcher is able to observe without participating or being noticed in anyway" avoiding what would be difficult and problematic in an 'offline' setting, and offering, as argued by Joinson (1999, cited in Barr, 2011: 15), together with "the openness with which individuals express themselves [...], a unique opportunity to explore discourses unimpeded by researcher contact". Barr (2011: 20, 16) cites Hine's (2005) argument that the internet should be seen as "a cultural artefact in its own right", and citing Tremayne (2007), that discussion forums present a "new form of discursive practice, [...] have an important role in both new forms of politics and the creation of alternative social networks that express thoughts and ideas in new ways", concluding that they are therefore "important sites of practice in their own right". While this study is principally interested in *what* discourses are present and circulating in the context of the proposed incinerator development, without extending in depth into *how* they are circulating, this does present an avenue that may be

interesting to explore in the future, particularly in explorations of *framing* (Benford, 2005) or an *argumentative game* (Hajer, 1995).

The reluctance of both Mr Bacon and Ms Skrytek to participate in the research did, however, mark a point of interest. Insight in this capacity was offered by Shlomo Downen (20/06/11 – interview), the national coordinator of UKWIN, who mentored the activists mobilising against the incinerator. Mr Downen (20/06/11 – Interview) noted that a lot of energy and personal sacrifice goes into the activist role that Mr Bacon took upon himself, in particular when participating in a public inquiry. Had I sought participation from Mr Bacon and Ms Skrytek after they had won the first Public Inquiry, then Mr Downen believes they would have been more than willing to speak to me. However, according to Downen (20/06/11 – Interview) the prospect of having to ‘fight’ another battle filled Mr Bacon with dread. Mr Downen also indicated that the activists opposing the incinerator (Mr Bacon, Ms Skrytek, Cllrs Shanker and Turner) were not always ‘singing from the same hymn sheet’ and that this may have somehow further ‘put up walls’. The case was also not one without controversy, and there were, as we shall see in Chapter Six, significant other generators of distrust.

Gaining access to the two local ward councillors was straightforward and they proved very helpful gatekeepers. Both councillors Baggy Shanker and Robin Turner were happy to be involved in the research from the off. Cllr Shanker invited me to a Neighbourhood Board meeting²⁵, which took place during my visit to the study area. The campaign against the incinerator was widely regarded as activist-led and resident-backed. That is, though the practical campaigning activities were organised and led by the activists, they were supported wholeheartedly by the residents. This should not have the residents’ role conceived as merely supportive or somehow background however, as we shall see in Chapter Six they played a key role. At the end of the Neighbourhood Board meeting, Cllr Shanker introduced me and my research project to those present. Approximately 20 people were in attendance, with slightly more women than men, aged almost exclusively over 50. Sampling from this source did mean that the participants I attained had certain characteristics: they were civically engaged; and as it turned out, had actively opposed the incinerator. The second characteristic

²⁵ In Derby City, every electoral ward has a Neighbourhood Forum. These Forums are “open public meetings for all local residents, community organisations and businesses. They are chaired by a local ward councillor and are held at a local venue every two or three months” (Derby City Council, 2009). In this case study, the Forum meetings were the point of contact where all the actors opposed to the development would meet and mobilise.

was essential as I wished to find out what made people oppose the development. The first meant that I conveniently captured members of a local conservation group. At the meeting, I was also able to hand out the project one-page summaries and informed consent forms, as well as take down contact details to organise interviews at a later date. Unfortunately Mr Bacon and Ms Skrytek were not in attendance and I was unable to build a rapport with them or attempt to break down some of the trust barriers that seemed to exist. Given the stances of Mr Bacon and Ms Skrytek, Cllr Shanker's introduction may have proved instrumental in the residents' acceptance of me and their willingness to participate in the research, as he and Cllr Turner were well respected, liked and trusted by the resident participants and everyone who I came across in the area when discussing the proposed incinerator. **Table 4.3** below provides details regarding the interviews I conducted with different actors involved with the case study.

Table 4.3: The Sinfin participants interviewed in this study

Participant	Type	Date
Anonymous	Assistant Planner	09/06/11
Anonymous	Senior Management Council Member	14/06/11
Group1 – R1	Resident	24/05/11
Group1 – R2	Resident	24/05/11
Group1 – R3	Resident	24/05/11
Conservation Group – R4	Resident	23/05/11
Conservation Group – R5	Resident	23/05/11
Conservation Group – R6	Resident	23/05/11
Conservation Group – R7	Resident	23/05/11
Susan Boon – Resident, OSCAR, Streetpride	Resident	15/06/11
TMF – Tom Fülep	Resident	15/06/11
Anonymous	Member of Allotments adjacent to site	~ 06/11
Robin Turner	Ward Councillor	09/06/11
Baggy Shanker	Ward Councillor	17/06/11
Anonymous	Former Neighbourhood Manager	21/06/11
Kirsty Green	Local Journalist	~06/11
Chris Mallett	Local Journalist	14/06/11
Shlomo Downen – National Coordinator	UKWIN	20/06/11
Keith Konkador	UKWIN	16/06/11

As is evident from the table above, I conducted 12 individual and two group (of 3 and 4 residents), semi-structured interviews with a range of different actors who were either directly involved in the case or were able to comment upon its development and the area. During these interviews, I generally tried to tease out what caused the local community to mobilise against the proposed development, what the biggest issues were for different actors,

how the community conceived of themselves, their environment and the case in context. This enabled me to build up a rich picture of the case in context, how the proposed development was viewed and *framed* by different actors, what *claims* were being made by the residents or community (if any), and what *discourses* were permeating and circulating (see Chapter Three). Like the ‘elite’ interviews, all these interviews began with an introduction to the research and the informed consent forms (Appendix 4 & 5). With the participant’s permission, audio recordings were made of the interviews, which lasted between 30 minutes and 150 minutes.

Finally, I also attended a number of events whilst in Derby conducting my fieldwork in May and June 2011. These included the Neighbourhood Board Meeting and a court hearing (both mentioned above), a local fund raising and open day for OSCAR (Osmaston Community Association of Residents), a community centre that opened as a result of the mobilisation against the incinerator, and one of their meetings. Attendance at these events made me a familiar face around with those involved. At these events, I had many informal conversations with local residents, which confirmed the validity of what the formal interview participants had said and enabled me to generate greater depth to my understanding of the area and the case.

While the discourses of those opposing the development was the key point of interest, input/participants were sought from the developers of the proposed incinerator, Resource Recovery Solutions, but even with substantial persistence, such input did not transpire. Attempts to gain input from the Derbyshire County Council were similarly evaded.

4.6 Data Analysis and Interpretation

Both the qualitative material generated in the first part of this study (from the ‘elite’ actor interviews) and from the second part (the local mobilisation case study) were analysed in a similar fashion. There are various different approaches to the analysis and interpretation of qualitative data. Kitchen and Tate (2000: 229) give the examples of an interpretative approach (Patton, 1990), grounded theory (Strauss & Corbin, 1990), and a quasi-statistical

approach (Miles & Huberman, 1992), before reiterating Dey's (1993) argument that "despite differences in emphasis, the various approaches to qualitative analysis all seek to make sense of the data produced through categorization and connection". It is important to stress that data production and analysis are not discrete and distinct processes (Crang, 2003). So while this section principally details how the data produced was analysed, this will take place within a wider acknowledgement of the production of knowledge, and the research process as a whole being a messy iterative process, with non-distinct boundaries between the different phases of the research process (such as data gathering/*production*, analysis, and writing up).

The processes of analysis and the construction of knowledge is something that permeates and extends throughout the research process from the decisions about what to research and the designing of the research questions, to deciding what constitutes data itself. For example, deciding what to research entails an analysis of what to investigate in a particular field, while, as Allen (2003) notes, the questions the research asks will to a large part shape the data they produce. Then in the data production, as Masson (2002: 77) states, "however 'objective' you try to be in your records, you are continually making judgments about what to write down or record, what you have observed, heard and experienced, what you think it means". Likewise, Crang (2003: 129) highlights that decisions are made regarding "what gets dignified with being 'data'" and that "the work in the field itself transforms material into 'useful' (to us) information", therefore "material has already begun to be shaped prior to analysis". For Crang (2003: 138, emphasis added), all accounts are made, *fabricated*, but this is not a synonym for 'falsehood', instead we create an interpretation that is fabrication in the sense that it is a "process of constructing things". Analysis, Crang (2003: 129) argues, "tends to be a progression from 'data' through informal notes to more and more formal outputs". Crang (2003: 129) stresses that the data we produce are not findings, but "through analysis we make interpretations, not find answers".

To analyse and interpret the data for this study, I used a qualitative, interpretive approach (Crang, 2005; Kitchin & Tate, 2000). After the interviews were conducted with the research participants (in both phases of the data generation), they were transcribed. By re-listening to my interviews, transcribing the data and (re)reading over my transcripts, I was able to re-familiarise myself with the primary materials. Not only does this help one remember the context and thoughts one had relating to the material, but this re-familiarisation process can

also help one recall interesting happenings at the time, the ways one perhaps thought to interpret these events (Cook & Crang, 2007). This also helps ensure accuracy in the interpretation of meaning (Jackson, 2001). After transcribing interviews, I began to code them. The intention of coding is “to make the analysis more systematic and to build an interpretation through a series of stages” and encouraging a thorough analysis of the transcripts (Jackson, 2001: 202).

Coding, for Cope (2003: 445), “is the assigning of interpretive tags to text (or other material) based on categories or themes that are relevant to the research”. After transcribing the interviews I first engaged in *open coding* (Cook and Crang, 1997). This involved going through the interview transcripts very closely, line by line (Cope, 2003; Crang, 1997). Kitchen and Tate (2000: 237) suggest that effective interview transcription will start the development of “ideas about specific lines of enquiry” and will also entail the recording of notes about the meaning of the data itself, *memos*, and also your *ideas* about it. The process of open coding described by Crang (1997) is similar to Kitchen and Tate’s (2000) prescription of a thorough annotation of the transcript. The *ideas* generated by transcription (Kitchen and Tate, 2000), are what Crang (1997) refers to as *theoretical memos* in open coding. After going through the material, reading, rereading and annotating, topics may be identified and together with these memos, help clarify “salient or recurring themes that might be worth pursuing” (Crang, 1997: 186; Cope, 2003).

The next task was to go back over all the notes, annotations, and memos and begin to formalise them into codes or categories (Crang, 1997), or move from an *informal coding* to *formal categories* (Kitchen and Tate, 2000, emphasis in original). Open coding tends to produce concepts that closely fit the data, however, themes, codes, and categories may also emerge from a “query generated by the theoretical literature” and/or a combination of the two (Cope, 2003: 450). Cook and Crang (2007: 83, emphasis added) describe this part of the analysis as an *iterative process*, whereby one deals with contradictions within and between codes by going back to the data sources. As the authors argue, “it is only through this continual going back and forth from source to categories to source and so on that your codes will begin to become more consistent as you develop them to cover all of the incidents and differences in your material” (Cook & Crang, 2007: 85). Indeed, as Kitchen and Tate (2000: 239) argue:

“Creating categories is a continual process of development as you refine your ideas. [...] To do this effectively each category must be easy to identify and clearly distinguishable from others. [...] This does not mean that all categories are mutually exclusive [...]. These criteria should be conceptually and empirically grounded. That is, criteria should relate to the overall focus of analysis but should also have some empirical basis [...]. Dey (1993) thus suggests that categories should have an internal aspect (they must be meaningful in relation to the data – i.e., they should not be arbitrary) and an external aspect (they must be meaningful in relation to other categories).”

I entered the transcripts of my interviews into the qualitative data analysis software NVivo. NVivo makes it extremely easy to create codes and to organise and retrieve information. In NVivo, for both phases of the research, I created multiple codes; not just thematic, analytical codes, but also codes to collate information on particular actors, events and topics (some of which were identified beforehand, some of which emerged from the data). In the first phase of the research, for example, I created codes for FoE, Teesside and sustainable development. Codes, for Crang (1997: 188), “provide a means of conceptually organizing your materials but [are] not an explanatory framework in themselves”, they are “not there to be rigidly reproduced”, they are “an aid to the researcher”.

The core of qualitative analysis for Dey (1993, cited in Kitchen and Tate, 2000: 230, emphasis in original) “consists of the *description* of data, the *classification* of data, and seeing how concepts *interconnect*”. While description lays the basis for analysis, “analysis is more than just describing the data – we want to be able to interpret meanings, and explain or understand the data generated” (Dey, 1993, in Kitchen and Tate, 2000: 230). However, like the formalising of codes or categories above, the process more broadly takes on an iterative character. As Kitchen and Tate (2000: 231) argue, while classification and interconnection will not initially come before their preceding steps, “we can go back to modify the previous task[s] to take a new route into the next”. Coding, for Cope (2003: 451), “involves reading and rereading, thinking and rethinking, developing codes that are tentative and temporary along the way”. Developing a coding structure is “inevitably circular, sporadic and, frankly messy” (Cope, 2003: 451). Similarly, Jackson (2001: 202) shares Cook and Crang’s (1995) doubt that “higher-level coding should be left until a later stage in the process”, stating, “[i]n practice, it is almost impossible to read a transcript without simultaneously reflecting on the theoretical premises or conceptual issues that led one to undertake the research in the first place”. Among the rejection of the idea that analysis and coding is a clear linear processes whereby you follow step-by-step instructions, is also the rejection of the idea that it is a

discrete process that you can at some point declare that you have finished (Cope, 2003). This rejection of a discrete and linear process of analysis even extends the analysis process into the activity of writing up:

“Analysis is not simply an issue of developing an idea and writing it up. Rather, it is thinking by writing that tends to reveal the flaws, the contradictions in our ideas, forcing us to look, to analyse in different ways and to rethink” (Crang, 2003: 130)

While we have already raised the question of when analysis starts, this brings us on to the question of when it stops, and it is a question that is enmeshed in the construction of knowledge. In exploring the fictive and creative process of knowledge production and data analysis, Crang (2003: 138) explores the work of Michel de Certeau (1986) to highlight his arguments that “the story of our research frames the evidence we use [, ... and] it gives meaning to the things it claims are evidence of its truthfulness”. Interpretation, de Certeau argues, “is about turning our travels to and from the field into a *stockpile of knowledge*” to which we then make use of (Crang, 2003: 139, emphasis in original). De Certeau then asks, ‘why do we keep returning to the field to accumulate more evidence’; ‘why does our first venture into the field not prove sufficient’ (Crang, 2003). De Certeau suggests that our stockpiling of knowledge and the interpretation we produce, is not a solid proof, but a ‘piling up of insufficiencies’, a “putting together [of] things that do not in themselves offer conclusive proof” (Crang, 2003: 140). Similarly, de Certeau also critiques the idea of the leaning of our work on others, that since someone else has said something, it is proven, and that we may then treat it as a foundation upon which to argue. Instead, we should “see these stories as alongside each other, [...] not as accumulating layers but as an accumulation of *fragments* or ruins from previous work – in other words, a piling up of incomplete parts” (Crang, 2003: 141, emphasis in original). For Crang (2003: 140), the question this raises is “whether any amount of data gathering can finally answer a question, or whether our research journey always stops short of such a final ‘proof’”. The insufficiencies, the incompleteness, pushes us to strive towards completeness that can ultimately never be achieved (Crang, 2003). We can always generate more data, follow up another reference, “our interpretation is always shifting, contestable and more or less provisional” (Crang, 2003: 141). The decision of when to stop then is invariably one of pragmatics, reflecting “less an inherent logic of evidence and proof, and more an arbitrary point where we have to stop”, like for a deadline (Crang, 2003: 140).

There are a couple of other coding strategies that were also employed in the analysis of the data for this research. Strauss (1987, in Cope, 2003) outlines two other types of coding, axial and selective, while Kitchen and Tate (2000) discuss splitting and splicing. *Axial coding* is coding which “proceeds along an *axis* or key category [... allowing] the research to follow a particular category for a while as a way of resting its relevance” (Cope, 2003: 451-2, emphasis in original). *Selective coding* entails “a more systematic approach [...] that is done when a central or ‘core’ category is identified and followed” (Cope, 2003: 452). *Splitting* involves refining the data categorisation, creating subcategories of data within already sorted categories and codes. Kitchen and Tate (2000: 245, emphasis in original) advise that subcategories “should be *internally consistent* (e.g., the data within each should refer to the same things), be *conceptually related* to each other (e.g., all categories are variations on a theme), and be *analytically useful* (e.g., they relate to the aims of the study)”. *Splicing* on the other hand, involves the combining of categories/codes, it is a “search for understanding how different themes intertwine and relate to each other [... it is a] method of integrating, and not ignoring, relevant data that sit in more marginal (less central) categories” (Kitchen and Tate, 2000: 246). The purpose of splitting and splicing is to reassess and refine the data and its organisation, particularly in light of any revelations that emerged in the categorising of the data (Kitchen and Tate, 2000).

An example of axial coding employed in this research was ‘the emergence of EJ’. *Selective coding* undertaken in this research is precisely an illustration of the non-discrete, messy, iterative nature of the analysis and research process more broadly. An example of selective coding employed in this research is the ‘barriers to EJ’. The theme of the barriers to EJ, as well as being present in the CASE Agreement, emerged through the research process and was also present in the data itself. Data bits coded under ‘barriers to EJ’ underwent substantial splitting and splicing, a process that continued substantially into the writing (Chapter Five in this instance). It must also be noted that in the first phase of the research, selective coding was potentially employed more than desired²⁶. Due to the delays encountered in the research process there was less time available for analysis and writing up (not mutually exclusive processes as above) than desired. Access and gate-keeping issues in particular played a

²⁶ The second phase of the research, the case study, did not encounter the extent of difficulties the first phase did. The data generation, coding, and writing up was all conducted in a much more “linear”, straightforward, concise, time-frame and manner.

crucial role here. 'Higher level coding' took place on some participants' interview transcripts before others had been 'open-coded', transcribed, or even conducted. With the idea that one can remain impervious to the ideas and reflections generated by earlier research activities (whether that be coding a transcript or reading literature etc.) when engaging with subsequent evidence/data is false, this invariably means that interviews conducted earlier in the research process will have structured the interpretation of later interviews. Indeed regrettably due to time constraints, there were some interviews which did not undergo open coding and instead were coded with the codes already provided from earlier in the research process. So, not only did this unavoidable process take place in its usual pervasive manner, it also formally took place. This may have sidelined data from later interviews where earlier interviews had already provided central themes to pay attention to and structured interpretative lenses. However, the processes of splicing (in particular) and writing up, do, and did, provide a check against this being an overbearing influence. It should be noted that in undertaking the corrections given to this thesis, the interview transcripts which were not able to be open coded, duly were, and further coding ensued.

Nonetheless, despite qualitative research being acknowledged as a messy process, being thorough, systematic, and clearly stating how the coding and interpretation took place is required to avoid the common charge levied at qualitative researchers that they have jumped to premature conclusions reflecting their initial prejudices and "selected a few unrepresentative quotes to support" them (Jackson, 2001: 202). While the coding of interviews in the first phase of the research raises issues about the 'thorough and systematic coding and interpretation of data', there is also a debate about whether the codes and categories should come from the data, the participants, and/or the researcher. Strauss (1987), according to Crang (2003: 132), pushes "a process of constant comparison, where we develop categories to describe parts of our materials and then test them to see if they hold water". This is 'grounded theory' that entails an approach "somewhere between deduction – testing a previously formed question – and 'abduction'", a term used by C.S. Peirce "for developing knowledge where we are not trying to falsify hypotheses, but to develop plausible explanations through the data, to examine which ones are worth following up". According to Crang (2003: 132), "this runs counter to what others claim should be nearer induction, where we let our categories form through the data and we do not impose our ideas upon it". The tension that is highlighted here, is whether and how far "the analytic framework we develop

should come from our agenda or emerge from our materials” (Crang, 2003: 132). Similarly according to Jackson (2001), there is a need to distinguish between the language and terms used by participants and the researcher. Cope (2003) offers thinking about this in terms of two different stages of coding, the first ‘descriptive’ and the second ‘analytic’. Descriptive codes will predominately contain *in vivo* codes “that is, they appear in the text and we use respondents’ own words as codes” (Cope, 2003: 452, emphasis in original). Analytic codes, on the other hand, emerge after reflection upon “descriptive codes and a return to the theoretical literature” (Cope, 2003: 452). This distinction is elsewhere conceived of as *emic* and *etic* respectively (see Crang, 1997).

The question of emic and etic codes, categories, and language, as well as differences between the first and second phase of the research will be returned to in the following section, which aims to critically reflect on the research process as a whole.

4.7 Critical Reflections and Difficulties: Warts, Corrections and All

When reflecting on some of the difficulties faced during this project, three issues emerge as important to highlight. The first relates to the delays and problems gaining access to FoE, which ultimately resulted in various changes to the research design. Although briefly discussed earlier in this chapter, it is worth highlighting not only how these difficulties materially and practically affected the project, but also that the dynamics of these impacts occurred through a personal level on the project, including having personal implications in their own right.

As discussed earlier in the chapter, I made persistent attempts to contact the FoE supervisor to arrange the placement and gain access to the CASE Agreement’s prescribed participants. While attempts to set up the placement were evaded and in the end did not materialise, attempts to gain access to staff was also restricted. The FoE supervisor engaged in active gate-keeping by insisting that he would set up the interviews with staff. Eventually, after it was decided to drop FoE as a core focus of the project, I managed to persuade the FoE

supervisor to allow me to contact FoE staff personally and independent of him. Even then however, it was difficult to elicit a response from members of FoE staff. After much persistence, attempting to elicit response from a number of FoE staff through multiple mediums (email, phone, letter), I was told by one staff member that they had nominated a particular individual to talk to me (rather than interview a number of individuals as I had hoped). I then solely pursued and managed to set up an interview with the assigned individual.

It was difficult not to take the dealings with FoE personally as a reflection upon the project, my work, and myself. These dealings were generally a source of negative emotions, and at its worst, deleterious and debilitating. The changes in research design added to feelings of apprehension and insecurity about the research project. Indeed the project as a PhD, and as a process, has been an immense challenge, both on an intellectual and personal level. I do not think that the struggles that I have experienced during this process are unique to me, however. For example, I am aware of a significant number of my fellow students who have had to utilise the university counselling service and take time away from the PhD process because of mental health issues experienced during the process. Two of my colleagues, both incredibly capable students and people, who started this process at the same time as me, have since left. One left the process after four years with nothing by way of qualification to show for it, and the other committed suicide. While the reasons for my colleagues' actions are entirely personal and private to them, what affects these two events had on my own outlook, was to dramatically reduce the inconceivability of these actions as a possible relief and/or way out from this process that was persistently very much desired.

The second difficulty relates to the problems I faced gaining access to certain participants in the NGO sector. According to Bulkeley (2012), NGOs are among the hardest organisations to gain access to. Indeed, because they are so busy, NGO actors are difficult to get hold of and have limited time to spare. Bulkeley (2012) expressed the view that I was fortunate to have gained the access to FoE that I did, and that without the CASE Agreement with FoE, I would likely have struggled even more. Securing an interview with Maria Adebowale of Capacity Global, for example, was only forthcoming after I had transcribed an audio recording of their 10th Anniversary for the organisation. I had no issue with 'earning' or repaying a participant for their time. This was not formally said, but the prospect of an interview was not

forthcoming before I had done this. I was eager to have been involved with and assist any of my participants, in particular FoE, in any way possible, but sadly this piece of administrative work was as far as I got.

The third issue to draw attention to relates to my positionality and how it affected the research process. Issues of positionality and power were pertinent in the first phase of the research when interviewing the 'elite' EJ actors, as I was engaged in what would be described as 'studying up' (Henn, *et al.*, 2006). This was fairly intimidating to begin with, but on the whole, I do not think this created any significant problems in the generation of data. In one particular interview, however, early on, I strongly felt the power dynamics of 'studying up'. This was when I was talking to a civil servant who had previously worked for an organisation engaging in EJ. When I asked a question about sustainable development, I was offered not a personal interpretation, but the *Bruntland definition* 'being as good as any'. At this point in time I let the interview run. However, had this interview taken place at a later stage in the research process, I may have pressed for a non-evasive answer. With greater experience and development of skills at interviewing, I may have also pursued other lines of enquiry around this answer, perhaps pursuing an opinion of actor-specific definitions of sustainable development. This is not to say that the answer that was given was not without its value.

However, upon reflection where this has had a significant effect is in the data *analysis and writing up* of the first phase of the research, and it is here where we pick up the debate about *nvivo/emic* and *analytic/etic* codes. Among the corrections given to this thesis by its examiners, is the fairly damning: there are "issues relating to the design and application of the methodology, where interview extracts are reproduced but not analysed sufficiently or integrated into a cohesive theoretically engaged argument" (MacLeod & Walker, 2013: 2). While the obvious reason for this correction would be to point towards what myself as a researcher was able to produce before the PhD's submission deadline, this correction was not required of the second phase of the research. Upon reflection, what may also have played a role here is precisely the dynamics entailed by 'studying up'. In the original submission of this thesis I had been far more content to use the *nvivo* codes of the elite actors, to let their words tell the story of EJ's emergence in the England, and perhaps not sufficiently perform 'secondary' 'analytic' coding and making clear my analysis in writing. This may be a manifestation of a subconscious reflection of hierarchy. When exploring the process of

putting together an account and an argument around a topic, Crang (2003: 135) explores the work of Walter Benjamin who offers “an example of interpretation pursued almost entirely through notions of conjunction and recontextualization” through which we then gain insight. For Benjamin (1999, p.206, H2, 3, in Crang, 2003: 135), “[t]he true method of making things present is to present them in our space (not represent ourselves in their space)”. The elite actors/participants in the first phase were not only already present within ‘my space’ but had status and authority within it. This may well have been compounded by my lack of background in both the discipline of geography and specific subject and grounding knowledge even relative to other PhD students, let alone elite civil society actors and accomplished and prominent academics, one of whom was my examiner. One further related difficulty, is in studying the absence of a phenomenon relative to the ease of studying an existence, as Davis (2006) studying the absence of EJ discourses in anti-incineration campaigns in Ireland notes. For this study, constructing a somewhat historical narrative of EJ’s minor emergence and failure to really take off, necessarily entailed in large part the account of the elite actors and the construction of a narrative of why EJ failed and its barriers, which is (of course) an analysis in and of itself. This difference in difficulty between studying existence and absence, is borne out by the relative ease of constructing the narrative of the case study that involved a contemporary existing phenomena, which was much more discrete in itself, and in the chain of events and actors involved.

4.9 Conclusion

This chapter details how this thesis started off as a CASE studentship that represented interest in the geographical scale of the region and FoE’s interest in EJ. Such interest appears to have waned somewhat and partly in response to this the research design has undergone numerous changes, albeit retaining the all-important central focus on EJ. The eventual empirical research that took place consisted broadly of two phases: a set of elite interviews with UK EJ actors and a case study of a local mobilisation against an EiJ. An analysis of the latter forms the basis of Chapter Six, while an analysis of the former forms the basis of the following chapter, which explores the emergence and barriers of EJ discourses in England. In both, the interaction between the post-political context and EJ is explored.

Chapter Five

The Emergence of Environmental Justice in England: Exploring the Barriers

5.1 Introduction

This chapter aims to explore the emergence and development of an environmental justice (EJ) discourse and agenda in England. In England the EJ frame has not been taken up as readily as it was in the American context. This chapter begins by establishing the context into which EJ emerged most prominently in England, which was around the turn of the millennium. After briefly detailing the history of environmentalism in England, there is an exploration of the establishment and development of Friends of the Earth England, Wales and Northern Ireland, which played a central role in adopting and adapting the EJ frame in England. The period between Friends of the Earth's (FoE²⁷) establishment and EJ's prominent emergence is explored in more detail. It is a period in which FoE, like other large mainstream civil society organisations (CSOs), undergoes a change in style and structure, take on a *protest business* organisational form (Jordan & Maloney, 1997) and contend with Margaret Thatcher's government and neoliberalism. The election of Margaret Thatcher in 1979, and the subsequent ramifications for FoE and the environmental movement is explored. FoE is seen to both take on the neoliberal logic and engage in a process which furthers the post-political condition. FoE's changing prognosis and diagnosis, together with its transition into a Sustainable Development (SD) organisation is discerned and detailed, leaving FoE, of the major environmental organisations, apparently well suited to the adoption of EJ, but also, at the same time determining the way in which it subsequently did.

²⁷ There are other Friends of the Earth organisations, such as Friends of the Earth Scotland, however Friends of the Earth England, Wales and Northern Ireland, sometimes abbreviated to FoE EWNI, is what shall be referred to as simply FoE.

The second section of the chapter, after briefly detailing some small, organic, crystallisations of EJ in England, antecedents of EJ for FoE, and origins of the term for the research participants, deals specifically with the major emergence and development of the EJ discourse in England. Unlike in the United States (US), in England the EJ frame and agenda did not emerge at the grassroots level, but instead in an elite policy-orientated sphere, with FoE's work on the correlation between pollution and poverty being key. The election of *New Labour* in 1997, with its rhetoric and focus on social justice (SJ), social inclusion, and sustainable development, provided a political opportunity for proponents of EJ to promote their cause. An elite set of actors, that included FoE as well as a handful of academics, policy makers and members of other environmental organisation such as Capacity Global (now the Living Space Project), began to work together, network, and engage in the discourse of EJ, introducing its use in England. This produced a particular version of EJ that was predominately focused upon research and integration of different policy areas that had previously been considered distinct or at odds. In particular, EJ was seen as a way to overcome the trade-off between social goals and environmental goals. It is argued that a technocratic form of EJ was produced that was sought to address a *technocratic deficit* within and for SD.

While a technocratic policy-orientated form of EJ was the main thrust and form of EJ that was produced, there was consensus among the participants when interviewed (between March 2010 and March 2011) that EJ, done properly, is about working with and for the communities suffering Environmental Injustices (EiJs), and should be led and dictated by the grassroots, from the bottom up. The final section of the chapter turns its attention to the nature of EiJs in England, and FoE and CSOs' engagement with EJ at this scale. This highlights and discusses some of the difficulties that CSOs have with EJ at this scale, and also serves to highlight the nature of EiJs in England that makes the EJ frame resonate less readily in England.

5.2 The Historical Context: The Changing Nature of English Environmentalism and Friends of the Earth

This section explores the changing history of environmentalism in England wherein environmental organisations, such as FoE, have increased in numbers and redefined their campaign agendas and organisational structures. FoE became, and remains, one of the main manifestations of the EJ discourse in England, and the organisation has played a crucial role in its translation from the US. This section sets up the exploration of EJ in its synchronic context by the provision of its historical context. This begins with a brief account of early British environmentalism before moving on to the establishment and development of FoE. The origin and changing nature of FoE is examined in order to tease out why it was that FoE took up the concept of EJ and how this shaped the translation of an EJ discourse in England.

5.2.1 Early British Environmentalism

The history of the British environmental movement bares many similarities with the American environmental movement. Both are regarded to have taken place in a number of phases or waves, which were punctuated by the World Wars, particularly the end of the Second, and Rachel Carson's *Silent Spring* (1965) and the work of Barry Commoner were again influential (see Chapter Two). The British environmental movement however also emerged and developed within a distinctly European context, the significance of which will become clear in the subsequent discussion.

Jordan and Maloney (1997) cite Dalton (1994: 26) who categorises the history of environmentalism in Europe as having taken place in two broad phases. Like in the US, the *first* phase began at around the turn of the previous century and it was concerned with “wildlife protection and preservation of the physical fabric in terms of landscape and buildings” (Jordan and Maloney, 1997: 11). The background context to this first phase was, according to Rootes (2009: 205), “an increasing awareness of the impacts of industrialisation upon the natural environment and the health of the human population”. Like in the US, romantic poets, appalled by the deleterious effects of industrialisation, were influential. Similarly, it was also an elite rather than a mass movement, with its activists coming from

influential positions, seeing “legislation as the means by which nature might be protected” (D. Evans, 1997, cited in Rootes, 2009: 205). Here stems the ‘characteristically British idealisation of the countryside’ as concerns “with pollution of air and water excited protests and protective legislation, civic initiatives created urban parks [...] as a counterpoint to the squalor of the new industrial towns” (Rootes, 2009: 205).

While the pre First World War (1914-18) environmental groups were “mainly initiatives of resourceful, socially and politically well-connected individuals who sought royal or aristocratic patronage”, the social and political democratisation that followed the war saw “new groups drawing upon different social bases” (Rootes, 2009: 206). The CPRE²⁸ (Council for the Preservation of Rural England) was a middle-class enterprise aimed at protecting the countryside from unplanned urbanisation, while the Ramblers’ Association “embraced the working class, conjoining the assertion of ancients to roam the countryside with radical politics [...], supported demands of an increasingly urbanised population for access to the countryside” (Rootes, 2009: 206).

Dalton (1994, cited in Jordan and Maloney, 1997) presents a mobilization wave of environmentalism that took place from 1880 to 1910 and plateau-ed in growth and support around that period and through the inter-war years. The Second World War (1939-45) had a more significant impact than the first as “intense damage was done to the natural environment during the war [...] to maximise agricultural production and extraction of minerals” (Rootes, 2009: 207). Dalton (1994 cited in Jordan and Maloney, 1997: 11) then conceives of a ‘modern conservation’ movement, which he views as a post-war phenomenon:

“with the Town and Country Planning Act in 1947 in Britain signalling a new impetus towards using the power of government to preserve the countryside. This period also saw international developments such as the creation of the International Union for the Conservation of Nature appearing under the auspices of the United Nations Educational, Scientific and Cultural Organization (UNESCO)”.

The Town and Country Planning Act came about, according to Lowe and Goyder (1983, cited in Rootes, 2009), because of the pressure applied by the CPRE, whose leaders were ‘pillars of society’. The Act formed the basis of the modern land use planning system and designated ‘green belts’ around towns and cities (Rootes, 2009). Looking towards using the

²⁸ The Council for the Preservation of Rural England, established in 1926, has undergone two name changes – The Council for the *Protection* of Rural England, and then, The *Campaign to Protect* Rural England (University_of_Reading, n.d.) – while retaining the same acronym CPRE.

‘power of government’ and significant ‘international developments’ are notable recurrent themes.

Similar to the US (discussed in Chapter Two), which had a conservation and preservation movement that was challenged in the 1960s, in England “public interest in nature conservation slowly reawakened during the 1950s, [but] it was during the 1960s and, especially, during the 1970s that the modern mass [membership] environmental movement developed” (Rawcliffe, 1998, cited in Rootes, 2009: 207). Likewise, the 1960s signalled a distinct new wave of environmentalism. This is where the ‘educational conservationist’ efforts of Rachel Carson and Barry Commoner made their mark (Dalton, 1994, cited in Jordan and Maloney, 1997). Dalton (1994, cited in Jordan and Maloney, 1997: 11) also attributes the rise of this new wave to the problems being experienced by advanced industrial democracies, such as “nuclear power, resource shortages, toxic waste, [and] acid rain”. The environmental groups that came into being at this point in time were of a different character to those that had preceded them: “they changed their orientation from conservation to a critique of prevailing methods of production and patterns of consumption” (Nas, 1995: 275, quoted in Jordan & Maloney, 1997: 12) and they “portrayed a gloomier picture of the ‘inevitable’ environmental catastrophe that could only be avoided ‘by fundamental and radical changes in the values and institutions of industrial societies’” (Cotgrove, 1982: 3, quoted in Jordan and Maloney, 1997: 12). This second stage of development was accompanied by an expansion in both the “number of environmental organizations in the period 1966-75 (Lowe & Goyder, 1983)”, and their membership (Jordan and Maloney, 1997: 12).

5.2.2 Growth, Expansion, Change and the Development of Friends of the Earth: Permeating Neoliberalism and the Post-political

For Roots (2009: 208), “the spread from North America of new, deliberately transnational campaigning environmental organisations... marked the decisive change”. The first such organisation to spread from the US was Friends of the Earth. The first Friends of the Earth organisation was set up in 1969 in the US by David Brower after he resigned from his position as director of the Sierra Club (Rootes, 2009: 6). Jordan and Maloney (1996: 37, emphasis in original) quote McCormick (1991: 33) and (Mundo, 1992: 173) who assert that “he was *effectively* ‘removed from that post (via an election defeat) because his

confrontational methods had led to the Sierra Club's loss of its tax-exempt status". Brower "decided to found a new organization dedicated to the specific task of 'waging political battles to protect the environment' (Burke, 1982: 105)" (Jordan and Maloney, 1997: 37) and, believing that environmental problems need to be tackled internationally, he travelled to Europe (Carmin & Balser, 2002). In 1970, London, Brower persuaded a group of student environmental activists to set up an affiliated independent organisation, and in 1971 Friends of the Earth England, Wales and Northern Ireland (FoE) was established (Rootes, 2009).

FoE's earliest campaigns were 'hotchpotch' attracting little attention (Lamb, 1996). However, the fabled 'bottle drop' in May 1971, in which FoE dumped thousands of non-returnable bottles outside Cadbury Schweppes headquarters to make a statement about recycling, excited the public, dramatically raising the organisation's profile (Lamb, 1996). This precipitated a proliferation of local FoE groups: "by 1973 there were 70" (Rootes, 2009: 208). The 1970s saw a significant increase in the numbers and growth of environmental non-governmental organisations (ENGOS), while the 1980s saw "renewed organisational innovation, [... with] more than one-third of the ENGOS existing at the end of the twentieth century [...being] established in that decade alone" (Rootes, 2008: 212).

However, for Jordan and Maloney (1997), increases in membership numbers of environmental organisations was accompanied by a change in the *style* and *structure* of these organisations. The authors demonstrate how an increasing membership resulted in an increase in the financial resources of these groups. For example, since their establishment in the UK in 1971, FoE has grown significantly in staff, supporters and income, with membership appearing at Jordan and Maloney's (1997) time of writing to have peaked in 1991²⁹:

"In 1971 FoE in London had 6 full-time staff, an annual income of £10,000 and 1,000 registered supporters (Lowe & Goyder, 1983: 133) and most of its money was spent on staff costs and publications. In 1994 it had 96 staff, an annual income of £5.3 million, and 112,000 supporters" (Jordan and Maloney, 1997: 39).

While Jordan and Maloney (1997: 16) acknowledge increasing support for environmentalism, they argue that these numerical, financial, and membership gains of and for environmental organisations "cannot be solely attributed to the increased saliency of environmental issues

²⁹ According to their website, FoE currently "has *approximately 100,000* active financial supporters and about 75,000 people who volunteer to campaign with us to create change" (FoE, 2013, emphasis in original).

[... and that] sophisticated marketing efforts of these large-scale organizations has had a significant effect on group size: creating an activated constituency”.

Jordan and Maloney (1997) studied FoE and Amnesty International in Britain as two similar organisations, albeit active in different policy fields, in terms of their political operating styles and membership. They cite and critique Dalton (1994), as well as the New Social Movement theory’s (NSM) identification of FoE as a group fitting the pattern identified under such theory. This theory would see FoE as an organisation:

“displaying its populist goals in a decentralized, anti-bureaucratic organizational structure’, and which pursues: ‘a new model of citizen action on environmental issues ... More than just environmentalists, FoE activists were social critics... Their tactics combined confrontation with the authorities and events with the intent of sparking public interest” (Dalton, 1994: 40, quoted in Jordan and Maloney, 1997: 24).

The identification of FoE and such groups within this paradigm “leads towards the conclusion that they enhance participatory democracy in the United Kingdom”, an assertion that Jordan and Maloney (1997: 2) argue needs to be backed up by stronger evidence. Instead the authors (1997: 25, emphasis in original) view FoE and similar organisations, such as Amnesty International and Greenpeace, as “*nearer* the ideal type of *protest business*” organisations, which have the following characteristics:

The characteristics of protest business

- (i) Supporters rather than members are important as a source of income.
 - (ii) Policy is made centrally and supporters can influence policy primarily by their potential for exit.
 - (iii) Political action is normally by the professional staff rather than the individual member.
 - (iv) Supporters are unknown to each other and do not interact.
 - (v) Groups actively shape perceptions of problems by providing supporters with partial information.
 - (vi) Supporters are interested in narrow issue areas. Particularity rather than ideological breadth is the agency of recruitment
- (Source: Jordan and Maloney, 1997: 22).

For Jordan and Maloney (1997: 17, emphasis in original), the change in *style* and *structure* of organisations have not only resulted in a “greatly increased [...] scale of [...] support, they have also transformed the implications, requirements, and *nature of that support*”. Jordan and Maloney (1997: 18) cite Rawcliffe’s (1992: 3) discussion of the “rapid maturing of the

environmental groups as political actors in the 1980s and early 1990s [... noting] their transformation into corporate organizations:

“with large membership and sponsorship income, management structures and networks, scientific research capabilities and sophisticated public relation machines ... these developments have been hallmarked by the increasing professionalism of the United Kingdom’s environmental lobby”.

Here Jordan and Maloney (1997) note parallels with the US movement citing Salazar’s (1995) claim that:

“as environmental concerns have been institutionalised in laws and public agencies, environmental organizations have been transformed into professional, bureaucratic, mainstream interest groups [...] now led by managers and staffed by professional economists, lawyers and biologists, and supported by sophisticated public relations and fund-raising departments”.

The nature, operation, and organisation of UK civil society is thus seen to be subject to change. Like the US EJm organisations discussed in Chapter Three, on the one hand there exists a view that these organisations enhance participatory democracy, but on the other, have engaged in a process, and exhibit a form, which has changed the nature of their democratic and political practice. The characteristics of protest business organisations that Jordan and Maloney’s (1997) outline and identify FoE as closely possessing, run contra to democratic and political operation of civil society outlined in Chapter Three. Supporters who are “unknown to each other and do not interact” (Jordan and Maloney, 1997: 22) does not provide “citizens with the opportunity to freely associate, develop an ethical life and exercise citizenship” (Brulle and Essoka, 2005: 205). Policy being made by staff centrally and supporters only being able to influence it by their potential for exit (Jordan and Maloney, 1997), heavily impinges, if not severs, the translation of “the impulses from everyday experience into political demands for change (Habermas, 1987, 1998)” (Brulle and Essoka, 2005: 205). Similarly, the active shaping of perceptions of problems by the provision of partial information (Jordan and Maloney, 1997) represents an elite top-down approach rather than bottom up. As surmised by Brulle and Essoka (2005), these forms of civil society organisation “make it difficult to bridge between national and local activities and discourage the involvement of large numbers of citizens in organized, ongoing civic endeavours” (Skocpol, 2003: 251, in Brulle and Essoka, 2005) and undermine civil society as “an important site for the creation and maintenance of a democratic society (S. Clarke, 2001; Skocpol, 2003)” (Brulle and Essoka, 2005: 205).

This is not wholly fair to FoE, which has had strong local groups campaigning in their own areas and own interests from the outset. Jonathon Porritt (09/02/11 – Interview), former executive director of FoE and leading UK environmentalist, describes how while the local groups were fed campaign materials by the national office, they would have firmly rejected being told what to campaign on by the national office. Nonetheless, Brulle and Essoka's (2005: 208) argument that “[p]rofessional advocacy has also diluted the potential for broad-based civic engagement [...] mobilization capacity of civic institutions has declined, and concomitantly, their political power” carries weight.

The 1990s, however, also saw the emergence of a new radical flank of ‘disorganisations’, such as ‘Earth First!’ and “its urban offshoot, Reclaim the Streets, [which] were essentially banners under which a younger generation of activists, to whom FoE and Greenpeace appeared bureaucratic and timid, might take direct action proportionate to what they perceived to be the urgency of environmental issues” (Rootes, 2009: 213). These new organisations had the effect of increasing the political opportunities and leverage for organisations such as FoE in governance circles, as they were then seen as “the polite representations of ‘reasonable’ ENGOS [... making them] more visible and audible in the corridors of power when radical activists were in the streets loudly demanding action” (Rawcliffe, 1998, cited in Rootes, 2009: 213).

Much of FoE's resources went on research “assembling, printing and distributing dossiers of information” (Rootes, 2009: 209). Research, science and getting the facts right are a foundation upon which FoE bases its campaigns and arguments (Lamb, 1996; Secrett, 27/10/10 – Interview), with many of its staff being science graduates (Rootes, 2009). FoE clearly appreciates that there are multiple ways of achieving its goals, but see itself as fulfilling one particular role. Indeed FoE's environmental approach has been labelled ‘reformist’, with the organisation preferring to work legally within the political system (Carmin & Balsler, 2002; Rootes, 2009). This is an approach that FoE (England Wales and Northern Ireland) shares with the US group, as Brower states: “It is possible, we in Friends of the Earth are convinced, to use the good parts of the System to beat the bad parts of the System” (1970: ix in Carmin & Balsler 2002: 376). As will become increasingly evident in the discussion, the means by which FoE operates had implications for the translation of an EJ discourse in the English context. Faith in the existing legal and political structures, and acting

within them, is a source of tension within FoE and the environmental movement. This came to a head for FoE with the Windscale Inquiry and the Parker Report.

Discontent within FoE was crystallised when the organisation's long campaign against nuclear energy appeared to fail when their arguments were dismissed in the 'Parker Report' (1987) of the public inquiry into the Windscale nuclear reprocessing plant (Lamb, 1996; also Rootes, 2009). Disaffected FoE activists set up the British branch of Greenpeace in 1977 to pursue the non-violent direct action (NVDA) and the "media-friendly calculated law-breaking of the kind that FoE has eschewed" (Rootes, 2009: 209). Having invested heavily in Windscale and 'lost', the organisation was accused of being politically naive and having too much belief in Whitehall and the political system (Lamb, 1996). Greenpeace's more direct action tactics were seen by some FoE members and critics as "the way to go; [while] to scurry and squeak around the corridors of power was the way to arrive in a mousetrap" (Lamb, 1996: 87).

The late 1980s and early 1990s also saw the exclusion of environmentalists from the British state by the Thatcher government (1979-90), with her once having described environmentalists as the 'enemy within' (Porritt, 1997: 62, cited in Dryzek, Hunold, Schlosberg, Downes, & Hernes, 2002: 675; Jordan & Maloney, 1997: 10). For Dryzek *et al.* (2002: 675), the Thatcher government's authoritarian liberalism "involved suppression of dissent in civil society and an individualization of social life to undermine the conditions for public association and action". The authors elaborate that the latter is the most important, with factors including the "radical individualization and marketization of society, and the associated redefinition of citizenship in terms of obligation and responsibility, not political involvement" (Dryzek *et al.*, 2002: 676-7). As for the effects on environmentalism in Britain, they note a peculiarity, namely the continuation of relatively high membership levels of environmental organisations, minimal protest politics and a "lack of any new social movement form of environmentalism" in the 1980s and early 1990s (Dryzek *et al.*, 2002: 676). Additionally, while even "the modest consultative channels that did exist were suddenly blocked in 1979", these groups did not seem to return to the public sphere to explore oppositional action (Dryzek *et al.*, 2002: 676). Here we might point to the production of civil society in the form of professional advocacy organisations being an unsuitable form for returning to the public sphere and possessing inertia against doing so, instead being orientated

upwards to government.

Pervasively, some of the properties of Thatcher's authoritarian liberalism, individualisation, and marketisation of British society may be seen to subsequently surface and structure FoE. Charles Secrett (27/10/10 – Interview), who became executive director of FoE in 1993, discusses and explains what FoE were attempting to do in the 1990s in developing consumer campaigning. During this time, FoE continued to embark on media exposés “and the research which [they] have always been known for”, in other words, providing background information to journalists, while they also crucially expanded their range of action to include their own “brand of, for want of a better word, lobbying of politicians, petitioning of politicians” (Secrett, 27/10/10 – Interview). While this and the provision of information to journalists hints at attention being upwards towards those in possession of voice and the leavers of power befitting the professional advocacy form, Charles Secrett (27/10/10 – Interview) explains how he was, at the time, also attempting to break FoE out of the way that they were pigeonholed, by embarking on what he terms ‘democratic campaign tactics’, which were geared towards ‘citizen empowerment’ that would exert influence in a different way:

“we’ve got to break out of our pigeonhole and the way that we’re pigeonholed. And that’s what I was trying to get Friends of the Earth’s agenda and consciousness around alongside a whole series of democratic campaign tactics, which was also to do with justice, because they were to do with citizen empowerment. [... T]he core of what we did in our campaigns was that we created opportunities for citizens to take control of their own lives and we democratised our campaigning beyond the volunteers in the local groups, and the paid for staff at the regional offices, or in the national office. So that people as voters, as constituents, as taxpayers could, as well as consumers and shareholders, could start targeting the entities in government and industry and commerce who were actually making decisions that were causing the problems”.

Secrett (27/10/10 – Interview) explains further that FoE attempted to create a campaign platform that broadened the notion of what citizens had control over and the logic behind this. This logic was one premised on ‘supply and demand’. If the demand for environmentally or socially damaging products, brands, companies, or even political parties could be influenced or removed, then the supply would be defunct:

“no company will produce or make or sell anything that not enough people are going to buy. And so it’s not the companies that have power, it’s *us* that have the power if only we realised it. And then we **organise ourselves around clear criteria of what is good or bad in the market place**. And it’s the same in government. It’s not government or political parties that have power. It’s us. Because unless they get enough votes, they don’t get into power” (Secrett, 27/10/10 – Interview, italic emphasis in original, bold emphasis added).

This appears to reveal a neoliberal, market place based, structuring of FoE thinking and campaigns. The idea of ‘broadening the notion of what citizens have control over’ chimes with ideas of personal (citizen – above) responsibility favoured in neoliberal doctrine concomitantly having the individual as the political agent. The idea that what was required was ‘organisation *around* a clear idea of what is good or bad in the market place’ points to the market as the key mechanism structuring action. This fits with Jamieson’s (2012: 35; Chapter Three) recounting, that the idea of the market has “discursively and materially colonised diverse areas of social political, cultural and economic life elevating ‘the market’ to a principle of economic and social justice”. The individualised lifestyle-based action chimes with Thatcher’s ‘individualization of social life’. As Reed (2009: 25; Chapter Three) contends, a neoliberal subjectivity is produced that constitutes individuals as subjects of “human capital” who then act within the market place. In Chapter Three we saw Beck (1997) and Giddens’ (1994, 1998) politics being premised upon, not only an acceptance that capitalism and neoliberalism ‘has won the argument’, but concomitantly that with the growth of individualism, politics structured around collective identities and collective agents is outdated and the main political questions “need to be decided by individuals not groups” and is about different lifestyle choices (Mouffe, 2005: 48). Politics performed by the citizen as a consumer is precisely the logic Secrett engages with here. FoE is seen to be participating in the re-definition of citizenship and the subject and operation of political agency. The period in which Charles Secrett was director of FoE (1993-2001), immediately after the Thatcherite period of 1979-1990, gives rise to the question: to what extent a neoliberal ‘structuring’ pervaded FoE in the same vein to which it did Tony Blair and New Labour, of whom Margret Thatcher is widely known as citing as her greatest achievement.

Another issue raised by Charles Secrett (27/10/10 – Interview) is the pigeonholing of FoE and his attempts to break out of it. This seems to precisely countenance what Wolin (1960, cited in Marchart, 2007: 47; Chapter Three) attributes the *sublimation of the political* to, i.e. “the championing of “a view of society consisting of separate little islands” by small groups, communities, sociologists and pluralists, and then the politicisation of these groups or entities and the reduction of the politicalness of the political order to them. The final characteristic of ‘protest business’ organisations that Jordan and Maloney (1997: 22) outline – supporters being “interested in narrow issues areas particularly rather than ideological breadth” and in the ‘sophisticated marketing’ techniques employed by such organisations, being “the agency

of recruitment” – clearly runs in this vein. More broadly we can see this fits into the perspective we saw in Chapter Three as a liberal pluralistic understanding of the world detailed by Mouffe (2005: 10), that believes “there are many perspectives and values and that, owing to empirical limitations, we will never be able to adopt them all, but that, when put together, they constitute a harmonious and non-conflictual ensemble”. Wolin (1960, cited in Marchart, 2007: 47) argues that “[p]olitical concepts have meaning only in reference to a general order, and this cannot be substituted by multiple fragmented constituencies” (also Crouch, 2004). However, in FoE’s attempts to break out of the way in which they were pigeonholed, they attempted to do so with what Secrett terms ‘democratic campaign tactics’ and ‘citizen empowerment’ which not only accepted the market logic as that governing human activity, the way of *being in common*, but redefined the individual as the agent and site of politics. This merely moved the ‘fragmented constituency’, the ‘separate little island’, to the scale of the individual. So in FoE’s attempts to break out of their pigeonhole, we see not only a further pervasion of neoliberalism, but the further *sublimation of the political*. Mouffe (2005), of course, rejects the idea that conflict and antagonism, and concomitantly we/they distinctions, can be eliminated. In this context then, a post-political gesture, as opposed to an anti-political gesture, is performed: we/they distinctions and collective identities are not so much disavowed, as elided.

This sub-section charts the significant increase in the number and size of ENGOs in the 1970s and 1980s, including FoE and its establishment in 1971. However, what Jordan and Maloney’s (1997) critique identifies, is that an increase in the membership of these organisations is accompanied by a change in their *style* and *structure*. Like the US EJm organisations discussed in Chapter Three, there exists a view that these organisations enhance participatory democracy on the one hand, but on the other, have engaged in a process and exhibit a form that has changed their democratic and political practice, undermining this. The Thatcher Government that engaged in a marketisation of society, a suppression of dissent in civil society, a redefinition of citizenship, “an individualisation of social life to undermine the conditions of public association and action” (Dryzek *et al.*, 2002: 675), is key here. This is seen to reverberate in FoE with a market logic structuring their campaigning. What we see here is not only the pervasive diffusion of neoliberalism, or a neoliberal logic, in UK civil society, but congruently the move towards the individual being the agent of politics á la the ideas espoused by Beck and Giddens (Chapter Three). Thus we begin to see some of the

hallmarks of the post-political zeitgeist and its establishment. At the same time, what Secrett describes as ‘citizen empowerment’ and ‘democratic campaign tactics’, is what he wanted to use to break out of the way in which FoE was pigeonholed. This seems to counter a way the political is sublimated in civil society as conceived by Wolin (1960, in Marchart, 2007) at one scale, that of the national NGO, however, only to shift it to the scale of the individual.

The impact of Thatcher and neoliberal ideology with the undermining of collective life, collective identities and collective association, can be seen manifest in the form of protest business organisations and in Dryzek’s *et al.*’s (2002) observation that when they were shut out of the state by Thatcher, they did not return to the public sphere – a void that was then filled by a new radical ‘disorganisations’ in the 1990s. Their attention appeared upwards, and in much of the work they did – lobbying politicians, providing information to journalists – and their organisational structure reflected this. While professional advocacy looked up, the ‘democratic campaign tactics’ and ‘citizen empowerment’ FoE turned to under Charles Secrett, looked down to the individual citizen. It is argued that this move, while on the face of it could be conceived as one that would overcome a way in which *the political* is sublimated at one scale, in fact only succeeded in participating in the atomisation of society and further the advancement of neoliberal logic. This might be discerned as FoE’s *prognosis* that was ultimately worse than impotent and acted against the ends they hoped to achieve.

In FoE’s attempts to increase the breadth of issues it engaged with and ‘break out of their pigeonhole’, while not contravening the final characteristic of the protest business – as regardless of increased ideological breadth, the issues were still enabled to be picked up individually – and not necessitating ‘reference to a general order’ (Wolin, 1960, in Marchart, 2007), they were also about changing the “agenda and consciousness” around the issues FoE engaged with (Secrett, 27/10/10 – Interview). Here we discern FoE’s changing *diagnosis*, and is what shall be turned to next.

5.2.3 Sustainable Development and Friends of the Earth

The impact of neoliberalism and the Thatcher era is reflected in FoE at the time, and can be discerned in more ways than the organisational reflection of the form of civil society neoliberal ideology engenders. Jonathon Porritt (09/02/11 – Interview, emphasis in original), claims that in the middle of the Thatcherite era, “one of the cruellest, *ideologically* cruel

periods in UK history [, ... there was] not a lot of interest in social justice issues at all”.

Dryek *et al.* (2002) quote an interview of theirs with Tony Burton, Policy Director of CPRE, concurring that the best way to describe the 1980s was ‘fire-fighting’. For Porritt (09/02/11 – Interview), what this meant:

“in terms of Friends of the Earth’s engagement with poor communities, disadvantaged communities, disadvantaged even by disproportionate dis-benefits from environmental neglect and pollution and so on, that was not a big deal for Friends of the Earth”.

For Porritt (09/02/11 – Interview), this was the nature and reality of the 80s, “in those days practically everything Friends of the Earth did was trying to stop things getting worse rather than making things get better”. Porritt (09/02/11 – Interview, emphasis in original) explains that a lot of FoE’s work in the UK at the time was about bio-diversity, climate, sustainable forestry, because this is where it could get traction, and this was very much a pragmatic tactic of campaign organisations, “*go where you can maximise your influence*”.

However, it was not that FoE was not concerned with SJ issues, it “doesn’t mean to say they don’t have a background, which fills in the philosophical context to this stuff” (Porritt, 09/02/11 – Interview). According to the FoE former executive directors, Jonathon Porritt (1984-1990) and Charles Secrett (1993-2001), “FoE always had a more people centred environmentalism” (Secrett, 27/10/10 – Interview) that distinguished it from the rest of the British environmental movement during their first 30 years:

“You know, whether we looked at energy or agriculture or resources, we always had some linking with economic productivity and wealth creation as well as sort of making life better for people. And I think that is one of the distinguishing characteristics and the genius of our founders” (Secrett, 27/10/10 – Interview).

Jonathon Porritt (09/02/11 – Interview, emphasis in original) agrees:

“Friends of the Earth was always the bit that was out there on the social issues. When it came to *jobs, health, erm access to work, land-based issues*, Friends of the Earth was always one that would be in the lead on that. [...] So Friends of the Earth had the most holistic radical view of how these things fitted together [...]. So there wasn’t any other green organisation in that space, *big one*, at all”.

This social orientation in FoE is also reflected in the organisation’s personnel, as Jonathon Porritt (09/02/11 – Interview) explains: “everybody in Friends of the Earth is a ‘Leftie’”; “progressive thinking about social justice was very much of the culture and the mix in FoE”. The two former directors explain the necessity and rationale for this balance. Jonathon Porritt held the belief that “the quest for environmental justice was intimately linked to a wider social, civil and moral debate. Without social welfare and democratic renewal in the script,

green advocacy risked becoming irrelevant to the course of history” (Lamb, 1996: 128). What these former directors claim distinguishes FoE from other environmental organisations is that they were always the organisation that had a balance to their environmental stance: ‘the bit that was out there on the social issues’; ‘making life better for people’; ‘had the most holistic radical view of how things fitted together’. However, even for FoE at the time, in the 80s, these issues and stance never really made it front-of-house, and remained in the background (Porritt, 09/02/11 – Interview).

Things appeared to change for the environmental movement however, when towards the end of the 80s, in September 1987, Margaret Thatcher gave a speech to the Royal Society in which she “discussed the problems of population growth, global warming, ozone depletion, and acid rain, arguing that her administration supported the concept of ‘sustainable development’” (Jordan and Maloney, 1997: 9). While Jordan and Maloney (1997: 10) claim this “appeared to have more to do with halting the electoral rise of the Green Party”, Dryzek *et al.* (2002: 677) indicate that post 1988, the exclusion of the environmental movement’s activists and leaders was alleviated as they accepted “invitations to participate in renewed consultations, especially around sustainable development”. In this respect, Margaret Thatcher appeared to let environmental groups become involved in governance once again. This year also marked the publication of the United Nations World Commission on Environment and Development’s (WCED) *Our Common Future*, also known as the *Brundtland Report* (McManus, 2000). It is this Report that the concept of *SD* is commonly associated with. *SD* is a contested term with many definitions, however the most commonly known definition comes from the WCED (1987: 8 and 43), which defines it as: “development that meets the needs of the present without compromising the ability of future generations to meet their own needs” (quoted in McManus, 2000: 812). Essentially, *SD* strives to juggle environmental, economic and social concerns, with the central idea being that they can be reconciled in a way that benefits all more so than if merely one area of concern is prioritised.

Indeed, *SD* became an increasingly popular concept and discourse, both in the UK and all around the globe. Environmental organisations, networking at various international conferences such as the United Nations Conference on Environment and Development (UNCED), or ‘Earth Summit’, held in Brazil in 1992, increasingly adopted an *SD* discourse. According to Gleeson and Low (2003: 455), it was this conference that “the justice of

environmentalism was brought to the foreground of the political agenda”. For Jonathon Porritt, the so-called ‘Earth Summit’ in 1992 “was seen as such a big moment in terms of global governance” (09/02/11 – Interview). Porritt (09/02/11 – Interview, emphasis in original) claims that “so much of the Earth Summit’s agenda was about the interface between conventional environmentalism *and* social justice” and that FoE International’s work was “*absolutely* bang in the middle of that *contextualisation*”.

In England, FoE enthusiastically took up SD: “there was no sense of this not being appropriate to Friends of the Earth, we really embraced it in 87 and we built that into our campaigning work from that point on, a social dimension” (Porritt, 09/02/11 – Interview). The Bruntland report delivered a “*full-frontal*” to the environmental and development movements alike for their respective disregard for SJ and the environment (Porritt, 09/02/11 – Interview, emphasis in original). For FoE, SD provided a means through which to “talk more authoritatively about [the] socio-economic dimensions” to their work and made it better balanced (Porritt, 09/02/11 – Interview).

In March 1990, David Gee took up the position as director of FoE (1990-93). Porritt (09/02/11- Interview, emphasis in original) describes how influential his successor was in leading the organisation to experiment with “a wider range of socially orientated campaigns in the 1990s”, such as health issues, the economy and local empowerment, thereby “bringing forward a much stronger *socially orientated perspective* on what Friends of the Earth should be doing”. Porritt lavishes praise on the work of David Gee and FoE in the 1990s, at a point in which he was not involved in the organisation. He again identifies FoE as leading the way in terms of balancing the “socio-economic aspects and the straight green aspects” relative to the efforts of other (“*of the bigger ones*”) environmental groups (09/02/11 – Interview, emphasis in original).

Secrett describes his rationale behind the organisation’s balanced stance as part of a ‘forward modernisation’ agenda he wanted to achieve when coming in as the FoE director in 1993. In this respect, he rationalises that one needs to argue from a standpoint other than the environment in order to be successful:

“if we can’t show that it’s bad for the economy to destroy the environment and conversely that it’s good for the economy to protect the environment, we’re never going to get anywhere politically, because every time the voter goes into the ballot box 99.9% of them, or there’s a

debate in the House of Commons, or the news editor or the features editor's deciding what to prioritise, it ain't the environment. It's not nature, it's the economy, or jobs, or what our tax code should be, how you measure and create and distribute wealth" (Secrett, 27/10/10 – Interview).

Secrett argues that in most instances, for most people, social and economic concerns take precedence over environmental concerns, and therefore if you want to protect the environment, you need to argue on these grounds. He goes on to explain how this then fed into what FoE did:

“we can demonstrate this. So a large part of what we did in the beginning was to focus on jobs, on job creation, on pollution control, on economic efficiencies for companies or for households, or for society, communities in society as a whole, that comes from cutting waste, stopping pollution” (Secrett, 27/10/10 – Interview).

Secrett (27/10/10 – Interview, emphasis in original) believes that from around 1995 there was a “5 or 6 year period where [FoE were ...] *the* most effective campaign organisation of any type in this country”. Secrett (27/10/10 – Interview) claims that this was because they embraced a progressive agenda, “even though we'd still get called an environmental organisation, we weren't at all”. This movement away from the ‘environmental agenda’ of the 1970s and 1980s, towards FoE being a sustainable development organisation is central here. What this meant for Secrett (27/10/10 – Interview) was creating a work programme, and an agenda, that made links between the environmental agenda of conserving the natural world, where environmental rights and SJ were central, alongside an economic development agenda. The thinking of SD was central here:

“so linking together, you know, the three pillars of sustainability, and creating these new themes, these new work programmes of environmental *rights* first of all, and then on to environmental *justice*, was a very important part of that” (Secrett 27/10/10 – Interview, emphasis in original).

Simon Bullock (07/02/11 – Interview), former Research Officer, now senior campaigner in FoE, describes how Charles Secrett led FoE in the early 1990s to becoming a SD organisation. Central to this appeared to be setting up a SD research unit within FoE (of which Simon Bullock was a part) to look at the interaction between the environment, the economy and SJ, which then produced a conception of SD for FoE. It was Duncan McLaren, who later went on to be Director (2003-11) of Friends of the Earth Scotland (FoES), who Charles Secrett appointed to head up FoE's sustainability research team and drive forward the SD agenda (Secrett, 27/10/10 – Interview).

Secrett (27/10/10 – Interview) describes how Duncan McLaren “worked very closely with Milieudefensie [, FoE Holland,] and with the small working group of FoE Europe people who developed the Tomorrow’s World concept”, which produced the *environmental space* concept and its major publication *Tomorrow’s World*. Secrett (27/10/10 – Interview) stresses that McLaren wasn’t one of the originators of the Tomorrow’s World, which originated in Milieudefensie in 1990 with work on ‘environmental space’ and ‘fair shares for all’, but was “one of the very, very early movers and developers of the concept” and the principle author of the British version of the Tomorrow’s World publication: *Tomorrow’s World: Britain’s Share in a Sustainable Future* authored by Duncan McLaren, Simon Bullock, and Nusrat Yousuf (1998). Tomorrow’s World provided a route map of how over 50 years, taking into account population growth, different societies globally would change their resource consumption and trajectories to ones that were more equal on a per capita basis (Secrett, 27/10/10 – Interview). Secrett states, “it was a big big environmental rights, environmental justice agenda. In fact it was the most fundamental one, I mean each citizen has an equal right” (27/10/10 – Interview). However, Secrett laments that one of the ways he thinks he “failed as a director was that [FoE] didn’t make enough of that as a campaign agenda in its own right; it stayed too much of a *research* agenda” (27/10/10 – Interview, emphasis in original). Secrett explains that FoE struggled to find the right language for the Tomorrow’s world agenda:

“I mean ‘Fair Shares for All’ was what it went underneath but that doesn’t really tell you what it’s about. ‘Environmental Space’, that doesn’t really tell you what it was about, so we never really found the language or the campaign term agenda to really run with the Tomorrow’s World”

Similarly SD, despite the 1992 Earth Summit bringing “the justice of environmentalism [...] to the foreground of the political agenda” (Gleeson and Low, 2003: 455), despite it adding perspectives and balance, failed to really shine through at the campaign level: “again, I’m being brutally honest about this, it didn’t *really* change the way our campaigning worked at the time” (Porritt, 09/02/11 – Interview, emphasis in original). In the agenda of Tomorrow’s World that “each citizen has an equal right” (Secrett, 27/10/10 – Interview) an extension of Rancière’s *equality of speaking beings* can be discerned, however, yet again as Secrett laments, it failed to break out beyond the theoretical, research, analytical level and FoE “never really found the language or the campaign term agenda to really run with” it.

This is somewhat contrasted, however, with SD's success, becoming the first global discourse coalition in environmental politics, according to Hajer (1995; see Chapter Three). In asserting the relevance of justice to the environmental movement and the environment to the development movement, a discourse coalition is formed by the active relation of previously independent practices in a common discourse "in which several practices get a meaning in a common political project" (Hajer, 1995: 65). This discourse was acutely successful in FoE. While SD was arguably already widely implicit within FoE's thinking and personnel, SD brought about the explicit articulation of their 'balanced' approach confirming *discourse structuration*. As conceived by Hajer (2005: 303), discourse structuration is where a discourse dominates "the way a social unit [...] conceptualises the world". *Discourse institutionalisation*, not least in the creation of the SD research unit, is also present, and so the discourse is dominant, according to Hajer (2005, 1995).

Discourse structuration is also said to be present "if the credibility of actors in a given domain requires them to draw on the ideas, concepts, and categories of a given discourse" (Hajer, 1995: 60). It was not just the environmental and development movements which took on the SD discourse, but also Thatcher, who post 1988, alleviated the exclusion of the environmental movement from the domain of governance, inviting them to "participate in renewed consultations, *especially around sustainable development*" (Dryzek *et al.*, 2002: 677, emphasis added). Of course this is not necessarily a concession by Thatcher, as discourse "coalitions are formed among actors (that might perceive their position and interests according to widely different discourses) that, for various reasons (!) are attracted to a specific (set of) story-lines" (Hajer, 1995: 65). Parallels in Thatcher's approach to environmentalists here may be made with that of US Presidents Reagan (1981-1988) and Bush Senior (1989-1992) then followed by Clinton (1993-2001) as outlined by Faber (2008) in Chapter Two, in a move from *direct confrontation* to *co-option and accommodation*. For Thatcher, co-option and accommodation took place with SD, and so the "struggle for discursive hegemony in which actors try to secure support for their definition of reality" (Hajer, 1995: 59), the struggle over the meaning of SD, is crucial here.

This sub-section details the significance of SD and highlights how FoE was well placed, and suited, to the adoption of EJ in England. FoE is an environmental organisation that, since its inception, had a SJ element to its concerns, was at the 'people end' of the spectrum. The

publishing of the Bruntland report and the advent of SD marked notable success with FoE and Thatcher, who alleviated the exclusion of environmentalists from governance, and invited them to take part with SD. The discourse of SD is seen to be dominant within FoE, enabling them to talk more authoritatively about certain issues and giving ‘balance’ to their work. SD provided substantially to FoE’s *diagnosis*, adding to it, broadening it, and linking issues together. FoE and SD (in bringing justice to the environmental movement and the environment to the development movement) is a move away from society conceived as ‘separate little islands’ and silos, and marks another attempt to break out of FoE’s pigeonhole as described by Secrett (27/10/10 – Interview). Nonetheless, as Secrett (27/10/10 – Interview) laments, FoE would still get called an environmental organisation even though they “weren’t at all”. However, while FoE and its campaigns became more explicitly “couched in a discourse that is sympathetic to a justice type framework, [... they were] not explicitly geared to a justice based outcome” (Porritt, 09/02/11 – Interview, emphasis in original). This brings to light the limits to FoE’s diagnosis and its translation to its prognosis.

This section as a whole provides an overview of development of English environmentalism, and the establishment and development of FoE within it. In 5.2.2, change in style and structure of CSOs, including FoE, to that resembling protest business organisational form, is seen to exhibit characteristics that undermine ideas of the democratically operating civil society. Concomitantly, Charles Secrett, in his leadership of FoE, attempted to break them out of their pigeonhole with what he termed ‘citizen empowerment’ and ‘democratic campaign tactics’. Not only was a pervasive neoliberal structuring of FoE’s thinking seen, but also the manifestation and establishment of the post-political with the political further sublimated, from the scale of the NGO to the individual. The individual was seen as a consumer and the agent and site of politics. This is a move away from collective identities and action in line with the political philosophies of Beck and Giddens (Chapter Three). The professional advocacy organisational form had FoE looking up to those in possession of the leavers of power, and possession of voice. This orientation, which left FoE unsuitable to returning to the public sphere when excluded by Thatcher, was then reinforced when disorganisations filled the void it left there, as their voice was enhanced within governance once Thatcher invited them to return under SD. SD was hugely successful globally, and is seen to become dominant within FoE. An SD discourse coalition was formed that crucially was based on language, not interests. Thatcher’s movement from excluding environmentalists

to inviting them to engage in governance under SD can be seen to mirror the movement from direct confrontation to co-optation witnessed in the US (Chapter Two).

FoE was well suited to the adoption of SD, being at the people's end of the spectrum and having the balanced perspective, however, it struggled to make SJ front of house. Like their Tomorrow's World work, SD stayed too much of a research agenda, and remained stuck at the diagnostic, intellectual and research level. In this respect, an EJ discourse and agenda which, as seen in Chapter Three a lá Harvey (1996), puts SJ at the forefront of its concerns, could achieve this. EJ's emergence in England and the way in which it was taken up is what is now turned to.

5.3 The Emergence, Development, and Deployment of Environmental Justice in England

The following details the roots and emergences of EJ in England, followed by the form it took, and then its development. The final section explores some of the dynamics and difficulties to the furthering of an EJ discourse, frame and agenda by CSOs and FoE, and of the EJ discourse and frame in of itself.

5.3.1 Emergences, Antecedents, and Origins

Although EJ emerged in the UK in the biggest and most explicit way around the turn of the millennium, there was an earlier organic crystallisation which bore some similarities to the EJ campaigns and issues in the US. This was The Black Environment Network³⁰ (BEN) which formed after a conference in 1988 entitled 'Ethnic Minorities and the Environment' (Ling Wong, 16/08/10 – Interview; Church, 21/01/11 – Interview; Agyeman, 30/07/10 – Interview). The conference, organised by Chris Church (then FoE Local and Regional Manager), Julian Agyeman (prominent EJ scholar now based in the US, then involved in the London Wildlife Trust), and others (Church, 21/01/11 – Interview) attempted to highlight that ethnic minorities were excluded from mainstream environmental thinking (Ling Wong, 16/08/10 –

³⁰ The group had existed shortly before in a slightly different form called EMAS, Ethnic Minority Award Scheme (Ling Wong, 16/08/10 – Interview).

Interview) and environmental action (Church, 21/01/11 – Interview). Agyeman (30/07/10 – Interview, emphasis in original), draws parallels with the US:

“The issue of race and access to the countryside, which is what we went to town on then, *that was the equivalent* of what was being called environmental racism in the US. I mean they were talking about toxic wastes in neighbourhoods, we were talking about lack of access to the countryside. You know, not the same issue, but similar kind of thinking behind what we were doing”.

At the time, the British countryside was very much a ‘white space’ (Agyeman, 30/07/10 – Interview) that “restricts black recreational access” (Agyeman, Bullard, & Evans, 2002: 83). The other parallel BEN had with the US EJm was its attempts at tackling black and ethnic minority representation in mainstream environmental groups in addition to their lack of involvement in environmental action. Judy Ling Wong (16/08/10 – Interview), who was involved in BEN’s founding and is the current president, describes BEN’s approach and methods as long-term, particularly in terms of changing the makeup, outlook and understanding of personnel in environmental organisations, and believes it to have been successful in this way.

However, for Jonathon Porritt (09/02/11 – Interview, emphasis in original), the more specific focuses of BEN and the Women’s Environmental Network (WEN) – established in 1992 which tried to bring a “*feminist* social justice dimension to bear on green issues in the UK” – “were very important, but small!”. They were “an *effective* intervention in helping people see different issues differently, but really hard work [...and] you would have to say that they’ve remained niches in a bigger system” (Porritt, 09/02/11 – Interview, emphasis in original). Agyeman (30/07/10 – Interview) doesn’t “think the organisation has really moved in the areas that [...he] think[s] it should have [...] as the first environmental justice organisation of its kind in the UK, [...he] think[s] BEN really had a duty to define the field much more than it did”. Agyeman (30/07/10 – Interview) rhetorically asks “does BEN still really offer a robust critique in the way that we set it up to? I don’t think it really does”. Both Agyeman (30/07/10 – Interview) and Ling Wong (16/08/10 – Interview) claim that at the time they were not aware of the US movement, didn’t explicitly draw upon it, and indeed BEN did not, and still doesn’t, use the explicit language of EJ. Whether this was crucial in limiting BEN and its critique is unknown, nevertheless Agyeman (30/07/10 – Interview) laments that “[t]hat was our window, that was the opportunity that we had to enter into a debate about environmental justice”. Certainly, drawing comparison with the US, what is evident is both the absence of

the initial frame of ‘environmental racism’ and its subsequent reframing such as that which took place in the US via the more inclusive ‘EiJ’ to finally the more proactive ‘EJ’ (outlined in Chapter Three with Benford (2005)).

FoE’s engagement with EJ, while eventually drawing explicitly on the US and their international groups, also initially had an organic antecedent. This was FoE’s work with Geographical Information System (GIS) and mapping. According to Secrett (27/10/10 – Interview), FoE had a team of IT specialists that, before he came in as Director, developed a piece of GIS software that formed part of FoE’s first environmental rights work:

“it allowed us to geographically map environmental degradation with postcode and, for want of a better jargon phrase, socioeconomic profiling of different communities. And what we were able to demonstrate was that, [...] there was a direct correlation between poverty and environmental pollution and geography”

Secrett (27/10/10 – Interview) saw this as a part of his contribution to FoE, to make a case for it to be part of a broader change within FoE, “to develop an environmental rights, an environmental justice agenda to all that [they] do”. The GIS work is just one example of the environmental rights analysis and work which FoE undertook in the 90s which took on “all sorts of different strands” (Secrett, 27/10/10 – Interview). The “very *beginnings*” of this for Secrett (27/10/10 – Interview, emphasis in original), was:

“looking at not just inter-generational notions of equity, but *intra*-generational notions of equity where you look at not only what’s happening within a country [...], but what happens between countries and notions of justice inequality between countries and that led on to campaigns that we started with Friends of the Earth International about ecological debt”.

Climate change was another example given by Secrett, and what is also evident is the international dimension to FoE’s work. Nonetheless, it was the GIS work that grew into FoE’s “main *domestic* strands of the environmental justice campaign” (Secrett, 27/10/10 – Interview, emphasis in original).

For many academic actors there was a much clearer and explicit drawing upon the US and the American literature (Bickerstaff, 29/09/10 – Interview; Buckingham, 02/03/11 – Interview; Walker, 03/12/10 – Interview). Gordon Walker (03/12/10 – Interview), one of the UK’s foremost EJ scholars, describes looking across at what was happening in America, looking at the American literature, and wondering if some of the patterns claimed to have been found might also be reproduced in a British context. Similar to FoE and the early US work, he was interested in GIS as a tool and started doing some simple mapping work, the first of which

was a mirror of the core of the US EJ work, where he “looked at the ethnicity patterns of populations living near hazardous industrial installations” (Walker, 03/12/10 – Interview; see Walker, Fairburn, & Bickerstaff, 2001). Karen Bickerstaff (29/09/10, – Interview), working with Gordon Walker around 1998, recalls that “there was an awareness that there was a lot going on in the States, so what I was trying to do was assess what was happening in the UK”. Walker (03/12/10 – Interview) claims that at the time, there was neither a lot of people in the British context engaging with the two words ‘environmental’ and ‘justice’ together or any real literature coming out. Beyond the “American agenda that ha[d] become really quite high profile, [...] was seen as a major theme of American environmentalism, and was starting to get into policy as well” (Walker, 03/12/10 – Interview), the first citing of the two words, ‘environment(al)’ and ‘justice’ together in the UK was predominantly perceived to have been by FoE (Fuller, 06/07/10 – Interview; Bickerstaff, 29/09/10 – Interview) and FoES (Buckingham, 02/03/11 – Interview; Scandrett, 12/07/10 – Interview).

FoES ran an explicit campaign in different circumstances to that south of the border, taking advantage of devolution in 1998. Eurig Scandrett (12/07/10 – Interview) describes how he first came across the term EJ when he was at FoES (in approximately 1998), where under the leadership of Kevin Dunion, FoES began calling itself an EJ organisation and became committed to EJ. According to Scandrett (12/07/10- Interview), FoES picked the EJ term up directly from the US movement and its use in Friends of the Earth International (FoEI) and some of the more “politically radical Friends of the Earth groups like in Latin America”. While FoES took the lead with strong community development EJ campaigns, it also took advantage of good relationships with the Scottish executive; with the presence of Jack McConnell as First Minister of Scotland making a significant impact for EJ in Scotland at the time, bringing in a policy dimension (Scandrett, 2007; 12/07/10 – Interview). FoES’s explicit embracing of EJ in a community-development form is variously cited as important and influential for the majority of the participants in this phase of the research.

In England, however, while there were “a few satellite groups around at the time, there didn’t seem to be much coherence to what they were talking about. BEN and WEN were around, but [...] they had very particular concerns to do with the particular demographic they represented” (Bickerstaff, 29/09/10 – Interview). A visit by US sociologist Bob Bullard, who embarked on a series of talks, seminars, and other academic events, is also variously cited

(Walker, 03/12/10 – Interview; Watson, 17/02/11 - Interview; Church, 21/01/11 - Interview) as being important and influential for FoE and its uptake of EJ, “the agenda he laid out was very much reinterpreted in the UK situation” (Walker, 2012: 25). However, the key development in England cited by most elite participants, was “that Friends of the Earth did this UK study of pollution, proximity, and social deprivation essentially, and they’d made this connection between poverty and pollution” (Bickerstaff, 29/09/10 – Interview).

5.3.2 Pollution and Poverty, Friends of the Earth, New Labour, and the Environment Agency

The biggest development around EJ in England centred about FoE and its pollution and poverty work. FoE’s EJ work emerged out its transition into becoming an SD organisation, and then developing with its mapping and pollution and poverty work. It then sought to influence the New Labour government which came into office in 1997.

For FoE, EJ performs a role in SD. EJ is “one aspect of [SD’s] social justice” pillar for Simon Bullock (07/02/11 – Interview, emphasis in original; also FoE Supervisor, ~22/03/10 – Interview). Bullock (07/02/11 – Interview, emphasis in original) explains the role EJ played for FoE within their work on SD: “our expertise is in environmental issues, so it’s where we feel that we are *most* able to work on the social justice pillar of sustainable development”. The second key thing for Bullock here was EJ enabling the overcoming of the ‘perceived contradiction’ or ‘trade-off’ between the environment and SJ, both internally within FoE, and outwardly. Internally, this meant “that policies [FoE...] advocate on environmental grounds don’t go against other social justice goals [...], it made sure that the environmental and social justice aspects were linked” (Bullock, 07/02/11 – Interview). Outwardly, this meant changing what the environmental movement and FoE were about and specifically targeting the new *New Labour* government.

In many ways, FoE’s target *was* the New Labour government. As Walker (2012: 25) writes, “an opportunity was seen to make the environment more directly relevant to the recently installed ‘New Labour’ administration, which had campaigned strongly on social exclusion and inequality issues”. The New Labour government was apparently very suspicious of the environmental agenda. According to Bullock (07/02/11 – Interview), it had wrongly caricatured it as a “conservative, small ‘c’ set of thinking that [is...] not of interest to the

average working person”. Thus, FoE set out to make a case to the new government that what they were trying to do about fairness and social justice required environmental problems to be addressed as well. According to Bullock (07/02/11 – Interview), to do this FoE “set out to try and show just who it was who were adversely impacted on by environmental problems”. This is where FoE’s GIS work materialised, as FoE produced “a couple of reports mapping access to public transport, mapping air pollution, mapping factory pollution, all the incinerators, all those sorts of things” (Bullock, 07/02/11 – Interview). The results of this resonated with New Labour’s social justice and social inequality agenda at the time, showing that broadly the same people who are affected by environmental problems, also have poor quality homes, no jobs, and a lack of income (Bullock, 07/02/11 – Interview):

“So we were making a case to the new government at the time in the late ‘90’s that it’s a core part of what you’re trying to do on fairness and social justice to tackle environmental problems as well.”

Simon Bullock (07/02/11 – Interview) describes how one of the steps FoE took was to produce a pamphlet with Brenda Boardman, an Oxford academic on energy efficiency, and Catalyst a “relatively new left of centre think tank” (see Boardman, Bullock, & McLaren, 1999). According to Bullock (07/02/11 – Interview), this showed that there were ways of mixing both environmental and social justice goals to make them work together on issues such as transport and housing.

While FoE was doing this early work, according to Bullock (27/02/11 – Interview) it became apparent to FoE that “the work on environmental justice [in the UK] was being led really by academics”. This spurred FoE trying to do two things, firstly, to make links with academics to generate better evidence with which to go to policy makers and make arguments regarding which issues should be prioritised; and secondly, to make links with FoEI groups (Bullock, 27/02/11 – Interview). It was through the former collaborations that the seminal research with the Economic and Social Research Council (ESRC), and the London School of Hygiene and Tropical Medicine with Carolyn Stephens and Alister Scott was produced (Bullock, 27/02/11 – Interview; see Stephens, *et al.*, 2001). For Bullock (27/02/11 – Interview), this work sought to: “pull together all the work as we understood it, and [to] try to come up with a formulation of how you might tackle these issues in a coherent way”. The briefing was widely cited and seen as influential among participants. For Bickerstaff (29/09/10 – Interview), while FoE’s general industrial pollution mapping brought them to the forefront of EJ research, the briefing was one of the key moments for the EJ debate in England, “more so than the [wider]

pollution [and poverty] study per se, because it was an agenda setting piece”.

This briefing, Stephens *et al.* (2001: 22), attempts to overcome the “perceived conflict between environmental and social justice objectives” and appeal to the New Labour government through its social exclusion agenda, its SD agenda, and its Rights and Responsibilities discourse, aiming to set the agenda for EJ in the UK. The briefing ascribes the origin of EJ to the US, links EJ with the UK government’s policy on SD, outlines and reviews evidence of EiJ in, and caused by, the UK, before finally setting “out some of the key policy and research areas where changes can be made” (Stephens *et al.*, 2001: 4). The briefing (Stephens *et al.*, 2001: 3) defines EJ as having two basic premises:

“first that everyone should have the right and be able to live in a healthy environment, with access to enough environmental resources for a healthy life, and second, that it is predominately the poorest and least powerful people who are missing these conditions[, and the] priority is to ensure that the adverse conditions faced by the least powerful people are tackled first”

Like the US, the built environment is included in the conception of the environment, however, unlike the US Environmental Protection Agency’s EJ Strategic Plan under Bush, which aimed at the insertion of ‘regardless of demographic’ into its duties (Faber, 2008; see Chapter Two), it is sure to emphasise that it is the “adverse conditions faced by the least powerful people are tackled first” (Stephens, *et al.*, 2001: 3). Beginning the briefing by pointing to the origin of EJ in the US, it notes the role of community groups, the academic literature and EJ’s emergence into national policy citing Executive Order 12898, while it also highlights some of its deficiencies. These are seen as: a current lack of “elaborated formal definitions of the victims of environmental injustices”; issues of scale relating to the tendency to “emphasise cases of injustice in localised geographical areas” at the expense of more diffuse and nuanced distributions of environmental ‘goods’ and ‘bads’ including EiJ on the global scale, as well as intergenerational justice; and anthropocentrism (Stephens *et al.*, 2001: 5). Indeed, the briefing presents a fairly broad conception of EJ. It recognises not only the nuances of scale, international aspects of EiJ, intergenerational justice, but beyond distribution, also justice in terms of procedure, recognition, and even capability. The recognition of the international dimensions of EJ relating to the UK are a recurring theme and issue for FoE (also occurring below), and a significant feature in this briefing. For example, noting the UK’s huge ‘ecological footprint’, it states that EiJs can be imposed on people in other countries in two main ways, “damaging other people’s environments, and over use of

scarce global commons” (Stephens *et al.*, 2001: 10). Here the ideas of FoE’s Tomorrow’s World agenda, ‘Environmental Space’ and ‘fair shares’, and the concerns of their European and global network is also seen to recur.

The briefing is similarly fairly broad when it comes to detailing the causes of EiJ. It notes failures by governments and law, the externalising of costs by the private sector, and deficiencies in policy and governance:

“the procedures and processes needed to tackle negative environmental impacts are neither fully developed nor accessible on an equal basis to different social groups. Many environmental injustices may be caused or exacerbated by procedural injustices in the process of policy design, land-use planning, science and law” (Stephens *et al.*, 2001: 13).

Here, there is clear identification of structural causes of EiJ in diffuse areas of governance, while it identifies that it is the ‘procedures and processes’ that require imposition, change, development, and to be accessed equitably. The briefing identifies “four broad areas where changes in policy and practice are needed” to achieve EJ: Rights and Responsibilities, Participation and Capacity, Assessment, and Integration. However, while Rights and Responsibilities and Participation and Capacity are given some attention, it is the latter two, Assessment and Integration, which resonate through the briefing and are seen as both the cause and solution to EiJs. Concomitantly, EJ’s role in better integration for SD is prominently advocated. The briefing notes that since the government’s 1999 SD strategy (DETR, 1999) there has been progress on integrating economic and environmental goals, and economic and social goals, “[b]ut there has been much less on integrating the environmental with the social – this is where an environmental justice focus can help” (Stephens *et al.*, 2001: 7). EJ is framed as a way of overcoming the perceived contradictory trade-off between SJ and the environment: “An environmental justice perspective can help to cut through perceived conflicts between social and environmental objectives. It clarifies the central role for the objective in the Government’s sustainable development strategy to ‘ensure everyone has a decent environment’” (Stephens *et al.*, 2001: 22). The briefing argues that isolated environmental and social policies often fail on the other’s grounds, but according to Boardman (1999, in Stephens *et al.*, 2001: 22), “integrated policy ‘packages’ [...] can deliver simultaneous environmental and social objectives” (Stephens *et al.*, 2001: 22), citing Porritt (2001), “the lack of joined-up government continues to prove extremely damaging” (Stephens *et al.*, 2001: 23). It argues that without proper regard for the other, one can suffer, but with analysis and integration they both can be tackled together.

The main *diagnosis* of the briefing is that of a lack of integration and deficiencies in policies and procedures:

“a lack of explicit discussion of the distributional impacts of policies and actions; inadequacies in the tools and procedures for implementing environmental justice, and; inequalities in access to these tools and procedures” (Stephens *et al.*, 2001: 13).

The *prognosis* is further research, analysis, integration and changes to policies, procedures and processes. This runs through from the beginning of the briefing with the deficiencies claimed of EJ in the US, for example, an *as yet lack of “elaborated formal definitions of victims of environmental injustice”* (Stephens *et al.*, 2001: 5, emphasis added). This echoes the moves in the US by the Environmental Protection Agency (EPA) under the Clinton administration to attempt to consolidate “a technocratic basis for federal environmental justice policy decisions” generally, and standardise EJ communities specifically (Holifield, 2004: 287; see Chapter Two and Three respectively). The briefing can be viewed as identifying and seeking to address a *technocratic deficit*.

The briefing was also seen by participants to be particularly influential on the EA:

“started to shape the minds of the people like the EA”; “the EA have taken it up in a way in which other policy organisations haven’t” (Bickerstaff, 29/09/10 – Interview).

“The Environment Agency were very keen to take this work forward and they’ve done quite a lot of mappings since themselves. [...] it’s much more understood now in policy terms” (Bullock, 27/02/11 – Interview)

Similarly, Anna Watson (17/03/11 – Interview, emphasis in original), Senior Rights and Justice Campaigner at FoE, claims that FoE’s pollution and justice research also “had a *major* impact on the Environment Agency”. Watson (17/03/11, Interview) believes that FoE’s production of “the ‘pollution inventory’ which meant that anybody could find out what was going on in their air quality from industry”, in combination with the mapping work they undertook on disproportionate effects on communities against multiple deprivation, resulted in the Environment Agency (EA) taking these issues more seriously. Watson (17/03/11 – Interview) claims the EA subsequently changed their approach as they started to understand some of the linkages between SJ needs and environmental issues.

The EA is “the principle advisor to the Government on the environment [... and] the primary public body responsible for improving and protecting the environment to promote a better

quality of life” (Chalmers and Colvin, 2005: 337). Helen Chalmers and John Colvin, policy makers in the EA, reflect on their experiences of translating a “political commitment³¹ [to EJ] and the underlying research evidence into UK policy and practice” (Chalmers and Colvin, 2005: 333). They detail how in the five years from 2000 to 2005, the EA developed its interest in *environmental equity* consulting a range of elite policy actors, academics and NGOs, and conducting further research principally analysing the distributional relationship between multiple deprivation and environmental quality (Chalmers and Colvin, 2005, emphasis added). Again, the work is framed in terms of its contribution to SD in policy terms and integration of environmental concerns into wider policy areas. In 2004 the EA published its policy position statement *Addressing Environmental Inequalities, Position Statement* (Chalmers and Colvin, 2005). The position statement (Chalmers & Colvin, 2005: 359-360; also Environment_Agency, 2004, emphasis in original) calls for:

1. “A better understanding of environmental inequalities and the most effective ways of addressing them”
2. “Government policy [to] promote[...] a reduction in its environmental inequalities”
3. “Government to address environmental inequalities through tackling disadvantage”
4. “Regional and local planning prevent environmental inequalities”
5. “Communities [to be] supported and involved in decisions that affect their local environment”.

The most striking aspect of the EA’s engagement with EJ is its articulation and reframing as *environmental inequalities*. As Walker writes (2012: 26-27):

“[t]he reframing work undertaken by the EA included not only its definition of relevant social and environmental concerns (including flooding and water quality, both central to its regulatory remit), but also the naming of the frame itself. Whilst clearly derived initially from the US environmental justice frame, the EA settled on naming its own agenda as being one of ‘environmental inequalities’; this was seen as both less politically contentious and more aligned with familiar policy discourses such as that on ‘health inequalities’”.

Some participants, for example Agyeman (30/07/10 – Interview) and Watson (17/03/11 – Interview), offered the view that EJ, and in particular *justice*, were terms which resonated in the US in a way in which they did not in England. EJ scholar Sara Fuller (06/07/10 – Interview) who has worked on “how equity and justice might be conceptualised within different policy making arenas both within the UK and further afield” offers another insight. With the example of the Department for Environment Food and Rural Affairs (DEFRA), she states that policy makers said they “could never take on board the term justice because policy

³¹ Chalmers and Colvin (2005) note speeches from Deputy Prime Minister John Prescott, Minister for the Environment Michael Meacher, First Minister of the Scottish Executive Jack McConnell, and Prime Minister Tony Blair that suggest the issues of EJ had gained political attention.

makers can't deliver justice in that sense, which is why a lot of UK government rhetoric is around inequalities, environmental inequalities rather than justice". Again, this bares similarities with the US EPA, and its staff's frustration at the presence of 'politics' in what they wanted to be 'scientific', 'objective', decision-making processes (Holifield, 2004). For Mouffe (2005: 62), the key terms for New Labour were 'inclusion' and 'exclusion', which "[b]y redefining the structural inequalities systematically produced by the market in terms of 'exclusion', one can dispense with the structural analysis of their causes, thereby avoiding the fundamental question of which changes in power relations are needed to tackle them". Although the term inequalities is used here, it is in tune with Peck and Tickell's (2002: 389) characterisation of Clinton and Blair's 'third way contortions' of the increasingly technocratic form of "new modes of "social" and penal policy-making concerned specifically with the aggressive reregulation, disciplining and containment of those marginalized or dispossessed by the neoliberalization of the 1980s" (see Chapter Three and Two). It is clear that the EA's approach to EJ shares many similarities with Stephens *et al.*'s (2001) briefing, in particular its framing of EJ as providing a technocratic rebalancing to SD with the requirement for further research, analysis, integration, and a resultant critique of the need for finessing the tools, mechanisms, and procedures which cause EijS.

Scandrett (12/07/10 – Interview) believes it was the *wave* of academic research that was a significant feature in EJ's emergent development in the UK "rather than necessarily the specific pieces". Fuller (06/07/10 – Interview) offers compelling context and rationale for this:

"in some ways you need to do that mapping stage in order to make a case, because actually you need to have some evidence if you're going to try make a case around environmental justice".

Accompanying this research is also the notable way in which it was conducted. Bickerstaff (29/09/10 – Interview) thinks Stephens *et al.*'s (2001) briefing was also notable because of the interaction and networking of actors involved in its production:

"I think that document, in terms of how it was produced, that was where groups started to interact and network, academics started to work with FoE and so on. So I think it brought a lot of people together".

Indeed this was a feature in the EA's engagement with EJ and a theme of the engagement and development of EJ in England. Networking and promotion of an EJ agenda took place at various events, such as the 2001 'Mapping Common Ground' event with Capacity Global.

According to Chambers and Colvin (2005: 338), this event “brought together a diverse network from government, NGOs and the academic community, to map the issues and current work relating to environmental equality and social cohesion (Environment Agency with Capacity Global, 2002) and was to prove significant in building a more trusted role for the Agency within this network”. Capacity Global also helped set up a UK EJ network in response to the wishes of delegates at the US–UK Environmental Justice Meeting of 2 April 2000. These delegates, including Capacity Global, the Black Environment Network, Groundwork, Earth Rights, the Environmental Law Foundation, FoES, FoE, Oxfam, and WEN worked to establish this Network. The proposed purpose of the Network was to eradicate EiJ in the UK. To this end, the Network aimed to identify the causes of EiJ and tackle them by using appropriate mechanisms, including working with communities and the government. The means by which the Network aimed to achieve these goals included “raising environmental justice as a priority area for government and relevant institutions; clarifying the links between environmental justice and social exclusion, ‘liveability’, regeneration and human rights; [and] seeking to ensure relevant policies do not disproportionately disadvantage any one social group” (Capacity, 2001: 5). This research, networking, and policy orientation then continued to be the main thrust of EJ work in England. Walker and Eames (2008: 664) discuss a seminar series that took place between 2006-8 at a number of universities, which was funded by the ESRC and the Natural Environment Research Council, and jointly organised by Capacity Global with “support from the Department of Communities and Local Government and the Environment Agency”. This seminar series “sought to highlight how issues of inequality and justice could be brought more substantially and effectively into both high-level policy development and local-level action” (Walker and Eames, 2008: 664).

Indeed, what the above discussion demonstrates is that, unlike in the US context which began at the local community, grassroots level, the emergence of an EJ discourse in England has predominately been elite in nature, and that it has taken place largely at a policy level. As Agyeman & Evans (2004: 162) argue:

“the general picture in the UK with respect to questions of sustainable development, environmental justice and governance is one of strong policy guidance from Europe, declared support at the national level, but comparatively little activity at the regional and local levels. In the case of environmental justice, there is little evidence to suggest that there is the 'bottom-up' community support, of a 'movement' typical of the US (Agyeman, 2000)”.

Indeed, Walker and Eames (2008: 664) detail the attendance of the seminars consisting of: “220 people, from 13 different academic disciplines, 12 government departments or agencies and 25 NGOs and consultancies”, and conclude that this demonstrated a breadth of interest and engagement and “a real willingness and desire to bring questions of inequality and justice more explicitly into the environmental arena”. For Scandrett (12/07/10 – Interview) the wave of academic research, driven by the policy agenda produced a specific definition of EJ:

“very significant that this level of research was happening, academic research happening too, driven by the policy agenda. But [...] environmental justice then became defined in terms of what correlations between social factors and environmental factors, so, what correlation is there. Which lead to some very interesting outcomes, but it was very much a snap-shot response.”

Thus, a set of elite actors can be seen to be engaging in and having produced a version of EJ in the UK, a ‘snap-shot’ version, in a research, policy-orientated networked governance arrangement. This could also be conceived of as a production of, and an engagement in, a story-line of EJ, where the discursive complexity of a problem, and in this case also a discourse and frame, was reduced, allowing different actors to expand their understanding of a phenomenon beyond their own particular discursive expertise and/or experience (Hajer 1995; Chapter Three). Describing this version of EJ as a story-line is apt for characterising the main way it was taken on, particularly in its diffusion to other government departments (see Chalmers & Colvin, 2005), and the way it was incorporated into SD. The dominant environmental discourse in England was SD. New Labour, together with a new political focus and a new language, also created new organisations, such as DEFRA and the Sustainable Development Commission in which SD was imbued and fore fronted. So, like for FoE before EJ’s emergence (above), there is SD discourse structuration and institutionalisation for New Labour, it is dominant. Story-lines for Hajer (1995: 65) can form part of a discourse coalition that consists of the ensemble of (1) a set of story-lines; (2) the actors who utter these story-lines; and (3) the practices in which this discursive activity is based”. So in the same vein as Hajer’s (1995) description of SD as the first global discourse coalition, EJ is seen to emerge, and be incorporated as a story-line into a SD discourse coalition in England. It is possible to conceive of there also being an EJ discourse coalition, however, given discourse coalitions are coalitions of language – the EA and New Labour preferring to reframe EJ as that of environmental inequalities, or as issues for inclusion and exclusion – and the orientation towards contributing to, and incorporation of EJ into, SD, not to mention the technocratic production of EJ that was a snap-shot and didn’t prominently

include grassroots, community mobilisation and collective action elements – ‘the discursive complexity of a problem was reduced’ – it is more accurate to describe EJ as becoming part of a SD discourse coalition in English governance.

Whether this was a successful colonisation of SD by EJ or conversely a co-optation of EJ by SD, it describes the main version and character of EJ that was produced: a technocratic production of EJ that had some success in the English context. Porritt (09/02/11 – Interview, emphasis in original) for example, describes how there has been a change in the orientation of mainstream environmental campaigning in that it is now geared around impact upon people, particularly those least able to protect themselves:

“the big development and big environmental NGOs have joined forces on the justice aspects of accelerating Climate Change [...] there is a very clear sense that there is a massive justice issues here: those who are least able to protect themselves, least responsible for the phenomenon at a sort of macro level are the people who have been most impacted by the consequences of that now at a very high level is *absolutely locked in*”.

Porritt (09/02/11 – Interview, emphasis in original) argues further that while there is still a lot of concern about the impact of climate change on the natural environment, the ‘people’ aspect of campaigning now trumps the planetary aspect:

“you wouldn’t see an air pollution campaign now that isn’t *very* explicit about this needs to be done first and foremost to protect those whose lives are *most* threatened by high levels of pollutants in the atmosphere”.

In a similar vein, Simon Bullock (07/02/11 – Interview) thinks that one of the things EJ does, and has achieved, is the making of links between environmental and social policy, thus overcoming one of the environmental movement’s biggest problems by making it much harder to trade off the environment against poorer people. Similarly, Charles Secrett (27/10/10 – Interview), describes more broadly the effect that SD had on the environmental movement: “within 7 or 8 years you could see that [...] the other so called mainstream environmental organisations had taken on a sustainability carapace, that they were no longer really trying to pitch themselves as environmental organisations”. However, these effects are more or less limited to this sphere of civil society, making very little impact on the general public and their views of environmental organisations more widely according to Secrett, (27/10/10 – Interview) and Porritt (09/02/11 – Interview).

While an elite, research, policy-orientated and technocratic concept has been the main thrust of the deployment and development of the concept of EJ in England, it is not the only

manifestation of EJ activities. There are the specific demographic-focused activities of BEN and WEN which emerged before FoE's substantial explicit engagement with the concept, while the sourcing and sampling for this first phase of the research revealed an ecology of different actors, organisations, and crystallisations of EJ in England (see **Table 4.1**). Whilst participants unanimously accepted that there was no grassroots EJ *movement* in England, this is not because of an absence of EiJs; nor does it preclude activities at the community, grassroots, or civil society organisational level that are conceivable as EJ, EiJ-based, or having an EJ outcome. The following section explores some of the key dynamics and themes to have emerged from this research and the apparent limited success of the EJ discourse at this level.

5.4 Community Development, Resonance, and Limited Success

Among participants, interviewed between March 2010 and 2011, an almost ubiquitous, taken for granted and assumed conception of EJ, what EJ is about, what it means to be working for EJ or on EJ, was that working with and for the communities suffering EiJ(s) is fundamental. For example, FoE's Anna Watson, and academic Karen Bickerstaff:

“you have to be bottom-up, you have to be driven that way” (Watson, 17/03/11 – Interview)

“it should be about the grassroots articulating social justice and environmental issues, and in a way *that* should lead or influence policy” (Bickerstaff, 29/09/10 – Interview, emphasis in original)

There was very much the conception that EJ, done properly, should be done from the ground, grassroots, bottom, up. This is born not only out of the US experience and development of EJ, but also a consciousness of ideas about recognition, procedural justice, and capability. For FoE, this appears to have been a learning experience for the organisation and a journey that they are still on. The dynamics of the more limited success outside of the elite policy-orientated arena and of CSOs engagement with EJ more broadly is explored with FoE's journey.

This is then followed by a second common and overriding theme in the research, that there are EJs in England, there are many things being done that could be conceived of, and labelled as, EJ work, but are not. Somehow EJ, as a collective action frame and its punctuating function, modes of attribution, and signalling and collating (see Benford, 2005; Chapter Three), is absent. In the second sub-section, the dynamics of the application and absence of resonance of EJ at the community level is explored.

5.4.1 FoE, Community Development, Civil Society Organisations, Difficulties and Success

FoE, after their pollution, poverty, and justice work, and having played a prominent role in the furthering of an EJ agenda at the elite civil society and policy level, turned towards the grassroots and began engaging in community development work (Watson, 17/03/11 – Interview). Simon Bullock (07/02/11 – Interview) recounts how after getting John Prescott and Tony Blair of the New Labour government to say ‘yes this is a problem’, working with the communities affected by EJ was a very deliberate move:

“we decided that if we, within the UK, if we are going to go on about, bang on about how inequality affects the poorest communities hardest, environmental pollution hits the poorest communities hardest, then we need to be working with those people to work out what we could do [...] We can’t just say this is terrible and then do nothing about it”.

What followed then was a project on Teesside in North East England (Bullock, 07/02/11 - Interview; Gilligan, 21/03/11 – Interview; Watson, 17/03/11 – Interview). Similarly for Elaine Gilligan (21/03/11 – Interview, emphasis in original), who managed the Teesside project and is now Head of Policy and Campaigns Department Programmes within FoE, the context was that FoE had decided that it had carried out a lot of work on the information aspect of EJ, talked a lot about it, but did not have much experience in working on it, and Teesside was “a very big, very *deliberate* decision that the organisation took to learn and do more around EJ”.

The Teesside community was dealing with “massive problems in their local areas with pollution, but also through job issues, high unemployment” (Bullock, 07/02/11 – Interview) with death rates 13 per cent higher than the England average and cancer a major issue (FoE, 2005). Gilligan (21/03/11 – Interview) explains that despite FoE having many strongly grassroots local groups across the country, it was clear that there were gaps, of which Teesside was one. In 2001 FoE employed a community development worker “to work with

local residents, enabling them to gain the skills and resources to identify and tackle environmental injustice on Teesside” (FoE, 2005: 1). Bullock (07/02/11 – Interview, emphasis in original) describes how FoE’s work on Teesside “was a *really important* thing for Friends of the Earth”, it was seen as an eye-opening learning experience for FoE and its senior staff (Bullock, 07/02/11 - Interview; Gilligan, 21/03/11 – Interview; Watson, 17/03/11 – Interview).

Gilligan (21/03/11 – Interview, emphasis in original) claims that Teesside became a driver for FoE understanding EJ:

“I think it was seen as a very totemic of *this is how we need to understand EJ*. It did become an influential project *internally* in terms of people starting to understand the concept of EJ *within* our organisational culture and ways of working”

Gilligan (21/03/11 – Interview) claims further that following Teesside, EJ was “seen as a key positioning for the organisation [... and] that this was should something that [they] now have some track record in”. Eurig Scandrett (12/07/10 – Interview, emphasis in original) looking in from Scotland, however, believes that EJ for FoE, rather than being key and essential, was instead incorporated into existing bodies of work, almost as an element or appendage to it, and as a result, the organisation tended to engage in piecemeal forays:

“there was the earlier pollution and poverty work, then a slightly later adoption of environmental justice, but *within* a wider framework, rather than seeing it as being essential, it was much more kinda piecemeal I think within Friends of the Earth England [...] But it was saying, ‘well ok, let’s identify where the poorest environment with the worst environment is and we’ll fund a community worker there for two three years’ or whatever it was. ‘Let’s do a little project in Liverpool’, [...] and so it was kind of piecemeal, [...] it didn’t affect the mainstream of the environmental work.”

EJ playing a small, bit part player, is reflected more widely in English civil society, according to Porritt (09/02/11 – Interview, emphasis in original):

“in terms of its presence in the way environmental NGOs have framed their own priorities I think it’s, I think environmental justice has been a very small-part-player in the way in which they have developed their campaigns, exercised those campaigns, taken them out to the general public and essentially represented themselves to their stake holders”

What is raised by Scandrett and Porritt here is a question of the extent to, and manner in which, FoE really embraced EJ. This appears a continuation of Porritt’s (09/02/11 – Interview, emphasis in original) earlier highlighting contrast that although “progressive thinking about social justice was very much of the culture and the mix in FoE”, this did not readily translate into a specifically justice based framework or outcome. Despite EJ providing

the angle on which an environmental organisation could work on SJ as Bullock (07/02/11 – Interview) claims above, albeit for SD ends, this still remained the case.

In reflecting on some of the reasons why FoE did not seem to fully commit to EJ, Scandrett (12/07/10 – Interview, emphasis in original) draws attention to some of the FoE (EWNI) staff who he feels did not ‘get’ EJ and were not fully committed to it:

“People that *I* had contact with, seemed to be suggesting that with Friends of the Earth EWNI didn’t really *get*, er environmental justice. There were staff *within* Friends of the Earth EWNI that did and were doing some excellent work, but as an organisation the perception was that they didn’t really get it, and the policy changes, *shifted* away from that kind of support for grassroots struggles amongst people who were experiencing, the victims of environmental injustice. [... T]here was a lack of commitment to those kind of communities of struggle in a systematic way. So resources, didn’t go into those kind of projects in systematic way, so [...], you know, the review processes that go on, *tended to shift it away* from what the environmental justice activists seemed to think were the most significant one”.

Indeed, the composition of both FoE’s staff and membership, as well as the constitution of the environmental movement in England more broadly, is seen as problematic by many participants. Again, this is contrasted with claims of FoE being at the ‘people centred’ end of the spectrum, having a balanced position, being comprised of ‘Lefties’ (Porritt, 09/02/11 – Interview). Kevin Dunion (20/09/10 – Interview, emphasis in original), who headed up FoES when it explicitly embraced EJ (see Dunion, 2003), makes an argument as to why the staff constitution matters, noting that he feels that part of the reason why FoE did not make more of an impact with EJ was because they did not share a background with the communities in question so struggled to communicate an agenda to them:

“I don’t think to be honest Friends of the Earth England and large parts of Friends of the Earth Scotland don’t have that direct connection to that and find it difficult to articulate an agenda to those communities. Intellectually I think they can do, I think they have done, but it’s more difficult to take that down to a community level. And secondly despite the size of the organisation it’s still fairly metropolitan in its key activities, [...] and pretty much leaves the Black Country, Tyne and Wear to the local campaigning groups *up there*, it doesn’t really make them the focus of their activities.”

Dunion also asserts here that this is why EJ did not make more of an impact on FoE as an organisation itself. Gilligan (21/03/11 – Interview, emphasis in original)³² however, initially rejects this, claiming that it is a bigger point about the environmental movement in England responding to an EJ agenda when it is quite a rich middle-class institution, while in FoE she points to the influence of the Teesside project and FoE’s international network:

³² Kevin Dunion’s (20/09/10 – Interview) thoughts about the impact of the constitution of FoE’s staff was put to Elaine Gilligan (21/03/11 – Interview) who’s interview took place at a later date.

“this is why the Teesside project had such a big impact because it was bringing that experience and voice into the organisation. [...] I think maybe the difference of us is that we have an international network that is *so rooted* in EiJ. When we meet FoEI that’s a big reminder to us in FoE EWNI of what the global struggles are outside of the UK and I think there are more and more interactions between EWNI and our global network I think are going to be very *healthy* for building a stronger cultural identity about what EiJ means, and that is something that I think we are doing more work on within EWNI”

While Gilligan rebuts Dunion’s thoughts on the impact of the constitution of FoE staff and its EJ activities, she does not refute it. She indicates that *reminders* come from outside FoE EWNI’s staff and it is something they are doing more on and continuing to work on and that EJ is not, or at least not yet, something completely consolidated within FoE and its staff and activities. Less in dispute among participants is a debate about the constitution of FoE’s membership and activists.

Porritt (09/02/11 – Interview) captures the sense among many participants of dynamics of the presence and awareness of EJ among FoE and environmental activists when he wagers:

“you could go out here and talk to a hundred green activists and ask them the question ‘who do you think has been the spear head of the environmental justice movement here in the UK?’ and they would look at you as if you were mad, I’ll take you any money
Interviewer – why, because they don’t know what environmental justice is?
Porritt – they wouldn’t know what the question was. First they wouldn’t really know what environmental justice was, second they wouldn’t really know that Friends of the Earth has got a consistent honourable record of balanced campaigning, social and environmental campaigning [...], and thirdly it probably hasn’t touched their lives at any point.”

While Porritt’s (09/02/11 – Interview) second point alludes to a dogged stereotype of FoE as purely an environmental organisation, the first and third points indicate a lack of resonance of EJ with environmental activists and offers an explanation as to why. Eurig Scandrett

(12/07/10 – Interview) similarly summates the identification of this problem:

“When I was at Friends of the Earth there was always that tension that the people that were suffering the worst environments weren’t members of Friends of the Earth”.

Indeed, this tension is recognised in Stephens *et al.*’s (2001: 20) briefing about the membership of environmental NGOs more broadly: “Various studies have documented that membership of many non-governmental organisations working on the environment is drawn mainly from the professional and knowledge classes (Yearley, 1994), yet it is not these people who suffer predominantly from environmental injustice”. As is the case of many large organisations that are funded through membership, the interests and concerns of members are significant. This raises a difficult issue for organisations in the sense that there is a question

around who the organisation should support, its members or the communities facing EiJ.

Anna Watson (17/03/11 – Interview) discusses the base of this issue that then inhibits an EJ focus:

“So let’s say you as an organisation mainly get your cash from fairly affluent white middle class people living a very nice lifestyle and being a bit organic food. [...] If you start trying to talk to them about environmental justice is it just like: ‘Well that’s got nothing to do with me, because I don’t live in’, you know; ‘that’s not my experience of my community’; ‘that’s not my experience of nature’; ‘that’s not my experience of...’; ‘I find it very easy to talk to my local council’; ‘I’ve found it really easy to send in my thoughts to my local council on its local development framework’. Or, you know, whatever”.

This tension can be seen to run through FoE:

“When we were doing work on Copenhagen, the whole of the Friends of the Earth International had, the strap-line for the campaign was ‘Demand Climate Justice’. And the communication team at Friends of the Earth [EWNI] decided that they wouldn’t use the term Justice. So, this is very strange because we are supposed to be an environmental justice organisation and environmental justice is supposed to be in our brand and at the core of who we are. [...] They said ‘We don’t think it resonates with our audience’. That’s the UK audience to take action on climate change” (Watson, 17/03/11 – Interview).

Thus, one can see the importance of the membership of FoE in inhibiting an EJ discourse, the notion of which Anna Watson’s quotation so clearly points out: ‘We don’t think it resonates with our audience’. This is compounded by the fact that community development work is resource intensive (Bullock, 07/02/11 – Interview; Gilligan, 21/03/11 – Interview; Watson, 17/03/11 – Interview). This is problematic for organisations with limited resources full-stop, let alone if they have issues directing resources towards issues and campaigns that don’t necessarily directly impact and chime with its membership and source of resources. It should also be noted here the type of resources. There are issues here for FoE both as a ‘protest business’ organisations in terms of legitimately directing (monetary-derived) resources to areas that do not necessarily share the experience and concerns of the paying ‘supporters’, and as local groups (activist resources) which tend not to be in the areas and comprised of the people suffering EiJs.

In terms of a civil society led grassroots EJm like that of the US, the dynamics around resources is a significant barrier. Nonetheless, Secrett (27/10/10 – Interview, emphasis in original) more broadly wonders why NGOs and progressive movements have been so ineffective at changing society given the resources they *do* have:

“even if you just look on the environmental side, we have *thousands* of staff working for us once you lump them all in together. We have annual budgets that runs into dozens of millions, if not hundred million pounds a year. We have a national supporter base, that depending on

whether you count the National Trust or not, goes into at least three or four million people. We have local groups in every town and city in this country. Why have we not revolutionised society around our progressive agenda? And that's the question".

As far as EJ is concerned, when a wealth of resources can be conceived of, a question of an absence of leadership of EJ and an absence of a convening notion of EJ in England was apparent among and from participants. Porritt (09/02/11 – Interview, emphasis in original) states:

"I'm not actually sure that there has been a huge amount of traction around *the convening notion of environmental justice* amongst the NGO community. *Lots of things are done*, which have a specific equity or justice aspect to them, lots of campaigns, you can point to which have specifically sought to make a higher priority of the justice aspect of that campaign, but the idea that there has been a broad, *philosophical framework* under which NGOs have located different parts of their campaigning activity, *absolutely not* in my opinion".

This is contradicted in some sense by Bickerstaff (29/09/10 – Interview) who credits FoE with trying "to link other organisations, and to try and make it a more universal issue".

However, in terms of a common agenda or plan for activities, Gilligan (21/03/11 – interview) states:

"Having a common agenda that set those things out, I don't think we've really done that. [...] So obviously we're always trying to look for those links and strategic partnerships, but that's not the same as saying we need to join together and have a clear common plan".

This appears related to two other themes that did crop up, an absence of leadership for EJ in England, yet also conversely, the description of actors, themselves or others, as being visionary, or in the vanguard. Secrett (27/10/10 – Interview), in problematising the barriers to, or lack of success of, 'progressive movements', evokes the well-known scene in the Monty Python film *The Life of Brian*, where anti-Roman groups squabble over the variation in their names, defining themselves by these small differences, a caricature often levied at the 'Left': "they want their own identity and, you know, they want to go out and get their own supporters [...]. Defined by difference". This again raises the spectre of a civil society that is fragmented and working in silos.

The pursuit of EJ in England at the civil society organisational level seems to have followed this fairly prosaic picture that is reflected in FoE of 'being on a journey'. Gilligan (21/03/11 – Interview) discusses how a decision to evolve EJ into FoE perhaps seems inadequate in hindsight:

"I think we chose at the time to evolve our EJ work, to bring it in. [...] We are an organisation that is still on a journey, but in terms of hindsight when I look back now, that actually meant that we weren't making the change that we needed to make to actually do some of the work.

[...] So say for example, if we'd decided that EJ, this is what FoE is now getting behind, and this means certain things have got to change. [...] So through trying to evolve it in, we were still trying to bring in work in a culture that was still the old FoE, and we ended up having lots of issues around the relative importance of EJ compared to 'this'. I think we didn't probably make the progress that we needed to make in terms of bringing in quite a new change within the organisation, and that created problems further down the line."

So, the tension within FoE with staff and members, and resources, seems to have affected FoE's engagement with EJ. This is in contrast to FoES, who completely orientated their organisation towards EJ and community and grassroots struggles (Dunion, 2003). However, FoE is a much larger organisation than FoES and to adopt EJ in the same manner would have required change on a larger scale than FoES required and the evolutionary integration of EJ which did occur. This can also be seen as a continuation and tension with the protest business form which was broadly not suited to returning to the public sphere and community development grassroots struggles in both its organisational constitution and orientation upwards to engagement in policy and governance. Further, the view from the Scottish actors, concurs with the characteristics of Jordan and Maloney's (1997) protest business organisation identification of FoE in that the core of their activities were 'still fairly metropolitan' (Dunion, 20/09/10 – Interview) and 'lifestyle based' (Scandrett, 12/07/10 – Interview), matching with the demographics and perceived interests of its members.

It was not only within FoE that an EJ, or explicit justice, framework struggled to resonate, at a wider level, EJ discourses have not taken off either. The following section explores possible reasons why EJ has not emerged in the UK at a grassroots level.

5.4.2 Resonance, and Absent and Inhibited Diagnosis

A key theme throughout this whole research is the presence of EiJs in England yet the relative scarcity of the term, label, frame, or discourse of EJ being used or applied. This view was also well reflected among the participants. As above, this comes in a context of work being done, but not necessarily in a joined up, systematic, organised way, without a common agenda and without the EJ frame being imposed. For example, Anna Watson (17/03/11 – Interview, emphasis in original) comments:

“there's still lots of environmental problems, you'll probably still be in urban areas, mainly looking at urban areas, and *is* there an organisation that's doing key bits of work in each urban area, dealing with what the main environmental issues are? And there isn't, but that's not meant to say that there isn't the work going on.”

Some of the difficulties that CSOs face here have been raised above. Additionally, the senior FoE staff indicated that the dynamic of community development, in which the community is listened to and allowed to both identify and frame their issues, can also be seen as something which would inhibit the advancement and imposition of an EJ agenda and frame. For example, Bullock (07/02/11 – Interview, emphasis in original) on the subject of Teesside recounts:

“what came out of that [...] was for Friends of the Earth to be a bit more *humble* about stuff so it wasn't that we were right and have all the answers, or, this is the environmental problem you must do this about it, but working with people to try and find out *ways* to tackle problems which we don't have a lot of experience in”.

Following, Watson (17/03/11 – Interview, emphasis in original) states that community development work was:

“very much about us finding out what it was that the community *felt* were their big issues rather than us going in and saying, look guys you need to be concerned about climate change”.

Likewise, Gilligan (21/03/11 – Interview):

“we're here to support what people need out of this, not what FoE wants. FoE might want a movement out of this, but we can't assume, or say that we've got the mandate to say this should be a movement”.

The *imposition* of an EJ agenda thus faces difficulties. For FoE in particular, they were still learning with their community development work, and more widely, the framing of environmental problems and community issues was to be dictated by communities themselves with what FoE or other CSOs might have wanted being a secondary concern. However, this does not preclude the advancement of an EJ agenda, as Gilligan concedes the lack of a further step that FoE could have taken:

“we've never had a kind of ‘and we're going to try and take people on a journey’”; “we're not actually supporting them in a bigger step that they can take”.

This links into not going as far as perhaps desirable with EJ and the absence of a common agenda and plan (above). However, beyond CSOs struggles in imposing and articulating an EJ agenda to the grassroots and communities suffering EiJs, there is also the question as to why an EJm, or something akin to an EJm, didn't emerge organically from the grassroots in England given the presence of EiJs. What has been considered so far are dynamics and barriers that might be considered *internal* to CSOs pursuit and imposition of an EJ agenda and EJ work, however, the depth and extent of action around what could be considered EiJ or

EJ work extends beyond that engaged in by large CSOs pursuing an EJ agenda. For example, Watson (17/03/11 – Interview) continues:

“there’s probably lots and lots of small scale projects going on that are just happening in a very local area with maybe support from very small or localised kind of charities or third sector groups. You know even people doing, getting play spaces for kids or saving their local park when there aren’t any gardens for people to play in, or you know, all that. [...] but they won’t be thought of particularly in that way. It will be thought of as communities trying to, you know, get better places for them or better, the sort of services that they want.

What is noted here is the conception of problems by communities themselves that, in many cases, are not thought about in EJ terms, ‘not thought of in that way’. Agyeman’s (2000: 162) statement that “there is little evidence to suggest that there is the 'bottom-up' community support, of a 'movement' typical of the US” is fairly uncontested, as is the noted absence of a comparable Civil Rights movement in England being recognised as an important difference, both in the literature and among this research’s participants. There are other notable differences too, and when asked ‘why hasn’t there been an EJm in the England’, in addition to what has already been detailed above, participants proffered a range of interconnected reflections on England’s environmental problems, EiJs, and communities’ relation to them.

According to Agyeman (30/07/10 – Interview, emphasis in original), the US alignment of the EJ frame with that of the civil rights movement meant that it was a “real live issue” in the US, having a “great momentum here and a vocabulary to fit here in the US which it *doesn't* have in the UK”. The absence of a historical civil rights movement to draw upon as a resource in England, is seen as crucial by Agyeman (30/07/10 – Interview). Agyeman (30/07/10 – Interview, emphasis in original) sees EJ as a US term: “it is a very American set of practices and theories, it’s a very *prescribed by racialised boundaries* which we don’t generally have in the UK”. As he explains, “it happens because the United States has a planning system that relies on zoning; land use zoning and various *people* are put into places. There’s a whole debate about *racialised zoning*, why are there neighbourhoods here in the US that are intensely Black, Latino, Asian American, more so than in the UK where we don’t have racialised zoning or even zoning” (Agyeman, 30/07/10 – Interview, emphasis in original). Thus Agyeman draws a connection between the racialised nature of the EJ term in the US, and how this did not have a direct equivalent in England. Agyeman’s argument about zoning also raises the issue of the visible nature and distribution of EiJs in England compared to the US.

It was not just the historical and cultural precedents which enabled the EJm to emerge and flourish in the US. Another difference Agyeman highlights is the spatial stratification by race in the US that is not present in England. Differences in the nature of the EiJs in the US and England come to focus here. As an example of EiJs present in England, Stephens *et al.* (2001) note EiJs identified by research at the time as: factory emissions correlating with multiple deprivation; hazardous substance consent sites with ethnicity; respiratory problems and injuries from high traffic with income and ethnicity; food poverty; fuel poverty; and access to green space. This presents a diversity of EiJs that is in contrast to the nature of the widespread issue of toxic waste as such that gave rise to the precursor to the EJm in the US, the anti-toxics movement. Neither does there appear to have been one particular demographic of people that have been on the receiving end. This is important for the potential formation of collective identities as illustrated with crude racial stratifications in the US and mobilisation against environmental racism. While the environmental movements in the US and England share similar histories and developments, there has neither been a key event/mobilisation akin to Love Canal or Warren County, or the same ‘tinderbox’ of visible and visceral EiJs and intolerable conditions to which emblematic moments and mobilisations, such as Love Canal or Warren County, might act as a spark.

Pointing to an absence of a tinderbox-like context, the achievements that ENGOs have made is highlighted. With regards to air pollution, Watson (17/03/11 – Interview) stated that regulation had tightened up. Similarly, Bullock (07/02/11 – Interview) stated that “factory pollution is generally getting a lot better than it has done in the last 10 years, thanks in no small part to campaigning on things like access to information from FoE and from other groups”. Thus he concludes: “so you don’t need to [have a] movement on an issue if you’ve been successful”. Stephens *et al.* (2001) not only note EiJs *in* the UK, but also EiJs caused *by* the UK. This provides another potential factor contributing to an absence of an EJm in England: the fact that the UK as a whole exports much of its negative environmental impacting activities. Bullock (Interview – 07/02/11) suggests that part of the reason why we have not seen an EJm in the UK is “because the gross environmental injustices, as a result of what the UK does are not on people in the UK”. Instead he suggests that the biggest EiJs are experienced by people living in Paraguay, for example, whereby the production of soy being imported from there, is “wrecking the environment they’re living in”, and destroying the

environment and resources for future generations in that country. Bullock (Interview – 07/02/11) elaborates:

“We’re outsourcing our pollution, to manufacturing, other countries which is now causing some of these problems. Causing problems there rather than here, and we need to find a way of closing loops, I guess, rather so we’re not just hiding pollution, or hiding our own impact, from people”.

Bullock highlights that the impact of activities leading to EiJs are both not experienced by communities in England, and also hidden from them. This also means that the EiJs in England are less numerous and severe. For the impact this has in terms of provoking mobilisation and action, EJ and non-violent direct action anti-aviation activist Dan Glass (14/09/10 – Interview) remarks that “climate change and environmental justice isn’t a life and death issue for most people” and because of this there is a lack of urgency about these issues.

A further characteristic of EiJs in England highlighted by a few participants was their complexity. Bullock (07/02/11 – Interview) contended that housing and transport were two of the biggest EJ issues in England, but they were not issues to coalesce an agenda around because they were so complicated:

“On homes, we’ve been in alliances with huge ranges of people for 20 years now campaigning to tackle fuel poverty and getting quite a long way in some respects, but also not in others. [...] And we have the, it’s a very broad regime whether you call it a movement or not, it’s a broad alliance. It’s got Oxfam, Help the Aged, all the energy efficient groups, loads of housing groups, loads of health groups, but it’s still a very large intractable problem. [...] If you solve the problem like fuel poverty it wouldn’t do that much to help the environment anyway because most people will take up the advantage of having a warmer, better insulated home. [...] So it’s much more of a social justice issue, and yet Labour did nowhere near enough over nearly 15 years. Well they gave people extra winter payments, so they gave people more money. That just heats the skies it’s not a solution at all”.

The absence of an EiJ to coalesce around that was highlighted by participants, is contributed to by both a diversity and complexity of the EiJs, and their reduced relative severity by both improvements in regulations and their outsourcing. The effect of EiJs being diverse may be illustrated by what Watson (17/03/11 – Interview) attributes the success of UKWIN (UK Without Incineration Network), explored further in Chapter Six, she helped set up:

“So when I was in the waste team and I set up the um, well I facilitated actually for networkers, the communities then would come together and support each other campaigning on waste incineration. You see that worked as a group because they all had the same thing that they were campaigning against”.

A large nationwide movement is thus conceivably inhibited by the diversity of EiJs and absence of an EiJ around which to coalesce. The improved regulations and success of

campaigning on some forms of pollution, and the ‘outsourcing’ of EiJ reduces the extent of the presence of EiJs in England. The outsourcing of EiJs caused by England’s activities abroad, hides them and puts them out of sight and out of mind from the English public. An international aspect to EJ in England, and FoE’s work, has been a present background theme and issue. For FoE it has been one which garners its attention and resources. Further, EiJs occurring elsewhere affect the resonance of EJ in England. Watson (17/03/11 – Interview) discusses EJ in England possessing a strong international dimension with the issue of climate change, which could be conceived of as EiJ on the global scale:

“Is that about environmental justice? It doesn’t *say* the words environmental justice, but really climate change *is the* biggest environmental justice issue. But obviously what it isn’t, is that it’s not kind of specific, maybe to communities here within the UK. So it’s got a different feel to it”.

Watson here suggests that the international aspects of something like climate change are not specific to communities in England. Watson (17/03/11 – Interview) articulates this as for EJ to be successful at the local level, it needs to become ‘tangible’ to affected communities. Likewise, Glass (14/09/10 – Interview) notes that the EiJs we cause, such as climate change, are abstract. Tangibility and abstractness are also important when a community is on the receiving end of EiJ. For an EJ frame to have a better chance of success for Watson (17/03/11 – Interview, emphasis in original), the issues need to be specific and made tangible to local communities:

“I think movements grow out of feelings of injustice. But I think it’s quite a leap, you know, you’re wanting to talk about, the fact that you’re not fairly heard in planning decisions or the fact that it’s very very difficult for you to take things through to courts because of lack of access to resources. That’s not going to kinda get people out in the street. But if you talk to them about the fact that the service is going to be removed, and removed from *you* because, you know, we didn’t really deal with the economic crisis in 2008 very well. But now that’s something really tangible, they can see that’s on their doorstep, and I think that’s what is *missing* to really try to get people to coalesce around environmental justice in a more sort of, as an idea rather than a specific thing that’s going on in their community”.

EJ is not tangible as an idea in England, it’s largely too abstract, ‘it’s quite a leap’. This sought-after tangibility is similar to Bullock’s (07/02/11 – Interview) analysis (above) that ‘we need to find a way of closing loops’. This points towards the causality of EiJ in England, or as a result of what it does, being diffuse, having many dots to join to connect issues and conceive of injustice. While the ‘exportation of EiJs’ can be seen to be decreasing the volume and severity of EiJ experienced in the UK, in connection with the complex nature of EiJs in England, where EiJs *do* exist locally, the causality still appears to be too diffuse and thus not direct or easy for people to see. Glass (14/09/10 – Interview) describes this disconnect:

“At the moment, air pollution, is killing loads of people who live by airports, and it’s normalised, environmental justice is normalised a lot of the time, just like ‘oh right, yeah yeah, lots of my family have died from asthma but, it’s just life isn’t it’. Because there isn’t that recognition of the research, that actually it’s not just life, it’s because the airport is stinking out your family’s back yard”.

Glass claims that there is an absence of ‘recognition of the research’, and both he and Scandrett (12/07/10 – Interview) more broadly remark on the absence of the ‘analysis of EJ’, which can be seen as an absence of not only the EJ frame broadly, but its diagnosis specifically. This analysis, research, ‘closing of loops’, is not just restrained by poor ‘tangibility’, but also a *normalisation* of EiJ: ‘it’s just life isn’t it’. Similarly, the communities that FoE’s Former Community Development Worker (16/09/10 – Interview) worked with in Teesside, who were subject to and felt the effects of numerous environmental hazards and risks, displayed the same attitude, saying ‘oh, everyone’s got cancer’. This normalisation is expressed not only by communities experiencing EiJs, but also those viewing these communities. For example, Watson (17/03/11 – Interview, emphasis in original) recounts:

“I remember when I was doing the work around the fact that the incinerators were also mainly sited in areas of multiple deprivation, and basically journalist used to say ‘well that’s not news, poor people live near crappy places’. ‘Why bother, *course* they do, that’s not interesting’. [...] ‘Well, you know, well that’s just how it is’”.

This appears to highlight an underlying issue for mobilisations against EiJs in England, that for many people, inequality is not a problem, it is acceptable, natural even. Watson’s quote here also reveals part of the *police* logic in its mode of distribution of people and places, ‘poor people live near crappy places’. In Rancière’s parlance, the police gives to each that is their due, everything and everybody in their right place, nothing out of the ordinary.

This normalisation of course extends beyond the environmental aspect of social injustice:

“So it’s almost like we’ve got in this country and maybe many other countries [...] an *acceptance*, that we do have major inequalities and that’s just part of life. Um, and you know an acceptance by the decision makers or whoever” (Watson, 17/03/11 – Interview, emphasis in original).

“I think that we’ve become a nation that has become inured to, inherent structural inequity in our lives to an extraordinary degree. I can’t believe that we put up with the, you know the structural inequity now” (Porritt, 09/02/11 – Interview).

Watson and Porritt point out that, beyond a lack of awareness of the research or analysis, there is not only a normalisation of EiJs, but further, also a normalisation and acceptance of the processes that produce them: ‘that’s just part of life’. This points to not only the

naturalisation and acceptance of the *police* and its operations, but also the pervasive denial of *the political*, that things could be otherwise, ‘there is no alternative’.

Linked to this issue is the fact that many poorer communities who bear the brunt of EiJs, are simply too concerned with everyday issues to find the time to mobilise against bigger injustices. Secrett and Glass, for example, suggest that a significant barrier for EiJs to become actionable concerns is that all too often people are already fully occupied with day-to-day survival:

“You have the sort of natural conservatism of populations. You know, it’s all very good preaching revolution or rationally describing why and how things need to become better, but for most people you know, trying to get the kids off to school or keep their jobs, or you know, pay the bills, is, ‘I can’t relate to it, you know, I don’t have time for it, it’s too much for me’. So again that sort of inertia and small c conservatism of ‘better the devil you know’, ‘or just let me get on with my life without too many ripples’. [... T]here’s a hunkering-down mentality that comes and survival is more important than anything else, you know, daily survival, and these very human, very everyday terms” (Secrett, 27/10/10 – Interview).

Likewise Dan Glass (14/09/10- Interview) argues that:

“Because you’ve got obviously communities tackling racist attacks on the street, they’re not going to care as much about climate change as they are about not getting beaten up by the police. Whereas with poverty it’s, you’ve got to put food on the table before you can sign up for £3 for Friends of the Earth. It’s about the fundamental needs that you have as a human being and then you, if you can’t have food, water, shelter and some form of security or dignity, you’re going to be able to get to your secondary needs which might be thinking about wider justice issues like climate change”.

The difficulty present in getting on to what might be termed secondary concerns compounds the normalisation of EiJ and is also married with fatalism, so that even if a problem is recognised, there is a belief among the communities that nothing can be done, so they might as well accept it and get on with life. The severity of EiJs may also factor here, as those EiJs which inspired the likes of Lois Gibbs in the US, were much more egregious and immediate threat to their survival. Glass (14/09/10 – Interview) also reports that in some instances, fatalism and hard-times are resulting in a further retreat and barrier to activism. This takes the form of increasing mental health issues and also escapism with substance abuse. There is a pointing to persistent inequality, which is entrenching disempowerment. Glass (14/09/10 – Interview) stresses that time is a crucial resource in activism, and those suffering EiJs are also time-poor. This highlights the role ‘capability’ plays in injustice and maintaining the status quo, in the distributional function of the police in not only environments, but also subjectivities and capabilities. Watson (17/03/11 – Interview) and Gilligan (21/03/11 –

Interview) recall working with communities who ‘didn’t know they could get help’, ‘didn’t know they could get a better deal’, and instead accepted their lot. This distribution of capability might also be conceived as the production of the subaltern subject and subjectivity that not only accepts their position or distribution, but also is without the *police* means to change it, no speech, logos, or memorial account is enabled to be heard.

5.5 Conclusion

This chapter explores the emergence and development of an EJ discourse in England. Given that FoE played such an important part in taking up an EJ discourse in this context, the empirical research participants consisted of many FoE, and FoE-related actors, past and present. Much of the discussion around the context before EJ’s emergence, and the context and way in which EJ emerged and then developed, centres and is explored around the experiences and dynamics of FoE. FoE is seen to be the most socially orientated of the large ENGOs, and the most likely to take EJ up. Indeed, it was their pollution and poverty research which appeared to be central in the emergence of EJ in England. This chapter begun by exploring the development of the environmental movement and FoE to establish the context into which EJ would emerge. The main thrust of EJ’s emergence was then explored, followed finally by an examination of the dynamics of CSOs pursuit of EJ at the grassroots level and EJ’s resonance and barriers there.

The purpose of describing FoE in relation to the changing environmental movement is to draw attention to the ways in which changes in British environmentalism shaped FoE as an organisation, which in turn had implications for the translation of EJ in the English context. Through changes in style and structure, FoE is seen to exhibit the characteristics of a *protest business* organisation. A view of FoE under NSM theory has them conceived of as an organisation that enhances participatory democracy, however, being conceived of as a *protest business* organisation, has them in a form which works against such means, ends, and ideas about the democratic functioning of civil society, much like the US EJm organisations discussed by Brulle and Essoka (2005; Chapter Three). One of the effects of this change in form is to orientate FoE upwards towards those in possession of the leavers of power

(government) and voice (journalists), and away from the grassroots. A consequence of this orientation and organisational form is seen when Margaret Thatcher excluded environmentalists from governance and they did not return to the public sphere, an orientation that was then enhanced by the ‘disorganisations’ that filled the void they left and the subsequent making more audible of their voice in governance when Thatcher invited them back in.

The neoliberalism and authoritarian liberalism of the Margaret Thatcher government (1979-90) that “involved the suppression of dissent in civil society and an individualisation of social life to undermine the conditions for public association and action” (Dryzek *et al.*, 2002: 675) played a particularly significant role. Under Charles Secrett as executive director of FoE, the neoliberalism and market-based thinking Thatcher espoused is seen to surface and structure FoE’s thinking and form of campaigning. Secrett (27/10/10 – Interview) describes his attempts to get FoE to adopt ‘citizen campaigning’ and ‘democratic campaign tactics’, where individuals are empowered to take action based on the premise of what is good or bad in society as a marketplace. This formed an aspect of how Secrett was keen to ‘break FoE out of the way in which they were *pigeonholed*’. This seems to counter a way in which the political is sublimated in civil society, as conceived by Wolin (1960, in Marchart, 2007), at one scale, that of the national NGO, however, only to shift it to the scale of the individual. Secrett’s democratic campaign tactics and citizen empowerment accepted the neoliberal market logic and redefined the individual as the political agent. This coincides with the ideas of Beck and Giddens, critiqued by Mouffe (2005) in Chapter Three, where there is an acceptance that neoliberalism has won the argument, has the individual as the political agent, and is a movement away from collective identities, association, and action. This also moves the fragmented constituency, the ‘separate little island’, from the scale of the NGO to the individual, resulting in not only neoliberalisation, but also a further sublimation of the political. Thus, the protest business organisational form that FoE took, is also one which is not only neoliberal and counters the democratic functioning of civil society, but is also complicit with the neoliberalising of society, the sublimation of the political, and the post-political zeitgeist.

In the ‘cruel 1980s’ there was not much interest in SJ. FoE pragmatically went where they could get their influence, which was on issues like bio-diversity, climate, and sustainable

forestry, not SJ issues. This was despite concerns for SJ always being part of FoE and its staff, FoE always being at the more people centred end of the spectrum of bigger ENGO; SJ was always part of the mix, but it never *really* made it front of house. The advent of SD, however, appeared to open the door for FoE in this respect, and they fully embraced it, with Secrett turning FoE into an SD organisation and the discourse being seen to be dominant within the organisation. Thatcher also engaged with the discourse of SD and alleviated the exclusion of environmentalists from governance with the invitation to partake in SD. This appears to mirror moves in the US, from a confrontational approach to cooptation. Nonetheless, SD enabled FoE to talk more authoritatively about the socio-economic aspects of problems in addition to the 'straight green' aspects. SD provided substantially to FoE's diagnosis, and was part of Secrett's attempts to break FoE out of its 'pigeonhole'. Intellectually and discursively, SD also seems to counter the way in which the political is sublimated according to Wolin (1960, cited in Marchart, 2007), bridging the separate little islands and fragmented constituencies. In moving FoE to an SD organisation, Secrett wanted to forefront a SJ and environmental rights agenda, but couldn't manage it, couldn't find the language for it, and it stayed too much at the theoretical level and as a research agenda. SD appeared to clarify and strengthen FoE's diagnosis, but like SJ's failure to get front of house and structure FoE campaigns in the 1980s, SD similarly failed to do so, failed to really break through and impact FoE's campaigns and prognosis. The question then asked is would an EJ discourse, which as Harvey (1996) points out adopts an uncompromising position with the poor and marginalised at the centre of its concerns, finally provide the means through which this might occur.

While there were a couple of early organic crystallisations of EJ in BEN and WEN, and antecedents of EJ for FoE with their GIS mapping work, EJ emerged most prominently and *explicitly* around the turn of the millennium drawing upon the US experience. It was FoE's pollution and poverty research which appeared most influential in igniting work on EJ in England. EJ enabled FoE to overcome the perceived trade-off between SJ and the environment, both internally and externally. Externally, FoE targeted New Labour and made links with academics with the aim of generating an evidence base with which to go to policy makers. Emblematic of this was Stephens *et al.*'s (2001) briefing, which sought to pull the work together as FoE understood it. Not only is it cited by many respondents in its own right and seen as an agenda-setting piece, it was also symptomatic of the way in which elite actors

networked and worked together. The briefing and FoE's work was seen to be influential on the EA who took up EJ, albeit reframing it as that of environmental inequalities, working with the term and producing their own research. Both the briefing and the EA's work are symptomatic of the main thrust of EJ activity that took place, with a *wave* of research being produced that involved collaboration and networking among elite actors being cited as important. A particular 'snap-shot' version of EJ is seen to be produced in a research, policy-orientated, networked governance arrangement that performed as a storyline in a discourse coalition on SD, the dominant environmental discourse, both prior to, and during EJ's explicit emergence.

Stephens *et al.*'s (2001) briefing and the EA exhibited very similar conceptions and approaches to EJ. EJ was framed and used as a technocratic tool that performed a role in seeking balanced SD policy. EJ is seen to perform a role in integrating social and environmental concerns for Stephens *et al.* (2001) and the EA. The main diagnoses were a lack of integration between policy areas and deficiencies in policies and procedures. What they call for, their prognosis, is further research, analysis, integration and changes to policies, procedures, and processes. EJ here, identifies a *technocratic deficit* that needs to be addressed. This echoes the US EPA's attempts to consolidate a "technocratic basis for federal environmental justice policy decisions" (Holifield, 2004: 287). Similarly, the EA is seen to reframe EJ as that of 'environmental inequalities' which was seen as more in-line with familiar policy discourses and less politically contentious (Walker, 2012). It is proffered that part of the reframing could be due to policy makers feeling that they could not deliver justice. While this is not explicitly and certainly about the removal of 'justice' per se, like the US EPA staff who wanted to remove politics from decision making, there is certainly the same drive towards 'scientific', 'objective', technocratic decision making. This production of EJ thus fits into Peck and Tickell's (2002) characterisation of Clinton and Blair's 'third way', with new modes of social policy making for those marginalised or dispossessed by the neoliberalisations of the 1980s that is technocratic in form. For Mouffe (2005: 62), New Labour's reframing and use of the terms 'inclusion' and 'exclusion' enables the avoidance of structural analysis of "inequalities systematically produced by the market" and the questioning of power relations. While power relations are not addressed by Stephen *et al.*'s (2001) briefing or the EA, there *is* clear identification of the structural causes of EijS in diffuse areas of governance, and so a critique of the structural analysis suggested here needs

to be made. It is technocratic processes, it is the ontic that is called into question by this ‘snap-shot’ version of EJ, not the ontological, not the ways of being in common, not the law generally implicit, not the partition of the sensible, not the political. This is a post-political expression of EJ.

This snap-shot, technocratic, policy-orientated form was the main production of the EJ discourse in England and focus of work done; however, it was not the only manifestation of EJ, and FoE’s EJ, activities. While it was unanimously accepted that there was no grassroots EJm in the UK, this was not due to an absence of EiJs, nor absence of CSO activity at that scale. A similarly ubiquitous view among participants was that EJ was about working with and for the communities suffering EiJ. To this end, FoE are seen to turn towards and engage with community development work, which was not only a new, and learning, experience for them, but also highlights a number of the problems faced by CSOs wanting to engage with EJ. The composition of both FoE’s staff and their membership, and the environmental movement more broadly, is seen as problematic. While there was some disagreement over whether it was the composition of the staff themselves, not sharing a background with those suffering EiJs, there was certainly the sense that not all of the staff fully understood EJ and were fully on-board. The tension within FoE may be attributed mostly to the fact that neither the staff, activists, nor members/supporters have much experience of EiJ, ‘it hasn’t touched their lives’; FoE’s local groups are generally not situated where the worst EiJs in England are occurring. People suffering EiJs are generally not members of FoE or NGOs. This creates a tension for FoE in terms of its campaigns and deployment of resources, that don’t necessarily chime with its members and resource source, both monetary and activist. This was then a tension within FoE that manifested itself not only in language used by the organisation, but also its activity priorities. Despite EJ providing an angle on which ENGOs could work on the SJ element of SD, such an overt orientation explicitly working towards this end, structuring and orientating the whole organisation’s activities, again failed to emerge, failed to make it front of house. As Porritt (09/02/11 – Interview) articulates, EJ for FoE has been a “small-part player in the way in which they have developed their campaigns exercised those campaigns, taken them out to the general public and essentially represented themselves to their stakeholders”.

The result, together with FoE being on a learning experience which began with a project on Teesside and was subsequently followed by other projects, appeared, externally at least, to be a piecemeal engagement with EJ. This evolution of EJ into FoE and the journey it was on, is then seen as potentially inadequate in hindsight. While these tensions existed and EJ was met with some resistance within FoE, if FoE wanted to do more with EJ or build a movement, they didn't quite make number and scale of changes that they perhaps should have done. Despite these tensions and difficulties with resources, the broader question is asked 'why haven't NGOs and progressive movements been more successful given the resources they *do* have'? For EJ, what is highlighted is an absence of leadership of EJ, convening notion of EJ, common agenda, plan, and collective strategy for NGOs. The noted theme of a self-description of actors as vanguard, visionary, or pioneer, with an individual identity, hints at an explanation for this and again evokes the spectre of civil society working in silos. This journey, this learning experience, this piecemeal engagement and evolution of EJ into FoE, again points towards the weight and inertia of the protest business organisational form. It is viewed that FoE's activities are 'still fairly metropolitan' and lifestyle-based, fitting not only with the characteristics of the protest business form, but also the purported immediate interests of its members, supporters, and activists. What is seen is that, like the role identified for EJ in a policy sense, EJ was incorporated into existing bodies of work, addressing and preventing trade-offs, rather than perhaps manifesting in collective emancipatory projects. EJ for FoE was primarily manifested as performing an internal integration role, as a background technocratic concept, rather than an explicit external expression, campaign, activity, and aim. EJ is seen to bring about the tension within FoE in trying to pull it towards collective, emancipatory action, for which its pre-existing protest business form was ill suited.

It is not only within CSOs that EJ struggled to resonate. The absence of the term, label, frame, or discourse, is notable given both the presence of EiJs in England and the presence of activity that could be conceived of as being in response to them and/or having an EJ outcome. This brings into focus not only more difficulties faced by CSOs and their interaction with, and pursuit of EJ, but also the nature of EiJs in England themselves. It was felt that community-development and EJ work, was very much about empowering and letting communities identify and frame their environmental issues themselves; it was not about what FoE, for example, might want, or imposing an agenda. Whilst this was not prohibitive of the furthering of an EJ frame, it did provide a difficulty for CSOs which had to be sensitive to the

needs of the communities first and foremost. Nonetheless, it is conceded that steps to overcome this difficulty as part of what might have been required to build an EJm, or elements of an EJ discourse, in England, was not present. This adds further details of difficulties of CSOs' activities and pursuit of EJ and artificial imposition, while there is also the question as to why an EJm did not emerge organically in England. Participants offered a range of interconnected reflections on England's environmental problems, EiJs, and communities' relation to them.

EiJs in England are seen to be diverse, relatively un-severe, and complicated in nature, which makes them difficult to coalesce around. This provides barriers to the emergence of an EJ discourse occurring both organically, and that which might be encouraged by CSOs. The diversity of EiJs in England contrasts with the ubiquity of toxic waste that gave rise to the US EJm's precursor, the anti-toxics movement. Improvement in regulations and exportation of EiJs meant that EiJs in England are less numerous and severe. The severity of EiJs in England compared to the US which provoked the likes of Lois Gibbs and were a more obvious threat to survival, being more egregious and immediate, is important when mobilising against an EiJ, with environmental concerns often secondary to everyday life survival. The exportation of EiJs hides EiJs from view in England, while the ones which are present are diverse, complex to solve, understand and conceive of. Thus collectively there is a difficulty of an absence of an issue to coalesce around, and a difficulty in the coalescing itself. EiJs in England, or a result of what England does, are seen as not tangible, and too abstract. The causality of EiJs in England, or as a result of what it does, is too diffuse; there are lots of dots that have to be joined for injustice to be conceived of. This results in an absence of the 'analysis of EJ', an absence of its diagnosis. This diagnosis is also constrained by the normalisation of EiJ, expressed not only by communities experiencing EiJs, but also in wider society. This highlights the distributive role of the *police* order in putting people in places and the normalisation and naturalisation of that distribution. This normalisation and acceptance extends beyond environmental aspects and manifestations of social injustice, to the processes that produce them. Pointing to not only the naturalisation and acceptance of the *police* and its operations, but also the pervasive denial of *the political*, that things could be otherwise, 'there is no alternative' possible. Finally, fatalism, the priority of day-to-day life and survival over activism is highlighted with the time-poverty of those experiencing EiJs.

This draws attention to distribution of environmental ‘bads’, but also the production and distribution of a subaltern capability and subjectivity.

Chapter Six

The Politics of Dumping in Sinfin

6.1 Introduction

This chapter explores the proposed placement of a Waste Treatment Facility (WTF) in the electoral ward of Sinfin, Derby, and what the mobilisation against the proposal might be able to tell us about and for the discourses of environmental justice (EJ) in England. A planning application to construct the development in question was submitted by Resource Recovery Solutions (RRS) in May 2009. Upon hearing about the application, many different actors began actively opposing the proposed facility, including local residents, a local opposition group that formed, two of the ward councillors, and the local Friends of the Earth (FoE) group. The decision went to a Public Inquiry, an appeal, a second Public Inquiry, and an appeal in the High Court, before the plans were finally approved by the city council in April 2013. This research covers the development of this case up to the second Public Inquiry. Not only does the case examine what discourses are circulating in a case of environmental injustice (EiJ) in England, but it reveals political moments coming up against what Rancière terms the *police* (see Chapter Three).

In order to gain an understanding of this case, the local mobilisation, and the context within which it has taken place, a broad range of key actors were interviewed. This chapter focuses on what debates and discourses were prevalent and being engaged with, and what has been significant in determining the outcomes, or the way things have played out, in this particular case. The first section of this chapter turns to the literature on planning, the arena in which this case study plays out. The second section of the chapter aims to explicate some of the details of this case before highlighting several of the apparent themes which have emerged from the data in the final sections. These sections explore these themes and reflect on some of the ways in which this case study relates to the wider research aim regarding the discourse of EJ England and its political potential within what is termed consensus-based planning as part of a post-political context.

6.2 Planning, Post-Politics and The Police

In Chapter Three, planning was briefly introduced with *New Labour's Spatial Planning*. Spatial Planning is described, and the term used, in a number of ways in the planning literature, for example, as a conceptual tool and “a broad discourse about a particular moment in the history of planning thought and practices, which is presented as something of a paradigm shift” (Haughton, Allmendinger, Counsell, & Vigar, 2010: 1). Indeed, planning has changed over time, and in England has come a long way from initial concerns about wasteful development on fertile agricultural land, population growth and urban spread (P. Hall, 2002). Allmendinger and Haughton (2015: 28) go further and suggest that not only has planning in England been subject to periodic upheavals, but perhaps there has never been a period of stable planning regulation and that “planning reform is now with us on a near permanent basis”.

Planning seems to be ever shifting in response to the perceived deficiencies of the day's approach (Haughton, *et al.*, 2010). What is most significant in planning from about the middle of the twentieth century onwards for Haughton *et al.* (2010: 32), is the tension between a regulatory view and a more comprehensive approach. For Haughton *et al.* (2010: 32) a *regulatory* view “sees planning as intervening in land and property markets to control what economists refer to as negative externalities (e.g. noise, pollution, overcrowding)”, while a *comprehensive* approach gives planning a “role in securing wider objectives and integrating a range of policy sectors at different spatial scales [... and] about the nature and pattern of future development processes”. Haughton *et al.* (2010) are keen to stress however, that while a particular period of planning may be dominated by either regulatory or comprehensive/spatial, they are not binary, and one still exists when the other is ascendant. So each ‘phase’ of planning is not completely distinct from past phases and will continue to include elements from the past. Spatial planning is no different, containing “a blend of the old and the new in planning, of the formal apparatus of ‘regulatory approaches to planning’ and a still emergent set of related spatialised forms of strategic practices which intersect in various ways with the statutory systems for strategic plan making” (Haughton, *et al.*, 2010: 2).

Spatial planning, for Haughton *et al.* (2010: 5), has four characteristics: one, an “emphasis on long-term strategic thinking”; two, is a policy tool for “bringing coherence to increasingly

fragmented systems of governance” and via the spatial strategies produced by it “act as a mechanism for ‘joined-up’ policy making, [...] providing a credible forum in which other policy sectors can come to agree the spatial dimensions of future policy which will inform their own strategies”; three, is imbued with the belief that it “has a central role in moving society towards sustainable development”; and finally, in the “opening up of planning consultation mechanisms to wider groups in society”, emphasises inclusivity. To some extent “the shift from regulatory planning to spatial planning parallels the shift from ‘government’ to ‘governance’” (Haughton *et al.*, 2010: 32), and, with similar characteristics, it was also hoped that the new generation of spatial plans that emerged from the mid-1990s “would help planning to break out of its fairly narrow confines to become better integrated with other policy domains, [...and become] more than a regulatory apparatus, aspiring towards a more general role in policy integration” (Haughton *et al.*, 2010: 229). This sees a changing of the boundaries of planning where it “has been widened from its ‘land use’ orientation to take more explicit account of issues such as promoting economic development, environmental protection, and the provision of social infrastructure, such as policing, healthcare, education and emergency services” (Haughton *et al.*, 2010: 5), as well as, of course, waste infrastructure.

Planning is “the primary arena in which competing objectives for future land use in the UK are played out” (Allmendinger and Haughton, 2011: 89). In Rancière’s terms, it is also then the primary arena in which the *police* expresses its spatial dimension. For Allmendinger and Haughton (2015: 50) planning is in its very essence a police order, defining a particular partition of the sensible by its “giving a place to people and activities, through zoning, allocation of development rights and allocating voice to different subjects, not least through public participation and stakeholder engagement”. The drive for integration in planning, adding “the ‘spatial’ dimension to the wider corporate working of government and its partners, informing for instance, investment patterns in transport, health, economic development and education” (Haughton *et al.*, 2010: 6) means that planning is an increasingly larger part of the police operations and expression of it. Modern planning forms a crucial part of an administration’s priorities (Haughton, *et al.*, 2010), and “tends to adapt very quickly to reflect the dominant ideology and priorities of the age” (Allmendinger & Haughton, 2011: 94). Indeed, planning has run “with the grain of mainstream political thinking” and the emergence of consensus-based planning is reflected in broader political

shifts coinciding “with the rise of Third Way politics across Europe in the 1990s and in North America under Bill Clinton” (Metzger, Allmendinger, & Oosterlynk, 2015: 6). There is an emerging literature analysing post-political configurations, processes, and composition of planning that has marked recent decades (Allmendinger & Haughton, 2011, 2015; Inch, 2012; Metzger, *et al.*, 2015).

The brief introduction of spatial planning in Chapter Three had it, contrary to its presentation as “an empowering arena for debating wide-ranging societal options for future development, as a system focused on carefully stage-managed processes with subtle by clearly defined parameters of what is open for debate” that is focused upon delivering growth above all other concerns (Allmendinger & Haughton, 2011: 90). For Allmendinger and Haughton (2015: 50) “[t]he consequences of over two decades of post-politics in planning have been disastrous, as properly political moments of disagreement have been variously displaced, deferred or transferred, rendering protest increasingly pointless within the system itself”. They see “evidence of post-political strategies in many of the recent reforms in English planning [...] that no longer mediates between alternative and sometimes competing views but instead presents growth and developments as unproblematic” (Allmendinger & Haughton, 2015: 31). Allmendinger and Haughton (2015: 44) investigate the post-political nature of UK planning by analysing the various ways it: *defers* conflict to some future point in time; *displaces* the political “to other arenas and groups such as planners”; and *transfers* conflict “away from the immediate community and representative processes into new, fuzzy communities of interest and democratic processes that may not align or map onto experiences of change ‘on the ground’”.

Planning, reflecting the politics of its age and mediating a spatial expression of a *police* is, as Haughton *et al.* (2010: 43) argue with the changing scales at which it operates, a site of socio-political struggles that “reflect a continuous struggle by various bodies, institutions and interests for privilege and advantage”. As such, it is not a neutral process, there are winners and losers. As Haughton *et al.*, (2010: 245) note, “the adoption of particular spatial planning also reorders the way in which positive benefits and negative externalities are distributed across society”. For Hall (2002: 228), a concern with *real income* that “includes such intangible psychic income as is provided by clean air, lack of noise, agreeable neighbours, freedom from crime, good education, a range of services accessible by efficient transport”,

and its redistribution “so as to benefit the groups that now have the least”, was an important new emphasis of planning in the 1970s. Similarly for Allmendinger and Haughton (2011: 89), one of the “roles of planning is to acknowledge and address some of the power inequalities in society to ensure that a general ‘public interest’ is taken into account in this mediation between different and competing interests”. Thus, planning plays a huge role in determining peoples’ environments, EJ or EiJ, whilst also being a prominent arena in which disputes and mobilisations in response to this will be fought. Planning is also a surface of the *police* and, for EJ, a particularly apposite one in which to study the operations of a *police order* and the interaction of *politics* with it.

6.3 The Proposed Waste Treatment Facility in Sinfin: The Story so Far

The section serves to introduce the case study and describe the processes through which the site was selected, the planning application was made and the different stakeholders were consulted. This section begins by discussing the proposed development in relation to the waste context in the UK, followed by a description of the case study as the story unfolded, up to the second public inquiry.

6.3.1 The Waste Context and the Proposed Development

In 2006, the Derbyshire Councils decided that they needed a new waste management system to reduce their landfill requirements. Derbyshire’s (2006) Joint Municipal Waste Management Strategy draws upon the national policy objectives for waste management as found in the UK government’s ‘Waste Strategy 2000’ and ‘Guidance on Municipal Waste Management’ (2001). These objectives are:

- “To reduce the amount of waste that society produces
 - To make the best use of the waste that is produced, and
 - To choose waste management practices which minimise the risks of immediate and future environmental pollution and harm to human health”
- (Derbyshire County Council, Derby City Council, & Eight District/Borough Councils, 2006: 2).

What is emphasised here is the ‘Waste Hierarchy’ and the pressure from various European Directives, which limit what and how much waste is landfilled (Derbyshire County Council, *et al.*, 2006). The waste hierarchy typically has five rungs, namely: the *reduction* of the amount of waste produced at its summit and first priority; the *reuse* of products in their existing form as the next priority, before; *recycling* to recover materials of use; the *recovery*, where value in the form of energy is derived from the materials, and finally the *disposal*, which is generally landfill. Some waste hierarchies have more rungs and some have fewer³³. The Derby Councils’ waste hierarchy, for example, has four rungs, which categorise recycling and energy recovery together under *recovery* (Derbyshire County Council, *et al.*, 2006). This then regards recycling and energy recovery as on par with one another, rather than recycling being regarded as a superior, more preferable, option.

Historically, waste management options higher up the waste hierarchy, such as recycling and energy recovery, have been more expensive than the lower options of disposal (Derbyshire County Council, *et al.*, 2006). In addition to the EU Directives that place an emphasis on the higher rungs of the waste hierarchy, the UK government has also introduced a ‘Landfill Tax’, which, as the tax duly increases with time, makes landfill an increasingly unattractive option (Derbyshire County Council, *et al.*, 2006).

In 2005, Derby produced 100,000 tonnes of domestic waste (Derby City Council, 2006). In 2006/7 it was estimated that around 33% would be recycled, with about 80,000 tonnes going to landfill. The Council claimed that by 2010 they would only be allowed to send 25,000 tonnes to landfill, which is problematic given that they claim that the amount of waste produced in Derby is increasing at a rate of 2,000 tonnes a year (Derby City Council, 2006). These figures, as well as the Landfill Tax, represent the Councils’ rationale for seeking an alternative waste treatment system.

The solution that they were looking for would take waste from the whole of Derbyshire. In Derbyshire, excluding the Peak District, the County Council is responsible for the disposal of waste, whilst the District Councils are responsible for its collection. This separation of responsibility for collection and ‘disposal’ is significant, as it means that the District Councils are not under the same pressure to deal with waste in ways that would be higher up waste

³³ See UK Parliament (2008).

hierarchy. A variation in recycling rates can be seen between the Councils (See **Table 6.1**). The site eventually selected was in the City of Derby, and therefore engaged the City Council Planning Department.

Table 6.1: Derbyshire Councils' recycling rates (adapted from DEFRA, 2011).

Authority	Authority Type	Residual household waste (kg/household)	Percentage of household waste sent for reuse, recycling or composting
South Derbyshire District Council	Collection	492.85	49%
Derby City Council	Unitary	526.36	48%
North East Derbyshire District Council	Collection	524.92	42%
Erewash Borough Council	Collection	527.46	42%
Derbyshire County Council	Disposal	600.59	42%
Derbyshire Dales District Council	Collection	562.50	41%
Chesterfield Borough Council	Collection	519.50	40%
Bolsover District Council	Collection	711.36	28%
Amber Valley Borough Council	Collection	571.38	27%

The Councils ‘went out to the market’ through the Official Journal of the European Community (OJEC) to find a system that would meet their waste requirements for the next 27 years. The OJEC publishes all “tenders from the public sector which are valued above a certain financial threshold according to EU legislation” (OJEC, 2010). According to a Senior Management Member of the City Council who was interviewed in this study, the choice of developer “was about cost and benefit and value for money”³⁴ (Senior Management Council Member, 14/06/11 – Interview). The Councils needed to be convinced “through due diligence that [the plant] would operate [...] and they wanted a proven technology that was operating elsewhere in the world. [...] The technology that the winning bidder came back with was gasification” (Senior Management Council Member, 14/06/11). The ‘winning bidder’ was ‘Resource Recovery Solutions (Derbyshire) Ltd’ (RRS), a subsidiary of Shanks Waste Management. Shanks Group Plc. claim to be “Europe’s largest listed independent waste management business” (RRS, 2012).

³⁴ My respondents from the City Council are keen to emphasise that these are their personal views, and not those of the Council.

The facility that RRS proposed would be capable of processing approximately 190,000 tonnes of residual municipal solid waste (for example household waste, street cleaning waste and street litter) per year (Resource Recovery Solutions, 2009b), potentially operating effectively on 149,000 tonnes (MacKenzie, 2010). As well as using traditional screening and separation techniques, the facility would principally employ two technologies: first, Mechanical Biological Treatment (MBT) and second, an ‘Advanced Conversion Technology’ (ACT) (see **Box**

Box 6.1: What are MBT and ACT?

MBT: “Mechanical Biological Treatment (MBT) plant[s] are used to treat residual municipal waste by a combination of physical and biological processes. The biological processes are aerobic decomposition and anaerobic digestion. The physical processes include size reduction/shredding of the waste, separation of ferrous and non-ferrous metals, size classification, density separation, heat/steam treatment and screening and/or size reduction of outputs. [...] Not all these processes are used in each plant and there are many possible configurations.

There are usually several different outputs from the process: metals; glass; refuse derived fuel, i.e. high calorific value – plastics, other oil-based, paper, card; liquid digestate which only arises from anaerobic digestion and a solid digestate” (Environment Agency, n.d.: 2).

ACT: “Advanced conversion technologies (ACT) treat waste and biomass fuel to produce syngas and/or liquid fuels which can be used to generate electricity. ACTs have the potential, in the longer term, to produce a wide range of energy outputs – electricity, heat and liquid fuels as well as biomethane and renewable low carbon chemicals. These technologies fall into two main groups: gasification and pyrolysis” (Department of Energy and Climate Change 2011: 83).

6.1), which RRS claim will “enable gasification and efficient combustion of waste” (Resource Recovery Solutions, 2009b: 7). RRS claims further that ACT will produce electricity, and therefore recover energy. This is done by combusting the synthetic gas produced from drying, and gassifying one-third of waste fed through the MBT facility, which is of a high calorific value (Resource Recovery Solutions, 2009b: 7). RRS also claims that the facility will have ‘extensive’ recycling facilities incorporated within it (Resource Recovery Solutions, 2009a). Significantly, the proposed facility is designed as a recovery waste management solution, and therefore on a higher rung of the waste hierarchy than landfill.

6.3.2 Planning Application and the Selected Site

As the winning bidder, RRS was invited to select a site and seek planning permission for the proposed development. In the case of such developments, the Council provides a list of sites that are available for waste developments³⁵ and offers guidance on applications for their potential uses. In May 2009, RRS submitted a planning application for a WTF on Sinfin Lane, Derby City (see **Figures**

6.1 and **6.2**).

In the ‘Statements to Assist Applicants in Preparing Applications for Waste Management Development’ (Derbyshire County Council & Derby City Council, 2008) document, Sinfin Lane is identified among 51 other potential sites in Derbyshire and 9 alternative sites in Derby City.

The Sinfin Lane site is identified in Derby’s local plan as a vacant, industrial site, which had been contaminated by its previous use as a tannery. It had also previously received permission for the treatment of municipal waste, “but the permission was not implemented and now lapsed” (Derbyshire County Council & Derby City Council, 2008: 56).

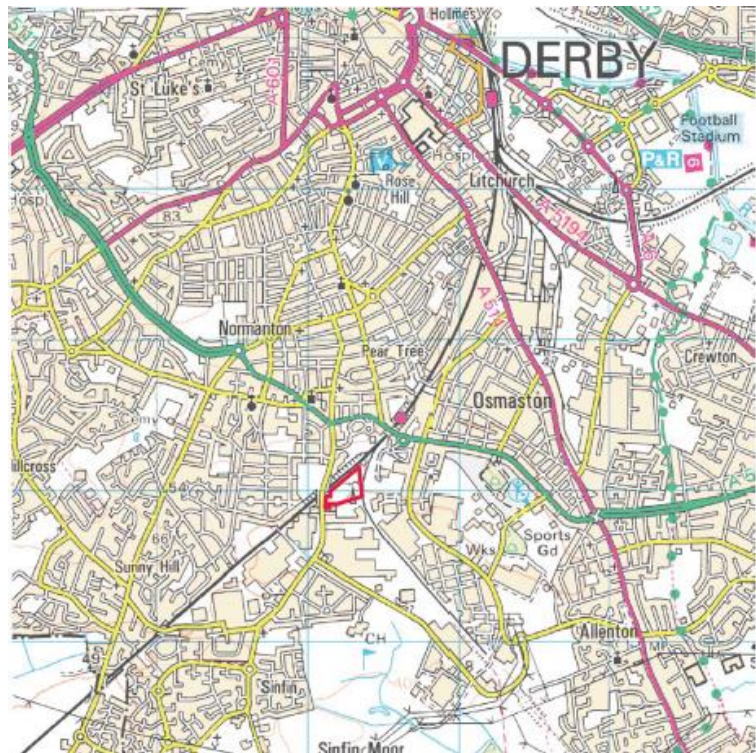


Figure 6.1: Map of Derby City, showing selected site outlined in red (centre). Adopted from RRS (RRS, 2009: 4)



Figure 6.2: Map showing land uses surrounding proposed site. Adopted from (RRS, 2009: 7)

³⁵(See Derbyshire County Council & Derby City Council, 2008).

RRS considered 438 sites, taking their selection process through three stages. Through this process they reduced their choice to 12 sites, before deciding upon Sinfin Lane (RPS Planning & Development Ltd., 2009: 14). The first stage employed a desk-based method of filtering out sites that did not meet “locational needs in terms of proximity to main residual waste arisings, site size/shape requirements, as well as employment/previously developed land requirements”; the second stage filtered out sites that did not meet “availability through development, compatibility with objectives of the adopted development plan and other material considerations, neighbouring land uses and access” criteria; and the third stage appraised the short-listed sites by criteria they claim “fully reflects the waste facility locational criteria set out in Annex E of PPS10³⁶ and other relevant national guidance” (RPS Planning & Development Ltd., 2009: 14). These criteria were: “planning vision; sensitive human receptors; landscape and visual consideration; potential impacts on natural environment; potential impact on historic environment and built heritage; road access; rail and water transport; energy utilisation; flood risk and ground water vulnerability; aerodrome safeguarding zones; air quality management areas and; green belt” (RPS Planning & Development Ltd., 2009: 14). The Sinfin Lane site tested favourably against the 11 other sites by their selection, outscoring the others with 11 ‘positive attributes’. By comparison, three sites recorded a positive attribute score of 10, two a score of 9, four received a score of 8, one of 7 and one of 6 (RPS Planning & Development Ltd., 2009).

According to the Former Neighbourhood Manager (21/06/11 – Interview), the electoral ward of Sinfin has “plenty of issues to deal with, it’s a deprived neighbourhood”. This is also recognised in the first Planning Inspector’s (Ruth MacKenzie) report, where she notes that “[a]ccording to the Primary Care Trust, Sinfin is the third most deprived ward in the city. The life expectancy of its residents is lower than the Derby average, and the premature death rates from circulatory diseases and cancer are higher than the Derby average” (MacKenzie, 2010: 6). According to MacKenzie (2010: 10), “[t]he residents of Sinfin and surrounding areas live in an environment in which the unpleasant effects of industrial processes and traffic congestion are part of day-to-day life”. The area has a long industrial history, in particular with Rolls Royce, but now suffers from dis-investment and some industrial dereliction.

³⁶ Planning Policy Statement 10 Planning for Sustainable Waste Management (PPS10) (Office of the Deputy Prime Minister, 2005).

6.3.3 Stakeholder and Community Consultation

There was extensive stakeholder consultation on the proposal, including community engagement. Numerous health related stakeholders, such as the Health Protection Agency (HPA) were consulted, as well as environmental stakeholders such as the Environment Agency (EA) and Natural England, alongside other parties such as Network Rail and Severn Trent (see P. Clarke, 2009d). Neighbours of the proposed site were sent notification letters and there were statutory press adverts and site notices put up locally. Copies of the relevant documents were made available in the Sinfyn Library and RRS also engaged in their own “pre-application publicity in accordance with the principles of the Statement of Community Involvement (SCI) for engaging local people” (P. Clarke, 2009d: 88).

RRS did this by “sending a 12 page newsletter to over 34,000 residential and business addresses across Derby and Derbyshire including 23,886 addresses in and around the Sinfyn Lane site”. These newsletters contained information in Punjabi, Polish, Slovakian and Urdu, and were made available in other languages and formats. These newsletters were also made available in the Neighbourhood Forums³⁷, as well as in doctors’ surgeries. The newsletters announced the four public information days that were to be held and gave details of a community information line (Clarke, 2009d).

The City Council’s Planning Department then assessed the application with regard to all the planning issues, relevant policy and legislation, in consultation with stakeholders and outside experts where necessary. The Department’s assessment was written up into a report with a recommendation on the application. This was then given to members of the Planning Control Committee to view before they discussed and voted on a decision. In this case, the Planning

³⁷ In Derby City, every electoral ward has a Neighbourhood Forum. These Forums are “open public meetings for all local residents, community organisations and businesses. They are chaired by a local ward councillor and are held at a local venue every two or three months” (Derby City Council, 2009). The Forums are part of ‘neighbourhood working in Derby’, designed to create “stronger communities that are safer, cleaner, healthier, better informed, friendlier and empowered” (Derby City Council, 2009). A neighbourhood team is constructed consisting of a partnership of services and organisations tailored to the area in question. Residents are able to meet with councillors and local service representatives, for example, local police representatives, to hear what is going on in their area, express their views and decide upon priorities. There is also an opportunity for residents to take up a community leadership role by joining the Neighbourhood Board, which is made up of the councillors and the service representatives mentioned above, through nomination by fellow residents. In this case study, the Forum meetings were the point of contact where all the actors opposed to the development would meet and mobilise.

Department recommended that planning permission be granted for this particular proposal (P. Clarke, 2009d).

6.3.4 Planning Control Committee Meetings

The Planning Control Committee is made up of elected councillors. In Derby, the Committee at the time consisted of relatively equal numbers of Labour, Conservatives and Liberal Democrats. Councillors who have previously expressed an opinion on an application, either for or against it, are excluded from voting on the particular issue as they are considered ‘pre-determined’.

The dynamics of the Planning Control Committees are, according to some research participants, quite significant in determining whether planning permission is granted or refused. The research participants, who were familiar with this process, argue that the voting committees will usually vote in line with the Planning Officer’s recommendation (Downen, 20/06/11 – Interview; Konkador, 16/06/11 – Interview; Turner, 19/06/11 – Interview). Robin Turner, an elected councillor of the Sinfin ward and an opponent of the plant (although not on the Committee), attributes this voting behaviour to the number of reports, their complexity, and the often lack of matching expertise possessed by members of the Committee (Turner, 19/06/11 - Interview). According to Keith Konkador (16/06/11 – Interview) of the UK Without Incineration Network (UKWIN, introduced in Chapter Four), those wishing to speak about a proposal at a Committee meeting only have three minutes in which to do so. The Planning Case Officer may speak for as long as he or she wishes once everyone else has spoken. Konkador (16/06/11 – Interview) expressed frustration at this, perceiving inequality and injustice in the operation of Planning Control Committee meetings. Cllr Turner (09/06/11 - Interview) explained that this provides the Case Officer with a privileged opportunity to respond to what everybody else has said, which is denied to others.

It has also been highlighted by leading members of the UKWIN, that when applications and related Control Committee meetings take place at crucial times in the electoral cycle, decisions are affected because members do not want to make unpopular decisions that may have an impact upon their election (Downen, 20/06/11 – Interview; Konkador, 16/06/11 – Interview). Konkador (16/06/11 - Interview), who is now an ‘expert’ campaigner against incineration, as well as a member of FoE and an expert witness at the first Public Inquiry

regarding this development (see below), described how he had at one time created a ‘perfect storm’ by running as an independent electoral candidate solely on the basis of opposing an incinerator proposed in Nuneaton, which he claimed quickly made the other candidates change their tune on the issue.

In the Planning Control Committee meetings for this proposal, different stakeholders spoke, including Cllr Robin Turner, one of his constituents and some members of the local opposition (Turner, 09/06/11 – Interview). The public was also allowed to sit in on these meetings, and according to the Assistant Planner interviewed in this study, the presence and feeling among the public in the gallery created a *very* hostile atmosphere, one that she had not experienced before. The public made their feelings very clear here (Assistant Planner, 09/06/11 – Interview).

Going into the first Planning Control Committee meeting with a recommendation from the Planning Officer to grant planning permission, members of the Committee decided that they first needed to know more about: “the relevance of nanoparticles; the specific impacts on the Air Quality Management Area [near to the selected site]; to seek clarification on the respective roles of the Local Authority and the Environment Agency [and]; to request the detailed observations of the Health Protection Agency” (P. Clarke, 2009c: 1). At the next Planning Control Committee meeting in December 2009, the Planning Officer again made the recommendation that planning permission be granted (P. Clarke, 2009c). However, the Planning Control Committee voted against the proposal. The Planning Control Committee meetings did time significantly with the electoral cycle, and it is the opinion of the UKWIN campaigners that this, as well as the clarity and strength of feeling expressed by the public, had a decisive influence in the Planning Control Committee’s decision (Downen, 20/06/11 – Interview; Konkador, 16/06/11 – Interview).

Planning permission was then refused on three grounds: 1. “significant harm to the environment by virtue of the emissions from the plant which would result in a severe detriment to residential amenity in the area, including public perception of associated health risks”; 2. the traffic generated and its impact upon a local Air Quality Management Area; 3. aesthetics, as it “would rudely intrude [...] and would be out of character with the surrounding commercial/industrial buildings” (Clarke, 2010). RRS appealed this decision and the case

went to a Public Inquiry. In doing so, RRS sought to “address the reasons for refusal contained within the decision notice issued by the Council and demonstrate that the proposal is in accordance with the Development Plan” (RRS, 2010: 8).

6.3.5 The First Public Inquiry and Ruth MacKenzie’s Decision

The first Public Inquiry took place between the 7th of September and the 1st of October 2010. Planning Inspector, Ruth MacKenzie, was appointed by the Secretary of State to oversee the proceedings and to come to a decision on whether the appeal should be upheld or dismissed. The Public Inquiry consisted of two main parties, RRS and the Derby City Council (defending its decision not to grant planning permission) (MacKenzie, 2010). There were also four other parties who obtained ‘Rule 6 status’ in order to participate in the Inquiry. Rule 6 status is obtained by a person or persons through notifying the Secretary of State of their “intention or wish to appear at an inquiry, [... who must then] send within 4 weeks of being required – (a) 3 copies of their statement of case to him [*sic*]; and (b) a copy of their statement to any statutory party” (The Planning Inspectorate, 2011). The four parties who obtained Rule 6 status were Derby FoE; Cllrs Turner and Shanker; Sinfin, Spondon and all Against Incineration (SSAIN); and Derbyshire County Council (MacKenzie, 2010). According to the Planning Inspector, all four of these parties opposed the proposed WTF and took an active part in the Inquiry, with the exception of the County Council who did not attend (MacKenzie, 2010). The County Council’s apparent peculiar actions and position are speculated upon shortly.

In their appeal, RRS sought to demonstrate that it had a public-private partnership contract with the City and County Councils to manage their waste over a 27-year period. They argued that the development would provide a “key component of an integrated and sustainable waste management strategy as part of the Joint Municipal Waste Management Strategy “Looking after Derbyshire’s waste” developed by the County, City and eight District Councils”, and that “the application will make a significant contribution to the diversion of waste from landfill which is a primary objective of the Derby and Derbyshire Waste Local Plan and the National Waste Strategy” (Anderson, 2010: 11). Furthermore, they also sought to dismiss the reasons given for the refusal of planning permission.

Here surfaces a contentious aspect of this case. Planning permission was refused at the second Planning Control Committee meeting in December 2009, with notification of refusal given in January 2010. Then in April 2010, after RRS had lodged their first appeal in March that year, the County and 8 district Councils signed a contract with RRS to support their waste needs for the next 27 years. In doing so, with planning permission refused by the City Planning Department and the case heading to a Public Inquiry, they also agreed to compensate RRS should their appeal fail, agreeing to pay 90% of their appeal costs (Derby Telegraph, 2010). This put the Council in the position of fighting a decision made by its own Planning Department, generating significant public outcry³⁸.

This perhaps goes some way in explaining the County Council's absence from the Public Inquiry. Furthermore, despite opposing the proposed development, according to the Planning Inspector's report (MacKenzie, 2010), the County Council provided endorsements for RRS' proposal in their Statement of Case, in which they conclude that they are: "committed to providing a long term sustainable solution for the treatment of waste that cannot be recycled or composted in Derbyshire; [...that the] continued use of landfill is not sustainable either environmentally or financially, with the costs of landfill continuing to rise into the future; [...and finally, that *the*] *treatment technology proposed by RRS, in this appeal provides an essential part of delivering a sustainable and integrated waste management strategy for Derbyshire*" (Derbyshire County Council, 2010: 9, emphasis added). They do not endorse the selected site however, the suitability of which was the key point of contention of the Inquiry (discussed further below).

Cllr Turner (09/06/11 – Interview) expressed the view that he and Cllr Baggy Shanker were actually quite happy that the case went to a Public Inquiry because they felt that the debate would be opened up a bit from the narrow planning remit in the Planning Control Committees meetings. During the Inquiry, there were also two public "drop in" sessions, one in the evening and one during the day. These sessions were well attended by the public, with 85 people expressing their objections and concerns about the proposed development and none speaking in its favour (MacKenzie, 2010).

³⁸ See www.thisisderbyshire.co.uk/news and the comments under many articles in the regional newspaper the Derby Telegraph in 2010, particularly from the 16th of April onwards, for examples of this public outcry.

Many respondents who participated in this study were firmly of the belief that the community did a very good job in getting their message across clearly and in a suitable and appropriate manner to the Planning Inspector (former Sinfin Neighbourhood Manager, 21/06/11 – Interview; Turner, 09/06/11 – Interview). According to a former Sinfin Neighbourhood Manager (21/06/11 – Interview) and Cllr Turner (09/06/11 – Interview), there seems to be a lot of admiration for Ms MacKenzie from all quarters (including the Planning Assistant, 09/06/11 – Interview), but in particular from the residents. This appears not only to be because of the decision she reached to dismiss the appeal, but also because she appeared to be prepared to take the time to listen to everyone. There is a feeling among those involved that she was taken aback by the public reaction and the strength of feeling against the development and that this played a crucial role in her decision to dismiss the appeal and uphold the original decision (Downen, 20/06/11 – Interview; former Sinfin Neighbourhood Manager, 21/06/11 – Interview). The ‘strength of feeling’ displayed by the residents, which appeared to have played a role in getting planning permission refused by the Planning Control Committee, is discussed in more detail further on in this chapter.

According to the Planning Inspectorate’s Appeal Dismissal Report, the main issues of the appeal were the visual impact, the traffic impact and the living conditions, with particular reference to air quality (MacKenzie, 2010). In reaching a decision, Ms MacKenzie gave moderate weighting to the ‘acceptable visual impact’ in favour of the appeal, while substantial weighting was given to ‘potential adverse effects on traffic’. ‘Living conditions and air quality’ were assessed in three ways: NO₂ emissions (from vehicles), emissions from the stack, and local residents’ fears of harm to their health. In the end, negligible weight was given to emissions from the stack, as a direct link between emissions and poor health had not been proven beyond doubt (MacKenzie, 2010). Ms MacKenzie (2010) considered the public’s fears of harm to their health and their fears about the EA’s inability to protect them to be credible, and ones that could be considered as ‘material consideration[s]’. She states that the appeal could not be dismissed on these grounds alone, although they did carry considerable weight. Likewise, NO₂ emissions were not enough on their own to dismiss the appeal, but they too carried significant weight. In the end, with substantial weighting attached overall, Ms MacKenzie concluded that “the living conditions of local residents in this deprived part of Derby would not only be adversely affected but would also be unacceptable

worsened” (MacKenzie, 2010: 10). RRS were not happy with the decision and thus set about initiating a second appeal.

6.3.6 RRS’s Second Appeal and a Second Public Inquiry

In RRS’s second appeal, their QC (Queen’s Counsel) Martin Kingston, argued that Ms MacKenzie had failed to acknowledge in her decision letter a plan drawn up by the Councils, which showed the need for the proposed WTF to deal with the County’s waste (Derby Telegraph, 2011c). QC Kingston claimed that Ms MacKenzie had “focused on what she had identified as the main issues rather than looking at where it fits with the development plan” (quoted in Derby Telegraph, 2011c). This, according to QC Kingston, had deprived RRS “of the right to a plan “which positively supports its approach to waste management”” (quoted in Derby Telegraph, 2011b).

Daniel Kolinsky³⁹, representing the Secretary of State (defending Ms MacKenzie’s decision), countered that “the lack of reference to the policies in the plan did not mean that she [Ms MacKenzie,] had not taken them into account” and claimed that she “was looking at the RRS proposal in isolation to see if it was the correct way of addressing the issue” (Derby Telegraph, 2011c). He continued further to note that, “She is proceeding on the basis that there is a clear need to divert waste from landfill but she is also having regard to the fact that there is an imperative to maximising recycling. She has concerns that this plant may be contradictory to that” (quoted in Derby Telegraph, 2011c). Mr Kolinsky claimed that the “basis on which planning permission was refused defined the main issues” (quoted in Derby Telegraph, 2011c). He went on to argue that Ms MacKenzie had “regard to the need (for the plant) and came to the conclusion that its impact would outweigh the need” (quoted in Derby Telegraph, 2011b).

The decision to allow a second appeal, announced on the 5th of July 2011, went in RRS’s favour. RRS had successfully challenged the decision made by the Planning Inspector, Ms MacKenzie, to turn down their appeal against the refusal of planning permission for their proposed development. What happened next was then in the hands of the Secretary of State for Communities and Local Government, Eric Pickles, and the Planning Inspectorate. To

³⁹ Note the disparity between the presence of a QC for RRS, a more experienced and *expensive* barrister, but not for the Secretary of State, providing an example of commodified justice, mentioned in Chapter Three.

begin with, it was decided that the (new) appeal (still against the City Council's Planning Department) would be "determined following an exchange of written representations (S. Evans, 2011: 1). There was, however, some resistance to this way of proceeding. Three of the Rule 6 parties at the original Inquiry, SSAIN, Derby FoE and Cllrs Shanker and Turner, wrote to the Planning Inspectorate with their concerns. SSAIN and Derby FoE worried that the new Planning Inspector would not be able to meet the residents in order to judge their concerns for him/herself, and that the public would not be able to have their say. Ms Skrytek of Derby FoE argued that the Planning Inspector of the first public inquiry, Ms MacKenzie, made a special effort to enable participation of residents whose objections would otherwise not have been heard due to the prohibitive lack of literacy and educational attainment prominent in the area (Derby Telegraph, 2011e). Derby FoE also made the claim that another Inquiry would chime with the Government's localism agenda. Sian Evans, of the Planning Inspectorate, communicated that these points had been given careful consideration, and that they were addressed by the new Inspector, who had access to all the documents and views expressed at the previous Inquiry. Furthermore, she argued that since the details of the proposal had not changed, the objections were unlikely to have changed either. She also countered Derby FoE's push for another Public Inquiry on the grounds of the Government's localism agenda, by highlighting the current public sector cuts and the fact that Inquiries were expensive to run and in this instance it did not seem necessary (S. Evans, 2011: 1).

It is unclear whether the County Council, the fourth Rule 6 Party, made similar submissions to the Planning Inspectorate. However, it is likely that the County Council would have wanted to avoid the expense of another Public Inquiry. Of the other Rule 6 Parties, namely, Cllrs Robin Turner and Baggy Shanker, Cllr Shanker wrote to the Planning Inspectorate, strongly supporting the idea of another Public Inquiry. He claimed there had been significant developments and changes in the area since the original Inquiry, such as the granting of permission for developments that would add to road congestion (Derby Telegraph, 2011f). The regional/local newspaper, the Derby Telegraph, quoted John Halford, a planning law specialist, who commented that the proposed 'written submission method', which would see this case decided, "tend[s] to favour those who are legally represented because they are able to get advice that allows them to write representations chiming with planning law". Whereas objectors to big developments, such as SSAIN, "tend to prefer open inquiries where they have the opportunity to put over concerns in person" (Derby Telegraph, 2011e).

In the end, however, it was decided that a new Public Inquiry was necessary. Simon Bacon of SSAIN claimed that “when the developer submitted evidence outside of that proposed by the Inspectorate, it became clear that a new public inquiry was needed to allow a new inspector the chance to hear first-hand evidence from interested parties” (quoted in Derby Telegraph, 2011g). The Derby Telegraph also reported that in a letter to the parties, the Planning Inspectorate gave the following reasons for their change of position: “a new inspector would not be able [to] properly cross-examine parties through written correspondence; further evidence had been submitted that must be tested by cross-examination; the Environment Agency has issued a permit for the site since the first decision was made” (Derby Telegraph, 2011g).

The second Public Inquiry, this time presided over by the Planning Inspector Alan Robinson, opened on the 12th of June 2012 and ended on the 27th of June 2012 (Robinson, 2012). The decision was released on the 21st of September 2012 and it ruled in favour of RRS, designating that their appeal against Derby City’s Planning Department’s decision to deny planning permission should succeed: “[t]he appeal is allowed and planning permission is granted for a waste treatment facility” (Robinson, 2012: 1).

The Planning Inspector (Robinson, 2012: 3) considered the main issues of the appeal to be:

- (i) “The performance of the proposal against the development plan;
- (ii) The relationship of the proposed development to the waste hierarchy and whether the development would hinder the achievement of higher recycling rates;
- (iii) The effect of the proposal on the character and appearance of the area;
- (iv) The effect of traffic generated by the proposed development on the safety and free flow of traffic on the road system in this part of Derby;
- (v) The effect of the proposal on air quality in this part of Derby; and
- (vi) The effect of the proposal on the health of those living in this part of Derby”.

In reaching the decision, the Planning Inspector concludes that the proposed development “complies with the [East Midlands Regional Plan] in providing a centralised facility for dealing with the waste management needs of this part of the region; that it *would* manage waste higher up the waste hierarchy and would *not* impinge upon recycling; and [it] does not breach policy with regard to appearance of the facility, impact upon the local highway network, and air quality and health” (Robinson, 2012: 23, emphasis added). The Inspector appears to systematically refute the arguments against the development highlighted in the *Appeal Decision* report (also, Derby Telegraph, 2012a; see Robinson, 2012). In doing so, the

Inspector also appears to base his decision on the original reasons given by the City Planning Department for refusing planning permission.

Subsequently, SSAIN and Derby FoE launched a legal appeal against the Secretary of State, under whom the Planning Inspectorate falls, to challenge Planning Inspector Alan Robinson's decision (Derby Telegraph, 2012b). They planned to argue that some of the ideas used to 'sell' the plant to the Council and public have changed (Derby Telegraph, 2012b). Further, they planned to argue that the proposal was based on a picture of ever-increasing waste levels, when developments in recycling methods and legislation on packaging are actually resulting in falling waste levels. In addition, the consumption of 36,000 litres of diesel per year by the development, challenges the claim that the plant will aid climate change efforts (Derby Telegraph, 2012b).

6.3.7 Judicial Review and the Failure of Consensus-based Planning

For Allmendinger and Haughton (2011) spatial planning has failed. It has not delivered the speedy development it promised, and with a distinctive feature of the UK approach to planning being "the separation of plan from permission and its discretionary basis", an assumed "automatic link between development plan and permission" was optimistic at best (Allmendinger & Haughton, 2011: 98). A consequence of the consensus-building process *within* the planning system, is that "genuine oppositional political debate was often shifted to arenas *outside* the apparatus" (Allmendinger & Haughton, 2011: 98, emphasis in original). No more so is this evident than in the increasing use of judicial review (Allmendinger & Haughton, 2011, 2015; Inch, 2012; Metzger, *et al.*, 2015), a prominent feature of this case.

In the current context, judicial reviews have become increasingly important as an "often last ditch, expensive response from those who felt the planning system no longer listened to them", and is a way of 'being heard' (Allmendinger & Haughton, 2011, 2015: 50). However, as is illustrated by this case, it is not just communities who find themselves seeking routes outside of the planning system and using judicial review, developers too, have sought this route often adopting an adversarial stance when they "felt their formal representations were not heeded by local planning authorities" (Allmendinger & Haughton, 2011: 98). In Inch's (2012) study of planning for housing in South East England, he discusses how planning officers found judicial reviews a frustrating loss of control, as well as being expensive. Inch

(2012: 529) found that there was a concern among planners that with councillors unwilling to grant permission in the face of well organised opposition, “the council had been reduced to planning by appeal”. In his study, this led officers to attempt to persuade councillors to pursue a strategy of ‘staged’ opposition whilst going along with the officer’s recommendation. Beyond a subversion of democratic processes, “[t]his was framed as a pragmatic response at a stage in the planning process where the system left little room for politics – decisions without a sound basis in planning policy and rationality would be subject to potentially costly appeal proceedings” (Inch, 2012: 529), such as judicial reviews. In Inch’s (2012: 529) study this “represented a managerial ‘fix’ to the political antagonism generated by development within the borough”.

In this case study it is notable that the planning officer on each occasion recommended the granting of planning permission while the councillors voted down the proposal in the face of organised opposition. The fact that the signing of the waste contract was seen as controversial may be explained by Haughton *et al.*’s (2010: 43) assertion that “in practical terms when it comes to negotiations for advanced infrastructure in large-scale new developments [... if] planning cannot provide certainty then it is not in the interests of infrastructure providers to provide excess capacity in advance of demands”. This public-private-partnership is problematic for Allmendinger and Haughton (2011) as it is one that exacerbates the tendency towards judicial review. Allmendinger and Haughton (2011: 98) highlight the threat to the public interest role in planning “where local authorities were encouraged to become partners in major schemes [...] have a stake in the successful delivery of the scheme [...and so] a vested interest in its acceptance and delivery, [asking] who is left to represent minority views?”.

As noted in the introduction, the principal aim of this chapter is to discern what this case study can reveal about, and for, the discourses and politics of EJ in England. Whilst the section above provides details on the case, its context and the sequence of events as they have unfolded, the following section identifies and discusses two themes that have emerged from the data that relate directly to the research aim highlighted above. These *first* set of themes demonstrate the dynamics of the case by describing the justice claims present and being made in the case study. The *second* theme explores the reframing of the residents’ concerns, opinions, and voice into planning discourse.

6.4 Justice Claims: The Discourses and Positions of Stakeholders

The following discussion considers the common claims made by the four principal opposition actors, namely the community opposition group SSAIN (principally Simon Bacon); the two ward Councillors, Robin Turner and Baggy Shanker; Dorothy Skrytek of the Derby FoE group; and finally the residents themselves. Exploring the discourses that these groups engaged with in their opposition reveals a number of reoccurring themes. In Chapter Five, it became evident that there is no grassroots EJm in England. However, there are still phenomena that could be conceived of as EiJs that hold the potential to, and do, produce oppositional mobilisation. As was briefly detailed in Chapter Four, the mobilisation against the proposed incinerator in Sinfin represents such a case study, providing the opportunity to investigate what produced the mobilisation, how the issue was framed by those who opposed it, and what discourses were circulating in this context. In the mobilisation in this case study, justice claims are evident, albeit not ‘environmental racism’ claims, and the explicit use of EJ, or to any large degree, ‘environment’ or ‘justice’, is not present either. Instead the various discourses engaged in by the different opposition organisations and actors reveal the existence of *implicit* justice claims principally, but also some *latent* justice claims and even the occasional *explicit* justice claim. These claims are principally expressed in distributional terms by the residents, while the ‘activists’ (Simon Bacon, Dorothy Skrytek, and Cllrs Shanker and Turner) also make some procedural claims (see Chapter One).

6.4.1 Injustice to ‘Future Generations’

In opposition to the WTF, Simon Bacon, Dorothy Skrytek and the residents made arguments relating to the negative impacts of the development on future generations. Simon Bacon (2010: 3) for example, in highlighting the negative effects of increased emissions of nano and ultrafine particles and dioxins, cites the statements of two nano-pathology specialists, Dr Gatti and Dr Montanari. These nano-pathologists, whose work SSAIN cited and provided in the Inquiry, claim that nano-particles can affect foetuses. For Bacon, this is seen as a “clear threat to future generations” (Bacon, 2010: 3).

Furthermore, in SSAIN's closing submission to the Public Inquiry, the primary focus appears to be on debates surrounding waste, recycling, the technology and its outputs. Reiterating his opening statement, Mr Bacon (2010: 1) states that "waste is a serious issue to all of us" and that it represents "what is currently a throwaway society which must change for the better as it is not our right to destroy the resources of the future". He claims that UK recycling targets are too low, falsely presenting the need for such proposals, while the construction of the facility itself creates and perpetuates a need for waste to feed it, which in turn means that other, "better routes which recover material for future generations" are ignored (2010: 1). Mr Bacon claims that more recycling is possible, with rates as high as 70-80% achievable, and that greater CO₂ emission savings would be achieved in this way, rather than going ahead with the proposed facility. He claims that UK waste levels are falling and that the proposed WTF is in fact not essential to the Councils meeting their waste needs. Instead, he argues that preferable alternative technologies, such as anaerobic digestion, are now mainstream and are supported by government policy.

Indeed, Mr Bacon's argument linked to the adverse effects to future generations is connected to his call for the Councils to instead invest in improving recycling. In this respect, Mr Bacon (2010) questions why the Councils are not doing more on the recycling front and he reiterates that the proposed WTF will actually further discourage progress in this regard. He also picks up on the waste hierarchy presented in the Derby Councils' 'Waste Strategy' (2006) and argues that it "is quite clearly wrong as it lacks the tier of composting and recycling which comes above energy recovery in the waste hierarchy" (Bacon, 2010: 5). He claims that this misleads the public to "find energy recovery acceptable as they would think it had the same merits as recycling which it does not" (Bacon, 2010: 5). Furthermore, Mr Bacon (2010) argues that RRS are not actually required to provide any energy they may generate, which makes the proposal a disposal operation. This would place the proposal on an even lower rung of the waste hierarchy, the same as that of landfill.

Mr Bacon's (2010) reference to "resources of the future" and "material for future generations" can be seen to be driving at the plant posing an injustice to future generations by what he sees as an avoidable destruction of resources. He also appears to feel that, through the waste hierarchy presented in Derby Councils' 'Waste Strategy', the plant has been 'spun' as a better option than it really is, and the public have been misled.

Ms Skrytek also claims that the plant operates at the wrong end of the waste hierarchy (Derby Telegraph, 2012c). She argues that due to the plant requiring a continuous stream of calorific waste to fuel it, it is dragging waste down the hierarchy (Derby Telegraph, 2011d). She hints at skulduggery on behalf of the executive and RRS, claiming that waste is not increasing in Derbyshire, and that the executive is trying to fiddle the waste figures to make it appear as if residual black-bin waste is increasing, in order to back up rationale for the plant (Derby Telegraph, 2011d). Furthermore, in claiming that the plant will hinder recycling, she questions whether recycling rates are deliberately being kept low lest the plant becomes unprofitable if higher recycling rates were present (Derby Telegraph, 2012c). Ms Skrytek further discusses a diversion of tax-payers money, away from recycling and towards the plant, including the diversion of money away from smaller schemes, such as the ‘Derby Furniture Project’, which she claims are in tune with the Councils’ sustainable development aims, whereby more sustainable projects are better positioned to not destroy the resources of future generations (Derby Telegraph, 2012c).

Finally, the residents themselves also exhibit a similar *latent* distributional justice claim when they too pick up on the issue of the inequitable distribution of environmental ‘bads’ to future generations:

“Impact for school and nurseries (local) and their life expectancy” (P. Clarke, 2009a: 89-95)⁴⁰.

“The plant will produce dioxins which will accumulate in the body and be particularly harmful to unborn children”; “The plant will produce ‘sensitising substances’ which will cause non-hereditary congenital malformations”; “Women who ingest toxins will pass this on when breast feeding”; “Higher cancer and birth defect rates are shown around incinerators”; “The long term effects on embryos and infants should be considered. Genetic changes will occur and be passed on for generation” (P. Clarke, 2009b: 8-11)⁴¹.

These claims show the presence of a sustainability discourse, indeed ‘sustainable development’ and notions that the WTF contravened this concept, was used by the activists (not the residents) as they responded to policy in their attempts to oppose the proposed

⁴⁰ Summaries of residents’ letters are provided in the Planning Committee Reports. 169 letters of “comment/objection” were received to be summarised and included in the first Planning Committee Report in October 2009 (P. Clarke, 2009a: 89), and a further 137 letters were summarised in the second Report in December 2009 (Clarke, 2009b).

⁴¹ Here the gender dimension of EiJ identified by Buckingham and Kulcur (2009) is evident in the continued lack of recognition, and absence of, any gender angle to this case.

development. The most prevalent theme and claim in this case however, was a distributive justice claim that the community, the area, Sinfin, was being *dumped on*.

6.4.2 “Dumped On”, and Distributive Justice Claims

In opposing the proposed WTF, the oppositional groups and actors all engaged with distributional justice claims, albeit largely in *implicit* forms. In Chapter One, distributional justice is conceived in terms of the “distribution or sharing out of goods (resources) and bads (harm and risk)” (Walker, 2012: 10). In Chapter Three, the distributional operation of *the police* was discussed and explored, and it is unequal distribution in this regard that the residents in this case are drawing attention to and opposing when they make the political claim of ‘being dumped on’, which is the principal subject of this case. What makes it political, is that in this claim they contest the ‘rule’ or pattern that they are the community that the development, or any additional ‘bad’ for that matter, is distributed to, not the incinerator specifically. They contest and challenge the way they are counted. The opposition groups are keenly aware that Sinfin, Derby, is a deprived area that suffers from numerous problems, including already high levels of air pollution, traffic problems, socio-economic deprivation and social-marginalisation. As is evident from the responses discussed below, a clear sense of injustice is derived from the location and context of the selected site of the incinerator.

In the first Planning Inquiry, Cllr Turner draws links between living conditions, health, traffic, and air quality. He claims that living conditions for Sinfin and Osmaston residents are already poor, and that although the HPA report took into account the emissions from the incineration plant, it did not take into account the increased traffic that would result. He claimed that the residents are subject to high traffic flows, congestion and air pollution, particularly with regards to the nearby Air Quality Management Area (AQMA) (Turner, 2010). Thus, Cllr Turner critiques RRS’s site selection criteria by asserting that they asked “‘is it in an Air Quality Management Area’ [when] the pertinent question was surely: ‘Does it affect an Air Quality Management Area’” (Turner, 2010: 5). At the Inquiry, Cllr Turner attempted to use ‘material planning considerations’ against the proposed development. Cllr Turner’s (2010: 6) concern is that “there will be an effect on living conditions on people in a deprived and low health quality area”, and that the plant would shorten the life of some local

residents. Thus, in his view, the decision to refuse planning permission was correct and should stand.

Similarly, Mr Bacon (2010) of SSAIN also argues that the proposed WTF presents a health risk to people in a poor area with existing health problems. Mr Bacon (2010) picks up on the emission of nano and ultrafine particles and dioxins (see Box 6.2, below, for a description of dioxins). He notes that the HPA do not rule out the harm from nano and ultra-fine particles, and that they acknowledge that the quantity of particles may be more of a determinate in health issues than the concentration. Thus, like Cllr Turner, Mr Bacon (2010: 3) views the plant as bringing an unnecessary and further health burden to the community, which may be a burden too far:

“Clearly incineration isn’t the only producer of such particles but quite clearly it is a process which does not have to take place. By incinerating we bring a further health burden onto the public which for some may be a burden too far as regards [to] their health”.

Box 6.2: Dioxins

The term ‘dioxins’ refers to a group of 210 compounds with similar chemical structures but greatly varying toxicity. The most toxic dioxin is 2,3,7,8-tetrachlorodibenzo-*p*-dioxin (TCDD) and most of the available data refer[s] to this compound.

Decomposition

- Non flammable
- Decomposes when exposed to UV light
- Emits toxic fumes of hydrogen chloride and chlorine when heated to decomposition or on exposure to UV light

Health

- Dioxins are toxic by inhalation or ingestion
- Ingestion of dioxins in humans can lead to adverse effects on the skin, including a severe and persistent acne (chloracne), skin rashes or discolouration, and excessive body hair
- Changes in the blood and urine, liver damage or changes in hormone levels may also occur
- Exposure to very high levels of dioxins may cause vomiting, diarrhoea, lung infections and damage to the nervous and immune systems
- TCDD is classified as causing cancer in humans
- TCDD produces a range of toxic effects on reproduction relating to both fertility and developmental toxicity in animals (Adapted from HPA, 2008).

Ms Skrytek, of Derby FoE, also highlights the adverse health impacts as a major argument against the plant. Ms Skrytek claims that the plant will emit dioxins, the “most toxic chemical known to mankind”, citing a HPA study that linked incinerator proximity to increased birth defects and low birth weights (Derby Telegraph, 2012c). She claims that the community is already breathing substandard air, which will be made worse by the incinerator. She also attempts to make a claim for the proposal contravening of the Human Rights Act (Derby Telegraph, 2011a). In doing so, Ms Skrytek cites that under the Act ‘no-one has the right to take life’. In contrast, she points to RRS’s detailing of *deaths brought forward* in their Air

Quality Report – whereby it is noted that the plant has the capacity to ‘bring death forward’ for those already suffering seriously poor health through cancer, heart and respiratory diseases (Derby Telegraph, 2011a). Ms Skrytek makes a further link to tax-payers money, claiming that there will be an increased cost to the tax-payer through an increased burden placed upon the National Health Service (NHS), which will be brought about by the plant through its placement in an area already suffering multiple aspects of poor health (Derby Telegraph, 2012c).

Like the concerns expressed by Cllr Turner and Mr Bacon, Ms Skrytek’s injustice claim is clear, albeit not explicit. This is again evident when Ms Skrytek claims that local waste will make up only 10% of the waste destined for the incinerator, but that the local communities will be suffering the brunt of the negative effects, while industry and commerce make little effort to reduce or recycle their waste (Derby Telegraph, 2012c). Furthermore, Ms Skrytek alludes to an injustice that will be brought about by the use and disposal of the ash produced by the incineration process. In this respect, she argues that the prospect of the ash being put into new products, such as plasterboard, will present another hazard to be suffered by those in the region who have already suffered ‘asbestosis’ and the ill-health effects from a former mining occupation (Derby Telegraph, 2012c).

Ms Skrytek arguments, like those made by Cllr Turner and Mr Bacon, are not merely health arguments; they argue that the proposed plant will put *further* stress on an already put-upon community. Thus they implicitly make a distributive claim that the community in question already is suffering, and has suffered, its share of environmental hazards and risks, and associated health issues as a result; and to add to that would be unacceptable. The responses provided by the local residents’ further support this theme, and take it further, with the notion of ‘being dumped on’ prevalent in their discourses in opposition to the incinerator.

Drawing from the interview data with residents, as well as letters sent by residents to the Council in objection to the proposal, it is clear that health and traffic concerns were the most important to them:

R1 – “Health was big on the agenda. What it was going to do to chest problems and school children. I must admit the first thing that came into my head was the traffic. It’s going to be terrible. And then I began to think more about the health side. I think those were the two main things weren’t they.”

R2 – “a lot of people thought that because there was dioxins, that it was going to cause cancer” (Resident Group1, 24/05/11 – Interview)

The most significant topic of concern or objection to the plant clearly relates to its emissions causing health problems. For example:

“Emissions from plant will mix with those from Rolls Royce producing a dangerous cocktail”; “Poisonous fumes will lower life expectancy” (P. Clarke, 2009a: 89-95).

“The health of all residents in the area will be affected”; “Increased traffic will have an adverse effect upon pollution in the area”; “Toxic fumes will be produced which will cause lung diseases”; “Ultrafine particle emissions will worsen health” (P. Clarke, 2009b: 8-11).

This concern, regarding the distribution of an ‘environmental bad’, is displayed when the residents reflect on the distribution of emissions from the WTF, the height of its stack, and the topography of the area it is to be sited in:

“It is in a low lying area, I think something like that should be built high up so that all the gases and all that isn’t going into all these places.” (Resident Group1, R2, 24/05/11 – Interview).

“Surrounding low land levels – pollution trapped in certain weather conditions”; “During certain weather conditions sulphuric acid mist will settle on houses and vegetation” (P. Clarke, 2009a: 89-95).

“Emissions from the plant will cause air pollution in this low lying area which will not easily disperse”; “The stack is too low to disperse pollutants effectively” (P. Clarke, 2009b: 8-11).

The claim here is that the site or proposal is inappropriate or faulty because the emissions from the plant will not be dispersed or distributed equally or widely, but instead will remain localised. This represents a *latent* justice claim because it has the potential to be framed as the concentration, or mal-distribution, on one community of an environmental ‘bad’ or hazard, which is produced when attempting to create a ‘benefit’ for all.

What is significant is that many residents also framed their health concerns with respect to the relative poor health of the area when compared to other parts of the city. This can be seen when considering some of these quotations from the residents’ letters below:

“Worsen already bad air pollution in Sinfin area”; “High cancer rates in the area”; “Osmaston and Sinfin already have poor health and low life expectancy”; “Plant will worsen peoples mental health/morale”; “Sinfin has the highest proportion of young people in the City. Highest child mortality rate in City”; “Plant will only worsen quality of life in area when taken into account with other detrimental developments in the area” (P. Clarke, 2009a: 89-95).

“The area is socially deprived, with more health issues than other parts of the city. Therefore the residents will be unable to prove any detrimental effects upon their health after the incinerator is built” (P. Clarke, 2009b: 8-11).

These claims, which highlight a health and environmental inequality between the area selected for the WTF and the rest of the city, are not merely observations of inequality, but instead can be also be seen as implicit justice claims. Indeed, the residents assert that the WTF should not be built in Sinfín because the area already suffers enough, or has high enough, health risks, and building the proposed plant would push the community (further) below an unacceptable level. Examining the quotations above, one can also see a latent justice claim present when certain residents consider the emissions from the plant. The quotations below reflect an implicit, and even explicit, justice claim made regarding the fact that it is the whole of Derbyshire’s waste that the WTF is to deal with. This being despite the fact that the City Council’s recycling rates are significantly better than all but one of the other Councils in the county (see **Table 6.1**):

“Derby [city] is quite good for recycling, compared to the whole county we’re talking now. And yet, Derby was going to get this thing even though we are actually quite a lot better at recycling than a lot of other areas, but we were going to get stuff from a lot of other areas that were not recycling as well” (Resident Group1, R3, 24/05/11 – Interview).

“they were also going to bring it from areas where the recycling rates were lower than they were in Derby. It’s also the injustice of it, why should we have rubbish dumped from outside Derby, where these councils are not recycling it” (Conservation Group, R5, 23/05/11 – Interview).

“City taking in waste from other areas”; “Why should City take waste from other areas who’s recycling is less than within the City area” (P. Clarke, 2009a: 89-95).

“the fact that it was the whole of Derbyshire’s waste. If it was just the City’s then you’re limited to [choosing a site within] the city, but the fact that it was Derbyshire’s waste, there must be somewhere better in the whole of Derbyshire” (Conservation Group, R4, 23/05/11, emphasis in original).

What is notable about this case is that all of the observations and claims presented both above and below regarding the area being multiply-deprived, apathetic, disempowered, suffering greater health problems relative to other areas in the city, and so on, are framed as the community being *dumped on*:

“Researcher – What were your initial thoughts about the incinerator?
R4 – We felt that we were dumped on” (Conservation Group, 23/05/11 – Interview).

Residents felt that their area was targeted for the development and that they are being ‘dumped on’ because Sinfín is poorer than other areas. Thus, their idea is that the Council and

developers presume that residents would not have the money, power and/or ability to mobilise themselves in opposition. The residents questioned why it was that their ward had been selected for the development:

R1 – it did come up very much at the [Neighbourhood Board] meeting that we are dumped on. Because there was this thing said, why aren't they going to Allestry, *because they won't*, why aren't they going to Darley Abbey, *because they won't, but they'll come here*. And that did get raised quite a bit actually at the meetings that we had. It was said, not necessarily by me but by other people.... They said, it was said, 'they are dumping in this area'.

R2 – I think they know that in better areas, they would have put up a really good fight, *they really would*, I mean they've got the money to do it. In *this area* all we can do is petition and things like that, and write letters. We haven't got, it's a poor area this is, we haven't got the money to fight it like they could do in Darley Abbey or Allestry"

R1 – I think [in Allestry or Darley Abbey] they would feel they had more clout, people would listen to them more, I think possibly, than they would in this area, and that is very unjust

R3 – if you've got money you can fight things" (Resident Group1, 24/05/11 – Interview, emphasis in original).

Furthermore, the residents in the Conservation Group (23/05/11 – Interview) recounted a story of a conservative councillor who lives in the affluent area of Allestry, who exclaimed at the Planning Control Committee meetings that if the WTF was instead to be placed in this area, "we wouldn't be having this meeting today because there would be that many people down that you would not be able to get into the council house". A resident from the Conservation Groups (R5, 23/05/11 – Interview) concludes that "Allestry would be better at mobilising itself, and there would be so many people objecting". The majority of residents believe that they are 'dumped on' because they are perceived to be a weak community that would have a lesser capacity to resist, and some even explicitly express that they think this is "unjust". The residents also thought that they were being targeted because it was presumed they would not fight such a development, whether it be because they are poor and low on human, social, and monetary capital, or because they were disempowered, or apathetic and/or fatalistic:

"R5 – we feel that Sinfin is an area, is a place where we feel that the council feel they can just dump things on to, because it's an area where there are a lot of disadvantaged people, and we get the impression that the council thinks that they can just take advantage of that. That they think that the people there will not mobilise themselves, [...]

R5 – Yeah, I mean that's been the history of the place. That people tend to be quite apathetic, and think that things can't be changed. And even while we were going through the campaign people were saying 'you can't affect anything, they'll just do it anyway'

R7 – the attitude of well you can't do anything about it was the attitude of a lot of the residents

R5 – it's the industrial side of the city as well. I think there is kind of the attitude that if we add something else it's just going to be a bit more industrialisation, it's not going to detract from everything that is already there...

R4 – they’ve always got away with so much, a little bit more aint going to make that much of a difference” (Conservation Group, 23/05/11 – Interview).

Drawing on the quotation above, one can clearly see the residents consistently construct the area as one where there are many disadvantaged people living with the adverse effects of an industrial historical past. The residents feel that the Councils view the area as one in which it can place undesirable developments, and their attitude is summed up by statements such as: ‘bit more industrialism is not going to detract’; ‘a little bit more ain’t going to make that difference’; “if you put this in a part of a city with a better air quality than we have, it would be quite noticeable, [...] whereas here we have a poor air quality, so the difference that will make isn’t going to be that great” (Conservation Group, R6, 23/05/11 – Interview). The residents feel that the Council thinks they can ‘get away with this’ because the area is disadvantaged and as such people will not be able to organise themselves easily, and because the residents are viewed as both apathetic and fatalistic. However, this apathy and fatalism is juxtaposed by the fact that the proposal appeared to provoke real anger among community, and they *did* mobilise themselves:

“R4 – once people realised what was happening, people got very aerated” (Conservation Group, 23/05/11 – Interview)

“R7 – I think the residents thought of themselves as victims. They were being dumped on basically

R4 – once it had been spelt out to them in, in single syllable words, literally, the penny dropped, and they reacted. But you really had to back them into a corner [...]

R7 – when they realised what was happening here

R4 – the anger went from the sublime to the ridiculous, didn’t it. Whereas maybe in another area, the anger may have been more level, they just got so angry at it

R5 – I think it was something that it felt that the community were together on it. It did bring people together” (Conservation Group, 23/05/11 – Interview).

It is indicated here that the community were at some point sparked out of apathy and fatalism. The residents imply that once the community was aware of what the proposed development was, they became very angry. The proposal had the effect of bringing the community together, where they thought of themselves as victims being *dumped on*. However, there was also the sense that this occurred because the WTF represented ‘the straw that broke the camel’s back’. Here the existing quality of the environment and conditions in the area are recognised to already be in poor states. Concerns about distribution are also present in that reference is made to the fact that it was not just their waste that was to be burned, not just the city of Derby’s, but the whole county’s waste, and that this is too much to bear.

Local journalist, Ms Green (~06/11 – Interview) also notes a strong sense of pride in the area, particularly with its historical links to Rolls Royce:

“the communities and the homes were built up around Rolls Royce, so people are proud of that, [...] they’re very proud of their area, and want something positive for it, rather than for it to be a place where people think ‘oh that’s where the gypsies live and the waste site is’.”

She notes the polarised conception of the WTF, that the community want something positive as opposed to negative. In stating that they do not want to be known as ‘where the gypsies live and the waste site is’, she reveals an additional motivation of the residents to not be negatively stigmatised. This element of pride is perhaps also married with an unflattering comparison with other parts of the city or county.



Plate 6.1: Simon Bacon with ‘Sinfin Says No’ Placard (Reproduced in the Derby Telegraph, 2010a)

The polarisation of the proposed WTF as negative can also be seen to link to, and contradict, plans and the residents’ desire to have their area regenerated:

“Osmaston, it’s trying to be regenerated, the council were investing a lot of money regenerating it, and what these people are saying is when we’re trying to improve our area, you’re doing this which is going to have a negative impact in their view” (Green, ~06/11 – Interview).

The theme of being ‘dumped upon’, or that Sinfin and Osmaston (an even more benighted area within the ward) are used as a dumping grounds for the city, is the most in-your-face and prevalent view and feeling expressed among the residents. As evident above, the polarisation of the WTF as a ‘bad’ was often linked to residents’ dissatisfaction with a local travellers’ site in the area and the lack of regeneration. There are large plots of vacant land in the area that are seen by some residents as providing a rare opportunity to regenerate the area. The summation of these feelings by the Former Neighbourhood Manager (21/06/11 – Interview, emphasis in original) was: “how on earth can you expect us to attract investment and

development with a travellers' site *and* an incinerator". This view sees two standout negatives (two LULUs (locally unwanted land uses)) prohibiting regeneration. The accumulation of LULUs, particularly the two seemingly overt ones of the travellers' site and the incinerator, appeared instrumental in sparking a supposedly apathetic, fatalistic community to mobilise: it was the 'straw that broke the camel's back' (Former Neighbourhood Manager, 21/06/11 – Interview).

In claiming that they were dumped on, and that their area is the dumping ground, the residents make a distributional justice claim, noting a rule of distribution in operation, which sees that environmental 'bads' and an absence of environmental 'goods' are distributed to not just their area, but to their community. What this distribution relies upon, they believe, is that their community is supposed to neither contest this distribution, nor possess the capacity to do so. In this fashion, the community's dumping claim identifies the production and reproduction of their environment as not equal to others' and not occurring by chance. In this sense, they have an allusion to, and a cognisance of, a systemic production of their environment, a cognisance of the *police* (see Chapter Three). The community identify a *wrong* in the *police*. Further, in their assertion of money being a determining factor in being able to resist the siting of the WTF they acknowledge (as in a neoliberal police order) that justice and voice is commodified. In this sense, they, provide an instance of Peck and Tickell's (2002: 400) ponderance of resistance movements, which in their "own explicit politization, [...] may have the capacity to hold a mirror to the process of (ostensibly apolitical) neoliberalization, revealing its real character, scope, and consequences".

As suggested in Chapter Five, whilst there are mobilisations against EiJ in England, they are just not labelled as such. What this discussion shows is that in this example of a mobilisation against an EiJ, it *is* claims of injustice that are predominately being made, as opposed to alternative discourses. Again, commensurate to the argument put forward in Chapter Five, these claims were not explicitly EJ claims, the language and labelling of EJ is not present, but *implicit* justice claims are made nonetheless. Examining the conversation below, the residents shed some light on EJ's absence, in that they think the term may have been useful as an appropriate descriptive term, however, that it would have been inappropriate for the community at large:

“Researcher – do you think that it would have been useful to frame things in terms of injustice or environmental injustice?

R7 – the second one I think

R5 – the fact that it was affecting our environment, the pollution, yeah, yeah. ... I think it would have got people more stirred up when they realised that they are being treated unfairly by the City Council, and other parts of the City.

R7 – *“people will say that it’s not fair. That it’s not right. If you start talking about environmental injustice you’ll be going over their heads*

R5 – well they knew that it wasn’t fair, and they knew that it was affecting their environment as well with the pollution, so they did have a sense of that. They might not have put those two words together in one term, but they knew that it was to do with pollution in the environment and they knew that they were being treated unfairly by the council, being overlooked. I think there is a long feeling of being forgotten in this suburb of Derby as well.” (Conservation Group, 23/05/11 – Interview, emphasis added)

Former executive director of FoE, Charles Secrett (27/10/10 – Interview, emphasis in original), expresses a similar concern about EJ being a complicated term that may ‘go over people’s heads’. Secrett links this to a wider trend in the environmental movement where terms like SD are equally as confusing to the general public:

“we’re very bad at language and sustainability and sustainable development is just the classic example of that. It doesn’t mean a thing out in a public meeting, you know, or to a sun reader, or to a guardian reader. They’re still trying to get their heads round 20 years later what it means. In fact there was an opinion poll done a year or two ago where most people thought sustainability was a brand of washing powder. They thought it was a brand of washing powder! It’s extraordinary! Why? It’s such a complicated word and even the people who propose it, can’t *really*, like me, can’t *really* explain in a nutshell what it is. [...] It’s a complex concept[. ... T]alking about environmental rights or environmental justice is a way of using simpler words, even though they’re still complicated concepts. In the ‘70’s and the early ‘80’s we had a much simpler language. It was all good old, um, mono-syllabic Anglo-Saxon words like, um, ‘extinction is forever’, ‘no thanks nuclear power’, ‘toxic waste’, ‘acid rain’. You know, these were, ‘recycle’, ‘reuse’. These are very simple words that everyone gets, you know, toxic waste, of course that’s bad, acid rain, of course that’s bad, extinction is forever, yeah it is, isn’t it” (Secrett, 27/10/10 – Interview, emphasis in original).

Davis (2006: 715), who studied anti-incineration campaigning in Ireland, finds “no explicit employment of the language of environmental justice, rights or fairness [...] despite the fact that the risk and need discourses employed implicitly draw on certain concepts that could be located within an expansive interpretation of environmental justice in relation to intra-species and inter-generational justice”. Inter-species and inter-generational aspects of EJ are far from central elements of the US EJm, and indeed are probably more prominent movements in their own right rather than concerns that *can* be brought under the EJ master frame. Indeed, Davis (2006: 715) acknowledges that in her case “developing an argument for distributional injustice would have been difficult given that [at the time] an exact location for the incinerator had not been disclosed”. While Davis (2006: 714) does find many of the same

discourses present as are in this case study – around “issues of risk, need and trust that: (i) highlighted the uncertainty amongst the scientific community regarding the potential risks from incineration (ii) emphasised trans-local concerns about the need to focus higher up the waste hierarchy to re-use, recycling, minimisation and prevention and challenging the assumption of need for incinerations and (iii) questioned the ability of the national regulator (EPA) and local authorities to effectively regulate the operation of waste facilities” – the lack of a concrete existing community hinders the articulation of injustice and *wrong*. As Metzger *et al.* (2015: 11) point out, a key “insight of Rancière’s work is that the no-part is not a pre-constituted political subject. It does not yet exist as a political subject but is called into being by invoking its equality as a speaking being”. The specifics and constitution of a community, a subject, are vital in the pressing of a justice and political claim, which shall be demonstrated in the following section.

6.5 Reframing the Residents’ Concerns and the Primacy of Planning

The second theme explores how the residents’ strength of feeling, justice and political claims affected proceedings, but was ultimately seen as *noise*, unintelligible to the planning system, and subsequently reframed so that it could carry more (planning) weight, heard as *voice*. At various stages in the planning process, the residents’ objections and feelings towards the development were reframed into ‘material planning considerations’. This will be looked at through the prism of Rancière’s politics, and in particular the operation of the *police* (in this instance the planning system) and its delineation, or indeed policing, of what is considered *noise* and *voice*. Further, the lens of post-politics is also apposite here in that justice and political claims, moments of *dissensus*, are not merely disavowed, but displaced, transferred, sublimated.

The pervading reaction of the community was that they categorically did not want the WTF; they did not want something they resolutely saw as negative for their area. The rationale for this, and their conception of the context and proposal, was framed by the residents as them, and their area, being used as a dumping ground, that they were being ‘dumped on’. This

claim, however, is not one that registers with the planning system, or more particularly, one that would influence the decision about whether planning permission would be given to RRS to build the proposed WTF at the site, and in the area, they selected. This represented a problem for the activists and residents opposing the WTF. The residents' 'strength of feeling' in unconditionally opposing the proposed WTF *was* widely acknowledged. However, in its current articulation and expression, it mattered little in determining the planning decision. Thus the residents' strength of feeling was reframed into expressions that would be recognised by the planning system.

The theme of 'being dumped on' was picked up on by a City Council Assistant Planner⁴² (09/06/11 – Interview) interviewed in this study. She describes the range of oppositions to the proposed WTF made by the residents, including concerns about the technology itself, the traffic implications, and what she saw as a NIMBY (Not In My Back Yard) objection, where the community felt that they were targeted because they were poor, and that their area was being used as a 'dump' by the Council. The Assistant Planner rebutted this however, noting the prior recognition of the site for such a use. At the same time, she does acknowledge and empathise that the development would take place in a poor area and not a richer suburb:

"And there were people who objected on, we don't want it in our back yard sort of thing, and you've picked our back yard because this is a poor community where everything is dumped. Which I think was not the case, because it was a selected site. It was recognised as a suitable site, but I understand why they think that. The suitable site was not in the richer suburbs. It would probably have had even more objections if it had been" (Assistant planner, 09/06/11 – Interview).

"Sinfín is undoubtedly a deprived ward. A ward that has already got a lot of problems, 'why are you wanting to make it worse?' 'Surely this is the last place on Earth you should put this because this place is so disadvantaged already'. Certainly is a reasonable argument. [...] People said 'put it in Allestry', which is our premier ward apparently. *And* that's not a good argument. That was not a thought through argument I think. I understand that 'we don't want it in ours', but I think they felt that they were being dumped on. Rightly or wrongly" (Assistant Planner, 09/06/11 – Interview, emphasis in original).

Thus although the Assistant Planner acknowledges some depth and logic to the residents' arguments, namely that the development would make the conditions in an already deprived ward worse, she dismisses their assertion or claim that there is a process of 'dumping' taking place and that the incinerator should instead be put in a 'flagship' affluent ward. As argued in the previous section, the residents make a distributive justice claim. It could be read from the

⁴² Again, this is the personal view of the Assistant Planner, not the Council.

Assistant Planner (09/06/11 – Interview) here, that while the distribution of ‘overwhelming’ ‘bads’ might have genuine grounds to be avoided, redistributing them to the more affluent is regarded as invalid. What is crucial here is that the major claim that was made by those opposing the development was considered invalid in the planning context that had primacy.

However, another major expression of opposition to the proposed WTF was the *strength of feeling* against it that was generated. The Assistant Planner (09/06/11 – Interview) describes the hostile atmosphere generated in and around the Planning Control Committee meetings, and in particular, that the strength of feeling from the residents against the proposal was forcefully communicated. She goes on further to comment that the strength of feeling and its communication was of a ferocity and a level that she had not experienced before:

“it’s the most frightening atmosphere I have ever been in that situation. I mean we frequently deal with controversial applications, but the *strength of public feeling* and the way that it was conveyed [...] was frightening. [...] Not one ever to feel sorry for councillors but they were really really under the cosh there and the staff, it was scary. [...] The atmosphere was intimidating. [...] Very unpleasant, as you go over to our old building people were standing outside with placards which is perfectly reasonable to make their point, but they said very unpleasant things, personal things. Really, there was an aggression and taking the argument to a very personal and unpleasant level” (Assistant Planner, 09/06/11 – Interview, emphasis in original)

While the conveying of this ‘strength of feeling’ was influential in effecting the initial planning decision made by the City Council, which is discussed shortly below, it might also be worth noting the personal character, or basis, for getting the ‘strength of feeling’ across, which is discussed later on in the chapter. The Assistant Planner (09/06/11 – Interview) describes the visceral emotive nature of the objections that the Council received from the residents:

“I think part of the way the objectors presented their side of the case, inflamed the community.

Researcher – So these were the Rule 6 parties? Dorothy, Simon, Baggy or...

- I wouldn’t say it was particularly them, it was the way it took off. The types of objections we received were very emotive. Lots of comments about, pictures of people with cancer, pictures of foetuses, and I have a feeling that the guy who was the applicant got sent pictures dead babies and things; ‘really, this is what you’re going to do’. I understand people’s strength of feeling and to a degree I have sympathy with them; it’s a big area of unknown. But, I struggle with the way it’s conducted.”

Here the Assistant Planner interprets what she perceives as a strong reaction to be as the result of “a big area of unknown”. Elsewhere in the interview, it is evident that the Assistant Planner’s reference to the ‘unknown’ is of an ‘only time will tell ilk’, and she makes comparisons to concerns about the effects of mobile telephones and broadcasting masts.

However, this might be seen as a slightly undermining framing. It poses the residents' objections as ones derived from fear of an unknown rather than that of informed rationality; as *noise*. This is consistent with a consensus-based approach to planning that, as Metzger *et al.*, 2015: 6) state, dismisses "oppositional or alternative views as lacking legitimacy or rationality". Parallels might also be drawn here with how the women of the US EJ movement were characterised and dismissed as 'hysterical housewives'. The Assistant Planner stops short of denouncing the methods employed by the objectors, but implies an unpleasantness that was not to her liking. The Senior Management Member of the Council (14/06/11 – Interview) directly attributes a 'fear mongering sensationalism' to SSAIN and (Derby) FoE, claiming that they managed to propagate a framing of the proposed development as a harbinger of death:

"SSAIN and Friends of the Earth are going round saying 'this will kill your children', 'the Council are allowing them to build something that will kill you and will kill your children'. So it's very difficult from that point of view, and they, they've managed to, gather that momentum".

In this sense the development has taken on an antagonistic character that has polarised it as *friend/enemy*. It has taken on the character of *ultrapolitics* that "involves the dominance of the political as difference and antagonism over politics where the political adversary is to be destroyed" (Allmendinger & Haughton, 2015: 30). Taking Mouffe's (2005) approach to politics this means that the planning system in its current, consensus-based, guise lacks the means to deal with things *agonistically*.

Shlomo Downen (20/06/11 – Interview), the national coordinator of UKWIN, notes how the 'strength of feeling' can often be successful in influencing a Planning Control Committee, however, it is usually unlikely to 'cut much ice' with a Planning Inspector:

"They kept it together, long enough to exert sufficient political influence and to get across a particular sufficient strength of feeling within the community and all the rest of it to have won the Planning Committee round. One of the mistakes that a lot of anti-incineration groups do is that they pitch their whole campaign to the Planning Committee in the hope that the Planning Committee will refuse permission. But that's a very risky strategy
Researcher - because they put all their eggs in one basket?
- well exactly and when it's finished, well first of all the quality of their arguments tends to be the quality of argument that might be persuasive for a member of a planning committee but won't cut much ice with a Planning Inspector".

With the development going to a Public Inquiry, if the opposition to the WTF wanted to win a planning decision, it is suggested that those opposing the development required arguments 'appropriate' to this context. As intimated by the Senior Management Member of the Council

(above), “the health argument was the main one which the community took on board” (Conservation Group, R5, 23/05/11 – Interview). However, the residents describe how they were dissuaded from using arguments around health (Conservation Group, R5, 23/05/11 – Interview). Instead they were told that an argument around traffic would be ‘more effective’ for influencing the decision on planning permission:

“R4 – but the council did tell us that we could not use that argument against planning permission. They would not take the health issue into account

R5 – they didn’t feel that the level of pollution would be great enough to warrant a rejection. Initially I sent a letter to Hillary Jones who was chief of the council at the time, I spoke to somebody who knows her and they said, you don’t need to send her a letter, just speak to her on the phone because she wants to hear your views, and I spoke to her and she said, that she felt that the plant would have virtually no pollution, but she admitted that her objection if anything would be on the congestion of the traffic, so then it seemed that that would be thing to object on really. It makes sense. It seemed to us to be completely crazy to have x many more, how many was it?

R7 – 300 journeys

R5 – because that road is already really congested at peak times, coming down Sinfin Lane, the whole road gets jammed up anyway, so to add extra to that, and apart from the congesting it would be the danger because it being a blind spot” (Conservation Group, 23/05/11 – Interview).

While this steering away from the ‘health argument’ in favour of traffic may be innocuous, the ‘health argument’ taps into the specifics and inequality of the populace in the affected area, more so than the ‘traffic argument’. The ‘traffic argument’ may tap into argumentative threads around inconvenience and mobility (among others), and although the residents and activists went on to make arguments linking the contribution of traffic, congestion and increased pollution to ill health, increased traffic and any knock on effects are not specific or unique to the proposal in question; any new development could bring increased traffic to the area. The ‘health argument’, whether from pollution from the plant itself, or even from increased pollution from traffic, taps into specific issues and problems already hampering the area’s inhabitants, in particular, their disproportionate poor health compared to the rest of the city, which is reflected in the arguments that were made regarding the WTF ‘bringing death forward’. There are also a higher proportion of elderly and young people in the area who would be adversely affected. These inequalities are central to the injustice claims surrounding the proposal, as identified in the previous section, namely: that the community already suffers enough environmental hazards and risks which the plant would push further down to a (possibly even more) unacceptable standard; and, that these ‘bads’ are distributed inequitably.

The substitution of the health argument for an argument surrounding traffic is one example of a reframing of the residents' complaints and objection in favour of those that would be considered more appropriate to 'material planning considerations', and would carry weight with the planning system. The primary site for this reframing was the Neighbourhood Forum Meetings, as this is where the residents were advised on not only what the content of their opposition should be, but also on the means through which they should express it. At the Neighbourhood Forum Meetings the residents were assisted in writing letters and starting petitions. Thus, in this context and through these processes, the residents' complaints and means of expression were changed to ones that were recognised and worked within the planning system. That is, they were changed from what *the police* (mediated by the planning system) considered *noise*, to what it considered *voice*. In this process, the community's justice and political claims were filtered out. That these processes occurred at the Neighbourhood Board Meetings is worth noting because this is the primary site and vehicle through which the opposition learnt about the WTF, met and organised:

“the only people who really seemed to know that it was happening were those who attended the Neighbourhood Board meetings” (Resident Group1, R1, 24/05/11 – Interview)

R5 – I think the first time we heard about the incinerator was through the Neighbourhood Forums

R6 – A lot of people didn't know about it

R4 – It was there ticking away, and then it sort of came to a head, and there was an awareness, and then they couldn't keep it quiet anymore, and then it went from the sublime to the ridiculous

R6 – but [Cllr] Robin Turner first brought it to our notice. It was a bit slow in starting because we didn't realise, we didn't know what it was about, how it would inflict these noxious gases and everything on us” (Conservation Group, 23/05/11 – Interview)

Before the reframing of the residents' views took place, the residents' complaint was considered “not a good argument ... not a thought through argument” (Assistant Planner, 09/06/11 – Interview). Their suggestions that the WTF should instead be located in one of the affluent wards was considered invalid, not the question at hand, not a possible point of discussion or dispute. Some of the residents initially suggested that the WTF should be put in Darley Abbey or Allestry. Some even suggested that 'money should be invested in recycling instead', asking for 'the impossible'. This is an attempt at what Žižek (1999: 199, in Swyngedouw, 2009: 615) would consider authentic politics, in that it is the “art of the impossible – it [attempts to change...] the very parameters of what is considered “possible” in the existing constellation”. The residents asked that if the incinerator be built, it should not be arbitrarily placed (which is to some extent how they saw the selection of the WTF to be sited

in their area). The residents' initial claims and objections were considered unintelligible *noise*, however, and only after reframing their voice was it to matter or be heard, in other words, it only mattered when it was converted or translated into a planning discourse with their justice claims, their identification of a *wrong* in *the police*, their *politics*, filtered out.

There are, however, two instances where this strength of feeling appears to have made a crucial impact on the turn of events. The first instance relates to the Planning Control Committee, where elected representatives followed the wishes of their electorate (as described above by Downen). The second, perhaps surprisingly, relates to the first Planning Inspector, Ruth MacKenzie. Ruth MacKenzie was regarded as being very good at listening to the community and she understood their strength of feeling, as the Assistant Planner (09/06/11 – Interview, emphasis in original) describes:

“She was really good at listening to people. I organise all our Planning Inquiries and hearings, sometimes Inspectors are pompous souls, this Inspector was *very very good* at listening and talking to people. We had a public session for her in Sinfin and one in town to hear people's opinions because she understood people's strength of feeling about it”.

The praise for the Planning Inspector is extended to how she conducted the public sessions of the Public Inquiry in such a way that did not inhibit people expressing themselves. It is also notable that the community at these events, and perhaps also generally, are *not* expected to use the ‘planning speak’ and that strength of feeling *is* valid:

“The inspector was very good, she held the public days in a very informal way, so that it wasn't done in a[n inhibitive] manner. You're never going to get the best out of people in that environment. [...] We're not asking people to come out with all the planning speak – ‘it's contrary to this policy’, it's what you feel. And the Inspector got a good measure of the strength of public feeling. [...] In that respect when given the opportunity, they weren't shy at coming forward, but you have to present it in a way that people are not made to feel uncomfortable about. ... The Inspector made copious notes and she went round and spoke to everybody” (Assistant Planner, 09/06/11 – Interview).

The *way* in which the residents *are* counted as stakeholders is that of them expressing their ‘feelings’, not ‘planning talk’, not potentially rational discourse. This is very much in tune with a consensus and spatial planning system that “give the superficial appearance of engagement and legitimacy, whilst focusing on delivering growth expedited through some carefully choreographed processes for participation which minimise the potential for those with a conflicting view to be given meaningful hearing” (Allmendinger & Haughton, 2011: 90).

“R5 – at that meeting where the inspector came to hear people’s views at St Steven’s church hall, so many people gave their views, and I think the majority were on health grounds, because people were afraid of bringing up children in this area, with the pollution in the air.”
R4 – “I think she was staggered at the number of people at the drop in” (Conservation Group, 23/05/11 – Interview).

It might be considered that Ms MacKenzie performed a political act by taking into account non-planning aspects in a planning decision. The Senior Management Council Member (14/06/11 – Interview) claims that RRS feel that:

“the planning inspector took into account a number of issues that were not actually within the planning remit ... quote[ing] health risk issues when the health protection agency have not objected, erm to also say that there is a danger around the air quality, when the EA have given them a permit, ... I think that they’re saying why is this a planning issue, the people who are responsible for permitting release or not release are saying this is fine. ... they feel that on one hand the bodies that have the legal enforcement duty are saying that it’s ok, yet the planning inspector is saying that I’m going to take this [other thing] into account as a material consideration”.

For Allmendinger and Haughton (2015: 46) this would be illustrative of Third-Way post-politics that displaced “political issues by drawing heavily upon, for example, strategic environmental assessment, sustainability appraisal, retail impact assessments and design and access statements” that are often outsourced and “presented for public consumption as expert scientific input and therefore technically and politically neutral”. Here, however, the Planning Inspector takes things into account in a space where they should not be counted; she changes the hierarchical count of the experts (state) and non-experts (activists/residents).

Rancière frequently draws upon a tale of the secession of the Roman plebeians on Aventine Hill, which bears a striking resemblance to the play of events involving the Planning Inspector. In this tale originally told by Livy, the Roman slaves withdraw from the city and refuse to return until an ambassador of the city’s patricians, named Menenius Agrippa, convinces them to come back. Rancière draws upon Pierre-Simon Ballanche’s critique of Livy’s account. Ballanche reproaches Livy “for being unable to think of the event as anything other than a revolt, an uprising caused by poverty and anger and sparking a power play devoid of all meaning” (Rancière, 1995: 23). For Ballanche, the real issue is the dispute is over the speech itself:

“The position of the intransigent patricians is straightforward: there is no place for discussion with the plebs for the simple reason that plebs do not speak. They do not speak because they are beings without a name, deprived of logos – meaning, of symbolic enrolment in the city. [...] Whoever is nameless *cannot* speak. Consul Menenius made a fatal mistake in imagining that *words* were issuing from the mouths of the plebs when logically the only thing that could issue forth was noise. [...] This is not simply a reflection of] the obstinacy of the dominant or

their ideological blindness; it strictly expresses the sensory order that organizes their domination, which is that domination itself. Before becoming a class traitor, the consul Meneius, who imagines he has heard the plebs speak is a victim of sensory illusion. The order that structures patrician domination recognizes no logos capable of being articulated by beings deprived of logos, no *speech* capable of being proffered by nameless beings, beings of no *ac/count*" (Rancière, 1995: 23-4).

In her first report, the Planning Inspector rejected planning permission for the incinerator, and in doing this not only did she acknowledge the existing poor quality of life of the residents, but she also gave their 'fear of damage to their health', and their doubts that the regulatory agencies would protect them, weight. In doing this, she gave equal footing, or equality, to the voice of the residents as with those of 'experts'. It is the experts who are 'supposed' to have the rightful say in whether the development was harmful or not, of which they declared that there was no such proof. It is also surely not expected that the role of the residents would be to comment on whether or not the regulatory agencies are fit to task, of which the Planning Inspector attributes them *voice*. The residents are speaking and being heard in a context and manner that they should not be. In this way, the Planning Inspector performed a political act in turning a certain aspect of the residents' noise into voice; making it count where it should not have been counted. The first Planning Inspector's decision was overturned, however, and it was argued that she had considered issues that were out of her remit. In the subsequent appeal against the first Planning Inspector's decision, the Planning Inspector, like Consul Meneius, was considered to have fallen down on her task/role; forgotten herself in what she considers and does not consider; she was accused of not working properly. Her actions constituted political acts, but they were disavowed.

The operation and maintenance of the *police* is seen in two ways. First, there is way in which it manages to successfully sublimate the residents' justice claims and demands in a fairly mundane manner within the planning silo. Second, however, Ms MacKenzie's actions require greater work by the police to deal with this disruption of its *partition of the sensible*. This takes place outside of the planning, in the legal arena, where the *soft space* of the Waste Plan (Haughton *et al.*, 2010) and commodified justice are brought into action.

6.6 Conclusion

This Chapter presents a case study of a grassroots local mobilisation against a proposed siting of an incinerator that represents the addition of an environmental ‘bad’ to a socio-economically deprived and marginalised area, whose residents already suffer the negative effects of living in a poor environment. Thus, this case study represents a mobilisation against an EiJ in England. What this mobilisation demonstrates is the presence of injustice claims being made at this level. The justice claims being made predominately concern issues of inequitable distribution, and are in the majority, implicit in nature. This is significant because while the explicit term EJ is absent, EJ framing is not. According to some of the residents, while EJ would have been an appropriate term to use, it is a complicated term that would ‘go over the residents’ heads’.

The articulated claim that was most prevalent however, was that the community was being *dumped on*. In claiming that they were dumped on, the community made a political claim, they identified a *wrong* in the *police*; they were not an equal community from their point of view in the eyes of the police. This framing of the proposed development mobilised an apathetic, fatalistic, socio-economically deprived and marginalised community, who were thought to not possess the capacity to resist and change their lot, or even attempt to, into a mobilised community that resisted both its lot and the way in which it was counted.

This framing, however, as well as various other motions the community put forward such as that the incinerator should instead be put in one of the affluent wards, was disavowed, considered invalid, considered *noise* to the planning system’s ‘ears’. The residents were then directed as to how best effectuate the planning decision at hand. This took the form of both reframing the content of their objection and the means through which it was expressed to a way that would be heard by the planning system (or *police*). Finally, it is important to point out that even within this context, the actions of the first Planning Inspector, Ruth MacKenzie, whereby she took seriously the residents’ strength of feeling within her planning considerations, heard as *voice* what to the planning context was *noise*, also constitutes a political act. As argued in the final sections of this chapter, Ms MacKenzie engaged in politics proper by taking account ‘non-planning’ aspects into her decision. Like Rancière’s (1995) critique of Aristotle in that politics resides in the dispute of what is considered *noise*

or *voice*, in this study, what is considered noise or voice by planning is policed with what is regarded as a material planning consideration or not. A material planning consideration is considered voice, intelligible discourse to be taken note of, while anything which isn't a material planning consideration is noise, not relevant, not up for debate, or merely the sound of discontent.

Chapter Seven

Conclusion

7.1 Introduction

The purpose of this final chapter is to draw together, reiterate and discuss some of the key points and findings produced by this research. In doing so, how the thesis addresses the research aim and questions will be discussed, and the contributions this thesis makes, including potential avenues for future research, will be presented. This chapter begins by reflecting critically on the emergence, translation and development of the environmental justice (EJ) discourse in England. Included in this discussion is an exploration of the barriers that seem to have impeded the proliferation of the EJ frame and discourse. The chapter then turns to the research carried out through the investigation of a local grassroots mobilisation against an environmental injustice (EiJ) which provides a means to explore what discourses are circulating in this context, and how justice and political claims play out against a post-political *police* order.

7.2 The Emergence, Translation and Development of Environmental Justice Discourses in England

This research aimed to explore the emergence, translation, development of EJ discourses in England and to critically reflect on some of the barriers to them. As discussed in Chapter Two, the EJ concept and movement (EJm) originated in the United States (US) in the 1980s, with the merging of the anti-toxics and civil rights movements. This movement was predominately comprised of grassroots struggles and carried with it a subaltern ideology. Many movements combined under the EJm, and ‘we speak for ourselves’ became one of the movement’s central credos. Subsequently, both the concept and the movement have spread

across the world. Chapter Five discusses the emergence of the EJ frame in England as part of an elite policy discourse coalition, where leading UK Non-Governmental Organisation (NGO) Friends of the Earth (FoE)⁴³ England Wales and Northern Ireland (EWNI) was a key player. Thus, unlike in the US, in England the frame emerged at an elite level and not from the grassroots. Although having some success, this was mainly confined to a research and policy context and as an *integrative technocratic fix* for sustainable development (SD). Furthermore, it is significant that at a policy level, EJ underwent a reframing to better align it with the English context. According to Walker (2012: 26-7), for example, the reframing of EJ by the Environment Agency (EA) resulted in the term ‘environmental inequalities’ being adopted, as it was “seen as both less politically contentious and more aligned with familiar policy discourses such as those on ‘health inequalities’”. It is significant that FoE, the most prominent promoter of an EJ agenda, evolved into an SD organisation. FoE took up EJ from a position of being an SD organisation, fitting it into their conception of SD and their European research work on their Tomorrow’s World agenda. FoE is also seen to take on the form a *protest business organisation* that has consequences not least for the way and extent to which it took up EJ, but also in manifesting a neoliberalising of English civil society and a sublimation of the political.

Whilst these issues have undoubtedly characterised the success of EJ, the data reveals a number of other factors that have inhibited the proliferation of EJ discourses in England. The first set of issues concerns the organisational form, orientation, and composition of the organisations attempting to work on EJ. FoE’s protest business form is a prominent influence. FoE’s members and staff are predominately not those suffering EiJ. This has consequences for the composition, presence, and directing of FoE’s resources, both monetary and activist. Consequently, EJ issues are seen to have difficulty resonating within FoE and the environmental movement more broadly. The issue of a lack of resonance in the English context is an important theme. Indeed, the data reveals that it is not only at the level of environmental NGOs that EJ lacks purchase, but also at the grassroots level. This is attributed to a number of factors, for example, relative progress made in pollution prevention combined with the exporting of EiJs has produced relatively healthier environments. With a lack of prevalent and visceral EiJs, and instead the presence of complicated issues that are difficult to conceive of, let alone solve, it is difficult to promote an EJm. Chapter Five also draws

⁴³ Scotland has its own separate Friends of the Earth organisation

attention to the normalisation of EiJs in England and linked to this, an inured society, both of which can be seen to hinder the conception of EiJ and pursuit of an EJ agenda. In this post-political context where the political is sublimated, a fragmentation is seen organisationally, discursively, and causally, which runs against the diagnosis and prognosis of EJ.

7.3 Thinking through the Case Study

The case study attempts to answer what discourses are circulating in this context in England, and what justice claims (if any) are made in opposition to a stereotypical example of an EiJ in England. In Chapter Six, it became apparent that although the explicit use of the EJ term was not present, the opposition groups did make claims of injustice. These were largely seen to be implicit and most were linked to issues of distribution. Chapter Six makes it clear that the community felt ‘dumped on’ and that they were being subjected to additional burdens not faced by other, better off communities. Besides revealing the nature of the claims the opposition engaged in, the case study also provides insight through examples of the emergence of *politics proper* and the way in which this is negotiated by *the police*, in this instance mediated and expressed through the planning system.

The ‘primacy of planning’ and the reframing of residents’ concerns/objections into what was considered ‘material planning considerations’ is critically discussed. The chapter reveals how planning defined what was under discussion, namely whether the incinerator should be granted planning permission to be built in the chosen location, and nothing more. The residents, however, made articulations and claims outside of this. For example, they were seen to contest that they should be considered for such a development and they put forward various counter arguments such as: ‘Why not put it in a wealthy area, or in the countryside?’; ‘Why are alternative waste treatment technologies not being used instead?’. These claims and demands were disavowed, they were ignored and were considered not useful, unintelligible discourse, *noise*. The only thing that was up for ‘discussion’ was whether the incinerator would be built in the mooted location. The residents’ views (*noise*) were subsequently reframed, and their complaint was reduced to the mere object under discussion; anything justice-based and political in form and content was filtered out, sublimated, disavowed. The

community's articulation of a *wrong* was disavowed. In this context, the delineation of what was considered noise or voice was mediated by what was considered 'material planning considerations' in the planning system.

The Sinfon community became a political subject when they named themselves a community of EiJ, exposing and identifying a *wrong* in the *police*:

"Parties do not exist prior to the conflict they name and in which they are counted as parties. [...] Politics exists because those who have no right to be counted as speaking beings make themselves of some account, setting up a community by the fact of placing in common a wrong that is nothing more than this very confrontation, the contradiction of two worlds in a single world: the world where they are and the world where they are not, the world where there is something "between" them and those who do not acknowledge them as speaking beings who count and the world where there is nothing" (Rancière, 1995: 27).

In this instance of EiJ, a mobilisation against the imposition of an additional burden that would worsen an environment (the addition of a 'bad', or the subtraction of a 'good') provides a political window. It provides the opportunity for the conceptualisation, or in Rancière's words, the *subjectification*, of a community of EiJ. It is not the mere opposition to the 'worsening' of their environment that is of interest, as this would not be political. It would, in fact, be post-political, and as Rancière and Swyngedouw (2009) argue, post-politics or the *police*, which is the opposite of politics, actively tries to reduce/limit a complaint to just a narrow, particular, issue and nothing more. Therefore, the mere contestation of the imposition of, say, an incinerator, would not be political; the conceptualisation of the community as a community of EiJ, however, where they contest the more fundamental and universal, in this instance, that they are the community to which such distributions are made to, is. To illustrate from the case study, the community claimed that they were dumped on, that they were the community or the space where the city's unwanted activities are distributed to. They sought to contest this seeming 'rule of distribution' as much as the incinerator itself.

A second place where a properly political moment can be seen to emerge, albeit again subsequently disavowed, is in the actions of the Planning Inspector, Ruth MacKenzie, in which she changes the 'count' of the residents' voice, hears their claims as *voice* and makes them heard in a place and in a way in which they should not. This episode with the first Planning Inspector demonstrates both an emergence of a political moment and action, but it is also one which is ultimately shut down by the police. What would be required is what Badiou (2006) views as *fidelity to an event* or 'le passage à l'acte', defined as "an intervention in the

state of the situation that transforms and transgresses the symbolic orders of the existing condition and marks a shift from the old to a new situation, one that can no longer be thought of in terms of the old symbolic framings” (cited in Swyngedouw, 2009: 613-14). He also refers to this as a “political truth procedure, and for him this is initiated when, in the name of equality, fidelity to an event is declared, a fidelity that, although always particular, aspires to become public, to universalize” (cited in Swyngedouw, 2009: 613-14). Thus, for Ruth Mackenzie’s actions to have produced a permanent change to the *police*, to the *partition of the sensible*, rather than perhaps only temporarily political or potentially political, fidelity to the event would have to be declared.

When considering whether the Sinfon community was a political subject, or achieved a political act, it is worth considering the Cerrell Report mentioned in Chapter Two. As Dowie (1995: 142-3) recalls, what became known as the Cerrell Report was a “1984 study performed for the California Waste Management Board by Cerrell Associates, a consulting firm for government planners [... –]*Political Difficulties Facing Waste-to-Energy Conversion Plant Sitings*”. The Report profiled “neighbourhoods most likely to mount a successful resistance”, effectively giving the advice that poor neighbourhoods should be targeted because they would not possess the resources to effectuate their opposition. The Sinfon community in Chapter Six met these criteria, in that they were also considered fatalistic and apathetic, supposed to possess neither the will nor the capability to resist what would be distributed to them. Thus, whether procedural means existed for the community to participate in is irrelevant if they did not possess the capability to take up their concerns effectively. By doing just that, the community asserted themselves as equal speaking beings. They used a voice they were not supposed to possess. Made themselves seen, heard and counted when they were not supposed to be.

7.4 Broader Relevance of Research and Future Avenues of Study

This research contributes primarily to literature on EJ and post-politics. Essentially, the research provides a detailed and nuanced account of EJ’s emergence in England around the

turn of the millennium and the context into which it did so. As argued throughout, the EJ term appears not to have taken off in the way in which some had hoped and predicted. This is exemplified by a wager posed by one of UK's leading environmentalists, Jonathon Porritt (09/02/11 – Interview) that, if one was to ask 100 environmentalists who has led the EJm in England, they would not know what the question was. There are very few organisations that explicitly engage with EJ, it is a marginal concept. Reflecting on these failures, this thesis makes an important contribution to knowledge on the emergence and development of EJ in England. Indeed, investigating this failure reveals a number of factors that have acted as barriers not only to the explicit EJ frame being used and the proliferation of EJ struggles, but also social change within England. In doing this, this thesis also contributes to knowledge on one of the UK's most influential civil society organisations, FoE, and their role in environmental politics, governance, and the adoption and promotion of EJ. This thesis elaborates on the nexus of the *protest business* as both neoliberal and involved in the consolidation of the post-political. These findings are not only useful to those interested in EJ issues within the England, but they also have a wider relevance, being relevant to those interested in potentially radical discourses, such as EJ, in the context of so-called post-political Western democracies.

This research directly contributes to the growing body of literature on post-politics, and in particular Swyngedouw's (2009) assertion that environmental politics is at the forefront of a consolidating post-political consensus, where politics proper has been evacuated. Here Swyngedouw (2009) places EJ and EJ struggles and mobilisations as participating in this post-political dynamic. Certainly the version of EJ that was produced by the elite discourse coalition fits with this account. In the investigation of the case study, whether the post-political characterisation of the planning/environmental policy realm is valid is considered. What the case study demonstrates is that political claims and gestures are emerging, but then being subverted, sublimated, and suppressed by contemporary modes of governing, by the *police*. In this sense, this thesis makes both an empirical and theoretical contribution to this growing body of literature. This thesis provides an exploration of the establishment of the post-political zeitgeist through FoE in English civil society, and how it currently operates through the planning system. In this sense, as articulated by Allmendinger and Haughton (2015: 49), "the post-political condition is seen to be less part of a coherent and relatively stable fix that supports the neoliberal growth project, but is instead, like neoliberalism,

something best regarded as a mutable process that involves variegated responses and outcomes”.

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Appendix

Appendix 1. 17 Principles of Environmental Justice

Delegates to the First National People of Color Environmental Leadership Summit held on October 24-27, 1991, in Washington DC, drafted and adopted 17 principles of Environmental Justice. Since then, *The Principles* have served as a defining document for the growing grassroots movement for environmental justice.

PREAMBLE

WE, THE PEOPLE OF COLOR, gathered together at this multinational People of Color Environmental Leadership Summit, to begin to build a national and international movement of all peoples of color to fight the destruction and taking of our lands and communities, do hereby re-establish our spiritual interdependence to the sacredness of our Mother Earth; to respect and celebrate each of our cultures, languages and beliefs about the natural world and our roles in healing ourselves; to ensure environmental justice; to promote economic alternatives which would contribute to the development of environmentally safe livelihoods; and, to secure our political, economic and cultural liberation that has been denied for over 500 years of colonization and oppression, resulting in the poisoning of our communities and land and the genocide of our peoples, do affirm and adopt these Principles of Environmental Justice:

- 1) **Environmental Justice** affirms the sacredness of Mother Earth, ecological unity and the interdependence of all species, and the right to be free from ecological destruction.
- 2) **Environmental Justice** demands that public policy be based on mutual respect and justice for all peoples, free from any form of discrimination or bias.
- 3) **Environmental Justice** mandates the right to ethical, balanced and responsible uses of land and renewable resources in the interest of a sustainable planet for humans and other living things.
- 4) **Environmental Justice** calls for universal protection from nuclear testing, extraction, production and disposal of toxic/hazardous wastes and poisons and nuclear testing that threaten the fundamental right to clean air, land, water, and food.
- 5) **Environmental Justice** affirms the fundamental right to political, economic, cultural and environmental self-determination of all peoples.
- 6) **Environmental Justice** demands the cessation of the production of all toxins, hazardous wastes, and radioactive materials, and that all past and current producers be held strictly accountable to the people for detoxification and the containment at the point of production.
- 7) **Environmental Justice** demands the right to participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, enforcement and evaluation.
- 8) **Environmental Justice** affirms the right of all workers to a safe and healthy work environment without being forced to choose between an unsafe livelihood and unemployment. It also affirms the right of those who work at home to be free from environmental hazards.
- 9) **Environmental Justice** protects the right of victims of environmental injustice to receive full compensation and reparations for damages as well as quality health care.

10) **Environmental Justice** considers governmental acts of environmental injustice a violation of international law, the Universal Declaration On Human Rights, and the United Nations Convention on Genocide.

11) **Environmental Justice** must recognize a special legal and natural relationship of Native Peoples to the U.S. government through treaties, agreements, compacts, and covenants affirming sovereignty and self-determination.

12) **Environmental Justice** affirms the need for urban and rural ecological policies to clean up and rebuild our cities and rural areas in balance with nature, honoring the cultural integrity of all our communities, and provided fair access for all to the full range of resources.

13) **Environmental Justice** calls for the strict enforcement of principles of informed consent, and a halt to the testing of experimental reproductive and medical procedures and vaccinations on people of color.

14) **Environmental Justice** opposes the destructive operations of multi-national corporations.

15) **Environmental Justice** opposes military occupation, repression and exploitation of lands, peoples and cultures, and other life forms.

16) **Environmental Justice** calls for the education of present and future generations which emphasizes social and environmental issues, based on our experience and an appreciation of our diverse cultural perspectives.

17) **Environmental Justice** requires that we, as individuals, make personal and consumer choices to consume as little of Mother Earth's resources and to produce as little waste as possible; and make the conscious decision to challenge and reprioritize our lifestyles to ensure the health of the natural world for present and future generations.

Last modified: 6 April 1996

<http://www.ejnet.org/ej/principles.html> - [accessed 08/12/11]

Appendix 2. CASE Agreement

RESEARCH TRAINING & DEVELOPMENT ECONOMIC AND SOCIAL RESEARCH COUNCIL POLARIS HOUSE NORTH STAR AVENUE SWINDON SN2 1UJ TEL: (01793) 413043	APPLICATION FOR ESRC COLLABORATIVE STUDENTSHIP 2007	CSA1
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SECTION 1 To be completed by the principal applicant

1. **Principal applicant** CENTRE FOR THE STUDY OF CITIES AND REGIONS, DURHAM UNIVERSITY

Address DEPARTMENT OF GEOGRAPHY, SCIENCES SITE, SOUTH RD
DURHAM, DH1 3LE

Contact name Esther Kisby **Tel** 0191 334 41851 **Name of proposed supervisor** PROF JOE PAINTER

2. **Collaborating body** Friends of the Earth England / North East
Address 26-28 Underwood Street, Hackney, London, N1 7JQ

Contact name [REDACTED] **Tel** 020 7566 1678 **Name of proposed supervisor** [REDACTED] and [REDACTED]

3. **Project Title:** Rethinking environmental justice? Analysing public and policy discourses in North East England.

4. **Please give a brief description of the nature of the non academic organisations work.**
 Friends of the Earth inspires solutions to environmental problems which make life better for people. Friends of the Earth is:
 - the UK's most influential national environmental organisation;
 - the most extensive environmental network in the world, with almost one million supporters across five continents and more than 7 organisations worldwide;
 - a unique network of campaigning local groups, working in over 200 communities throughout England, Wales and Northern Ireland;
 - dependent on individuals for over 90 per cent of its income.
 Friends of the Earth identifies root causes of environmental damage and works for environmental justice and a fair share in the planet's limited capital resources by transforming economies into sustainable economic activity that is respectful of environmental limits.
 Our work in North East England centres on environmental justice (EJ) far more than in other regions. This means we work with individuals and communities to address the issues they face by building their capacity to take more control of the environmental, social and economic issues that affect them. Usually this means helping people to access information and to know their rights, to understand how decisions which affect them are made and to use the knowledge and skills to make their voice heard using the system. We also run campaigns and seek to influence North East regional policy to help advance our EJ work.

4a. To be completed by both Partners

(i)	Non-Academic Partner I confirm that this application is made with my full knowledge and approval. Should a studentship be awarded, the company will provide the support indicated at (9a) under the project. I accept the conditions set out in the accompanying notes on Collaborative Studentships. Name Signed Position held
(ii)	Academic Partner (To be completed by the Head of Department or equivalent) I confirm that this application is made with my full knowledge and approval. Should a studentship be awarded this academic department accepts the arrangements for students as set out in the accompanying notes on Collaborative Studentships. I also confirm that an appropriate agreement is in place regarding Intellectual Property Rights. Name Signed
(iii)	Academic Partner (Registrar's Office) I confirm that this application is made with the full knowledge and approval of the University authorities. Should a studentship be awarded the University accepts the arrangements for students as set out in the accompanying notes on Collaborative Studentships. Name Signed Position held

Please return completed application form (and 6 copies) by 28 February 2007 to:
CASE Team, Research Training and Development, Economic and Social Research Council, Polaris House, North Star
Avenue, Swindon SN2 1UJ
SECTION 2

5a) Outline of proposed project.

Please give a full description of the proposed project, outlining its aims, objectives, proposed methodology, timescales and plans for dissemination. You should also incorporate the anticipated outcomes of the research, highlighting the intellectual as well as the commercial or public service benefits envisaged. Please specify the methodology that might be employed and the timeframe for the research. Do not attach additional material in reply to this question. Please note that the maximum length of the project description should not exceed the 2 pages provided and the font size used should ensure that details are clearly legible (e.g. minimum of size 12 pt. type or larger).

You are strongly advised to refer to *the Guidance Notes for applicants, Collaborative Studentships 2007* before completing this section.

Aims and Objectives: This research will investigate how principles of environmental justice (EJ) are being developed and employed by community and voluntary sector organisations and public policy actors in North East England. The research aims are:

- 1) To conduct a systematic review of how principles of environmental justice are being articulated and developed by non-governmental and policy actors in the North East.
- 2) To evaluate the achievements of a selection of local campaigns that have in different ways engaged (or not engaged) with the language of EJ to pursue their goals
- 3) To assist non-governmental and public policy actors to design a statement of regional environmental justice principles.
- 4) To draw together and critically develop social science research on environmental justice, social mobilisation and regional environmental governance

In undertaking this analysis, the project will assess the opportunities for and barriers to the adoption of EJ principles by different kinds of actor. The project will contribute to theoretical debates about EJ by (a) examining whether it is possible to identify a distinctively regional form of EJ discourse and action, (b) establishing whether the core concepts of EJ are being re-shaped as a result of their use by policymakers and non-governmental actors and (c) advancing social science research on the translation of EJ principles and actions.

Background: The imperative for regional policy to deliver on environmental justice appears to be intensifying. In the UK there is now widespread evidence to suggest that socially and economically disadvantaged people often live in the worst environments – with the most deprived parts of England experiencing poorer air quality and with the least access to green space and good quality housing (Health Protection Agency 2005). In the UK environmental justice has been included in the strategic priorities of the main environmental regulatory agency, the Environment Agency, and features heavily in the national strategy for sustainable development, *Securing the Future* (DEFRA 2005). Environmental justice has been defined as equal access to a clean environment and equal protection from possible environmental harm irrespective of race, income, class or any other differentiating feature of socio-economic status (Cutter 1995). Internationally, however, social movements have developed which embody contrasting discourses of environmental justice. The EJ movement is firmly located in US experience - where grass-roots activity has burgeoned since the early 1990's. It is a discourse that has strong links with the civil rights agenda - and partly as a result has been successful in effecting a series of policy actions. In the UK there is a rather different framing of EJ as a public action and policy discourse. Where EJ has become a salient concept for NGO's this is reflected in an emphasis on a wider and more encompassing agenda of sustainability, social exclusion and environmental equity (ESRC GECP 2001). At the governmental level, EJ is being framed as a policy principle that no public action will disproportionately disadvantage any particular social group. This is matched by a recognition that previously

excluded or disadvantaged groups should be meaningfully included in environmental policy and decision-making. Despite the political rhetoric, it is not yet clear how these ideals are filtering through to regional organisations charged with delivering particular policy outcomes – where the language of sustainable development continues to frame discussion of environment-society relations (e.g. Sustaine 2004).

Methods: The North East of England represents an ideal setting for examining environmental justice discourses in the UK. The region is characterised by many areas of multiple deprivation, a history of environmental pollution, and recent controversies over the location of environmental hazards. Against this regional backdrop, and to address the overall research aims, the methodology of the project will involve three related tasks - each of which attends to a specific element of research skill development.

1. An academic literature review and mapping of recent and existing policies and activities, at a national and regional level, relating to environmental justice. This will be supported by a placement with the partner and access to associated resources.
2. An in-depth examination of selected case studies of community mobilisation and action in the region that relate to principles of EJ in very different ways and which are set within rather different organisational structures:
 - i) EJ as a *defining* principle: Friends of the Earth ran a pilot project in Teesside for four years working to empower disadvantaged communities to address the environmental problems they face. As a result a community group formed which continues to campaign locally for EJ and to advocate with and on behalf of the local community.
 - ii) EJ as an *emergent* principle: the successful BAN Waste campaign, which formed to oppose the construction of a replacement incinerator in Byker, a working-class area of Newcastle, and subsequently broadened to encompass wider EJ concerns.
 - iii) EJ as an *implicit* principle: the aims of initiatives such as CRATE (Community reuse and training enterprise) - established in Easington, County Durham, to provide affordable goods to those on low incomes and enable residents to participate in reuse activity - connect with but do not directly draw on the language of EJ.
 - iv) EJ as a *latent* principle: Friends of the Earth North East's Networking Project (which will run 2006-2009) aims to build capacity in the region especially on Tyne & Wear, enabling communities that do not identify with the language of EJ to articulate and respond to everyday environmental / social problems they confront on their own terms. The case studies will involve participant-observation (based at Friends of the Earth offices), 40 taped interviews with community actors that are / have been involved in the four campaigns or initiatives, including some repeat group discussions, and using the participatory approaches for which Geography at Durham is well known. This means that a range of local actors will be involved in the design and conduct of the case study work (for example, see Pain 2004). Interviews and discussions will be recorded, transcribed and analysed using a qualitative software package.
3. An assessment and evaluation of the ways in which environmental justice concerns have been defined and developed within regional and local governance bodies. This will be undertaken through analysis of organisational and policy documentation and 30 in-depth interviews with key policy actors. Interviews will, again, be taped and transcribed.

Year 1: Academic literature review; analysis of UK and regional policy and voluntary / community sector led initiatives promoting environmental and social justice, (including 3 months at Friends of the Earth Newcastle and Teesside offices); case study selection
Year 2: Ongoing literature review and analysis; participatory work with case study subjects; policy analysis, analysis of interviews with policy actors. Cross-referencing to other national examples and feedback to Friends of the Earth throughout the year.

Year 3: Ongoing literature review and analysis; developing thesis structure and writing up chapters; final reports for Friends of the Earth and dissemination of project findings to academic and practitioner audiences.

Outcomes and dissemination: The research will make intellectual contributions to literatures on geographies of environmental justice, regional governance and social mobilisation. It will also result in a high quality and publishable PhD thesis, two or more refereed international journal articles as well as papers to national and international conferences. Research findings will also be published through Friends of the Earth in a range of forms through inter/national and regional networks, forums and events to meet the different requirements of non-academic audiences. In addition, Friends of the Earth will be able to support - in part - seminars at key stages in the research.

5b) What new and original contribution to research in this area will this project make?

The research proposed here will enhance the evidence base for policy and practice with original empirical findings, add theoretically to new ideas about the translation of EJ beyond the US, the regional articulation of EJ and include the use of participatory research methods to enable communities to develop their own principles of EJ.

There is a paucity of research which has sought to unpack the construction and framing of EJ agendas – and more specifically the implications of what has been a rapid conceptual transfer of EJ beyond the borders of the US. Whilst there has been some general discussion of how discourses of EJ differ in the UK and the US (e.g. Agyeman and Evans 2004) this relatively small literature has not been supported by (detailed) empirical analysis - nor have accounts adequately engaged with theoretical ideas about public action and policy frames operating at local, national and international scales. *Empirically*, this new research will be innovative in providing detailed, in-depth knowledge of the beliefs, aspirations and actions around environmental justice across a number of generally depressed urban and urban fringe districts. It is only through such work that we can *conceptually* build an understanding of the complex factors and processes that are shaping the articulation and public/policy resonance of EJ. *Methodologically*, the qualitative approach proposed here, which builds on an emerging body of critical environmental justice studies (e.g. Pellow and Brulle 2005), contains the potential for rethinking the language of environmental (in)justice – with implications for how public and policy action might work differently.

5c) What are the development opportunities provided for the student?

The student will:

- Build skills across a broad portfolio of research methods
- Acquire work experience in a voluntary sector non-governmental organisation and during a crucial phase in its development as an EJ organisation
- Secure a good understanding of the practical workings of environmental policy including decision-making, campaigning and citizen participation
- Gain experience of working in a non-academic environment and in learning how to communicate research findings to non-academic audiences and users.

5d) Does this project require ethical approval? If so, has this been obtained? Your answer should address any ethical issues arising from the proposed project. Please refer to the Guidance Notes.

The research is not expected to raise any particular ethical dilemmas. At all times, those participating in the research project will be made aware of its purpose, and the researchers will conduct the project in an impartial and independent manner. Interviews and other data will be treated confidentially where required, and permission will be sought for the dissemination or publication of research findings arising from the use of data. At all times the views of the interview participants and all partners in the research

project will be respected. The project will conform to the ethical guidelines of the British Sociological Association.

Please enter the 'Subject Area' appropriate to this project (see Section 2, *Project description, Guidance Notes for applicants, Collaborative Studentships 2007*)

Human Geography

SECTION 3

6a) Academic Supervisor(s) details

	Name of supervisor	Position held	Total number of students currently supervised
Principal Supervisor	Joe Painter	Professor of Geography and Director of the Centre for the Study of Cities and Regions	5
Other supervisor(s)	Karen Bickerstaff	Lecturer in Geography	2

b) Where the principal academic supervisor will be responsible for more than three students, (standard or collaborative) please provide an explanation of how workloads will be managed to provide adequate supervision levels.

Professor Painter's contract of employment as Director of the Centre for the Study of Cities and Regions specifies that he not required to undertake undergraduate teaching and examining. This is to allow him to concentrate full-time on the work of the Centre, including research student supervision. In addition the Department of Geography operates a sophisticated academic workload management system that ensures that staff with additional research students are relieved of other duties.

7. Please give information on recent work by and relevant expertise of the academic supervisor(s). Please support your answer by identifying the last three relevant publications of the supervisor(s).

Joe Painter's research interests include political geography and political theory; democracy and citizenship; regionalism in Europe; urban politics; and the geographies of the state and governance. He is Director of The Centre for the Study of Cities & Regions. The Centre forges links with policy communities within and beyond Europe as well as informing policy debates within its surrounding region of the north east of England. It attracts funding from a wide range of organisation, including the European Union, the OECD, the European Science Foundation, national Research Councils, and national and local governments.

Painter J (in press) Cartographic anxiety and the search for regionality, *Environment and Planning A*.

Painter J (2006) Prosaic geographies of stateness, *Political Geography*, 25: 752-774.

Painter J (2005) Governmentality and regional economic strategies. In: *Habitus: a sense of place*. Hillier J & Rooksby E. Aldershot: Ashgate. 131-157.

Karen Bickerstaff has a strong track record in researching the community experience of environmental problems, with a significant focus on the local experience and perception of environmental and technological risk and the explanatory role of socio-economic and cultural factors. Her work also examines recent innovations in deliberative and participatory practice, and the implications for social inclusion and environmental justice. With work funded by the Royal Society, the World Health Organisation / DoH she has

made contributions to debates about risk perception, environmental justice and public participation.

Bickerstaff K, Simmons P & Pidgeon N (2006) Situating local experience of risk: Peripherality, marginality and place identity in the UK foot and mouth disease crisis, *Geoforum*, 37:844-858.

Bickerstaff K & Walker G (2005) Shared visions, unholy alliances: power, governance and deliberative processes in local transport planning, *Urban Studies*, 42: 2123-2144.

Bickerstaff K & Walker P (2003) The place(s) of matter: matter out of place - public understandings of air pollution, *Progress in Human Geography*, 27:45-67.

8. Please give details of any previous experience of collaboration between the two partners either through CASE studentships or in other ways (e.g. research contracts, continuing seminar participation or related contributions).

Although the two partners have not collaborated before on joint projects there is, through a range of seminar events, a history of engagement on environmental justice issues (e.g. an IPPR / Friends of the Earth conference held in Sunderland in 2005). Karen Bickerstaff has been interacting with members of Friends of the Earth North East since June 2006 and is currently a member of Friends of the Earth North East's Environmental Justice Advisory Network, which is part of the project funded by the Northern Rock Foundation.

9a) Please give supporting details of any previous involvement in research that the proposed non academic partner has undertaken which may benefit your collaborative application. This should include a detailed description of the intended role of the collaborating partner within this research project and the specific benefits it can offer to a research student. This should include materials/ facilities offered. (Please see Guidance Notes)

Friends of the Earth's Environmental Justice-related research and briefings include:

The Geographic Relation Between Household Income and Polluting Factories

(April 1999) http://www.foe.co.uk/resource/reports/income_pollution.html

Pollution and poverty – breaking the link (January 2001)

http://www.foe.co.uk/resource/briefings/pollution_and_poverty.pdf

Environmental justice - Mapping Transport and Social Exclusion in Bradford

(September 2001) http://www.foe.co.uk/resource/reports/env_justice_bradford.pdf

Environmental justice: rights and means to a healthy environment for all

(December 2001) http://www.foe.co.uk/resource/reports/environmental_justice.pdf

Environmental issues and urban renewal (May 2002), briefing available at:

http://www.foe.co.uk/resource/briefings/env_issues_neighbourhood.pdf

Better Buses, Safer Streets for Longsight (September 2003)

http://www.foe.co.uk/campaigns/transport/success_stories/longsight.html

http://www.foe.co.uk/resource/reports/better_buses_longsight.pdf

Environmental Justice Impact Assessment - An evaluation of requirements and tools for distributional analysis (January 2005)

http://www.foe.co.uk/resource/reports/ej_impact_assessment.pdf

Friends of the Earth's intended partner role to the research project

Friends of the Earth's Environmental Justice work dates from the mid 1990s and our early work to connect issues of industrial and transport pollution and degraded environments with social, health and local economic concerns.

Since 2000 North East England has been the main expression of our EJ focus in the UK and has involved working with communities on Teesside and engaging in policy discussions with regional bodies such as the North East Assembly and One North East economic development agency.

In 2006/7 our North East work is moving into a new phase in which we are seeking to advance the EJ agenda in the region by continuing core elements of our existing work

- reaching and working with communities to help identify and overcome the issues they face and engaging in policy and decision making processes. Our new emphasis will be to more actively and consciously articulate and promote EJ to policy makers and to communities and to use this to test understanding, acceptance and adoption of an EJ approach to sustainable communities, social welfare and environmental quality.

We regard this research studentship as a fitting complement to our practical work, a unique way to track and record both this new phase of our work and the development of EJ in different parts of the region including in areas and on projects where we are not involved. We also regard the project as being able to provide a future guide to the best ways to work with communities and to engage with regional decision makers.

Our support for the project and student would include: access to project, management and specialist staff including project and management supervision; access to research facilities and reports; use of office space and communications (internet, telephone etc); involvement in projects which will bring opportunities to engage with our community contacts and volunteer; attendance at conferences, seminars, internal briefings and training events; access to regional forums and meetings with our key contacts and decision makers to help disseminate findings; provision for further dissemination through other regional events we organise; and, payment of travel and out of pocket expenses.

b) Annual financial contribution from the non-academic partner. This should be in accordance with the guidelines set down by the ESRC (see accompanying notes).

Cash contribution to the academic department (minimum £2,000 pa)*	£ £3,875 in kind**
Cash contribution to the student (minimum £2,000 pa)	£1,500
Estimated cash value of other materials and facilities to be made available and any capital items purchased exclusively for the student (but not overheads and personal costs)	£
Students travel and subsistence incurred as a result of travelling between the two partners (estimate)	£
TOTAL	£5,375 pa

** See covering letter

*This amount only relates to full time CASE studentships. Please refer to the guidance notes regarding part time student contributions.

10. It is desirable that the full provision for agreement between parties on intellectual property rights (IPR) issues is specified (or if appropriate attached).

In particular give details, where appropriate, of arrangements for maintaining confidentiality of information while providing the necessary opportunity for the student to publish material suitable for a PhD. It is a requirement that IPR issues are clarified and that a formal agreement is signed by all parties before the start of a studentship.

The 'intended' agreement between the two partners on IPR issues is the minimum requirement to be submitted. This should be followed (if the application is successful) by a full agreement at the time of nominating the student.

It is agreed that the normal copyright rules for a thesis would apply (i.e. copyright rests with the student). Similarly, for any other publications resulting from the research, the copyright rests with the author(s). Friends of the Earth will have the right to read drafts of material prior to publication solely to ensure that the agreements made regarding confidentiality have been adhered to. Issues of the commercial exploitation of results do not arise here.

11 a) Please specify any jointly agreed policy on selecting students.

We will follow normal Departmental advertising and selection procedures. The studentship would be advertised nationally, with the expectation that candidates would meet the ESRC +3 criterion of a recognised ESRC Masters or equivalent qualification and/or experience. Both sets of supervisors would be involved in short-listing and interview.

b) Please specify how the training requirements for the selected student will be identified and training needs met.

Following normal practice of the Geography Department, the supervisors would carry out a skills assessment with the research student at the beginning of the period of study to identify any gaps in the student's skills that would require addressing in order to carry out the research and to identify how this could be rectified. This could involve either attendance at a variety of ESRC-recognised Training courses in Durham and/or one-to-one sessions with the supervisors and/or other relevant members of staff.

c) Please specify the arrangements for the supervision/monitoring of the student's progress, and regular formal meetings between the student and their academic and non-academic supervisors.

Professor Painter as principal academic supervisor would meet with the student on a regular fortnightly basis for at least the first six months, reviewing the frequency of meetings after this date depending on the precise arrangements for the student's placement with Friends of the Earth (see above). Every second meeting would be with both academic supervisors and every three-monthly meeting would involve both academic and non-academic supervisors. In addition, the academic supervisors would expect to be in e-mail contact throughout and have regular informal face-to-face contact, with the student throughout the period of study.

In the first year, progress will be evaluated formally through the assessment procedures of selected modules of the Masters in Research Methods. There are also formal procedures for the submission of annual progress reports and the evaluation of written research reports and proposals as an integral part of the processes of review by The Board of Studies in Geography, leading to confirmation of doctoral registration at the end of the first year. Collaborating organisations are formally included in the review processes, although it is important to stress that the same academic standards and criteria apply for CASE students as for all other doctoral students. Monitoring of the student's progress in year two also involves evaluation of supervisor reports by the Board of studies, while an added exercise in year 3 is an evaluation by staff of a seminar presentation by the student. All supervisory practices and student progress are regularly monitored by the Research Postgraduate Committee, which is currently chaired by Dr Stuart Elden.

References used in the proposal

- Cutter SL (1995) Race, class and environmental justice, *Progress in Human Geography*, 19: 111-22
- DEFRA (2005) *Securing the Future: Delivering UK Sustainable Development Strategy*. London: TSO
- ESRC Global Environmental Change Programme (2001) *Environmental justice: Rights and means to a healthy environment for all*. Special Briefing No.7. Brighton: University of Sussex.
- Friends of the Earth (2001) *Pollution and Poverty-Breaking the Link*. London: Friends of the Earth
- Health Protection Agency (2005) *Health Protection in the 21st Century - Understanding the Burden of Disease; Preparing for the Future*. London: Health Protection Agency
- Pain R (2004) Social geography: participatory research, *Progress in Human Geography*, 28: 652-663.

- Fellow DN and Brulle RJ (eds.) (2005) *Power, Justice and the Environment: a critical appraisal of the environmental justice movement*. London: MIT Press.
- Sustaine (2002) *Quality of Life in the North East – Towards a Regional Framework*. Newcastle-upon-Tyne: North East Regional Assembly.

Appendix 3.

Semi-Structured Interview Schedule

1. Trace the development and diffusion of EJ concepts and practices in UK civil society
 2. Explore the competing discourses shaping environmental governance in UK civil society
 3. Investigate the EJ advancement strategies of civil society organisations
-

Environmental Justice (EJ) and participant – How it came in, status etc

Significant developments

Why (aside from the absence of a Civil Rights movement) has an EJ movement (EJm) not taken off in the UK?

- A realisation that EJ was being led by academics in the UK?
- Who is it led by?
- Does EJ have a discernible agenda? – Does it need one?
- Movement/movement building in the UK?

What gets people mobilised?

What opportunities do you think EJ opens up?

Are there any problems with EJ

- It's framing
- Practice

What are the barriers to EJ

- Sustainable development (SD) had an effect on civil society organisations (CSOs), but made no impact on Society generally.
- Sedimented discourses, perceptions and caricatures of CSOs in Society

To what extent do you think EJ has a radical Political mobilising potential?

- What stands in its way?
- The current organisation/state of CS and CSOs?
 - Should be more around community development and mobilising?
 - what do you think is the way forward for the advancement of the EJ

agenda?

- Misperceptions by NGOs of where the 'grass-roots' is
- David Harvey- revolution by NGO is a non-starter
- "Are NGOs ineffective at changing society considering their resources?"
- Justice both fundamental and particular – move from the particular to the universal?
- Different discursive framings
- Competition with other environmental discourses
 - SD – How do you feel about SD in relation to EJ
 - I've come across the idea that EJ is but a part of SD
 - Political significance of the Summits?
 - SD a radical discourse?
 - Do you feel that in the current context we need a more radical discourse?
 - Where do you need what discourse?

EJ does not articulate economics

- "Unless you include the economy in your debate, you're not going to get anywhere politically"
- 'People in Teesside, a main concern is *jobs* before the quality or relative quality of their environment'.

What do you think are the main manifestations of environmental injustice (EiJ) in the UK?

- What do you think are the main causes?
- Root cause?
- Symptom of something?
- Reason why a movement hasn't coalesced?

What do you think those suffering EIJ see as the root-cause?

- 'Joining of dots'?

How do the communities that you are working with conceptualise their environments and what they are doing (with rationale)?

Future of EJ

Appendix 4. Informed Consent Form



Informed Consent

Discourses of Community Mobilisation in UK Civil Society

This research project aims to explore the discourses of community mobilisation in UK civil society. This research will form *part* of a PhD thesis to be submitted mid-2012. Outputs from this project may consist of journal papers, conference presentations and contributions to Friends of the Earth.

The following interview will take the form of a conversation around the mobilisation against the planned incinerator in Sinfen, Derby. The interview should not take longer than an hour. All information given will be treated as confidential. You are under no obligation to give any information you do not wish to and may withdraw any or all information from the research at any time. An audio recording of the interview will be made with your permission. Any recordings or notes taken during the interview can be destroyed after the research is completed, or earlier at your request. All information given will be kept securely and I will be the sole person listening to any recordings made.

Please indicate below, with the tick boxes, to what extent and how you wish to have your data anonymised.

Thank you for your time.

Contact Details

Daniel Stern

Department of Geography, Durham University, South Road, Durham DH1 3LE
Email: d.a.w.stern@durham.ac.uk; Tel: 07931939178

My Supervisors' contact details

Prof Joe Painter, Department of Geography, Durham University, South Road, Durham DH1 3LE
Email: j.m.painter@durham.ac.uk; Tel: 0191 334 1906

Prof Harriet Bulkeley, Department of Geography, Durham University, South Road, Durham DH1 3LE
Email: h.a.bulkeley@durham.ac.uk; Tel: 0191 334 1940

DECLARATION

I (full name of participant) hereby confirm that I understand the nature of this research project and how my data may be used and consent to my participation therein.

I understand that I am at liberty to withdraw myself and my data from the project at any time, should I so desire.

I would be happy to be identified by my organisation *name or type* (delete if appropriate) (please tick)

I would be happy to be identified by my *role or profession* (delete if appropriate) (please tick)

I would be happy to be identified individually (please tick)

None of the above, I wish to remain completely anonymous (please tick)

.....
SIGNATURE OF PARTICIPANT

.....
DATE



Appendix 5.

One Page Summary for Case Study



Discourses of Community Mobilisation in UK Civil Society

This research project aims to explore the discourses of community mobilisation in UK civil society.

Background

In recent years there has been a significant increase in the number of planned Energy From Waste, and like facilities, designed to burn domestic waste that was otherwise destined for landfill. Waste appears to be an increasingly contentious and contested issue with strong arguments both for and against various methods for dealing with it. The debate surrounding the proposed development in Sinfin and strong community mobilisation against the proposal provides an opportunity to study these debates, and in particular, the discourses that each group are engaging with to frame their positions.

Focus and Objectives

1. What caused the local community to mobilise against the development?
2. How did the local community mobilise themselves?
3. What were the competing discourses prevalent in this context?

Methodology

To explore this case study, this research will draw upon documentary sources such as relevant reports, web-pages and news articles. Interviews with key actors will also be sought. These methods will help build up a picture of the context and debates surrounding the proposed waste treatment facility in Sinfin and how the community framed their arguments against the proposal.

It is important to point out that participation in this study is completely voluntary. All information given will be treated as confidential, pseudonyms can be used to disguise the identity of the research participants to anonymise them and their responses.

Research Contributions and Outputs

The research aims to contribute to the academic, policy and civil society literatures on community mobilisation, environmental discourses and environmental governance in the UK.

Outputs from this project will consist of journal papers, conference presentations and various reports and contributions to Friends of the Earth. This research will also constitute *part* of a PhD thesis, to be submitted at mid-2012.

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