

# **Evaluating Methods for Public Participation: Literature Review**

**R&D Technical Report E135**

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The report is intended to be a reference document for staff in the Agency, providing current information on public participation. It is not prescriptive but rather shows the key factors necessary for ensuring and evaluating effective public participation. In particular it provides some insights into the specific consultation issues faced by the Agency and shows how evaluation criteria might be developed.

## **Keywords**

Public participation; stakeholders; involvement; deliberative processes; consensus building; participation methods; good practice; evaluation criteria.

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## **EXECUTIVE SUMMARY**

A review of public participation and consultation has been undertaken to inform a project which will critically evaluate approaches and develop a framework for the evaluation of consultation processes by the Environment Agency. The development of extended public consultation on licence applications provides the immediate decision-making context.

Many reviews of public participation have been produced and there is a broad and extensive literature. This review has not sought to replicate this large literature. Rather it has sought to draw lessons, including from non-environmental areas; to assess the policy pressures for increasing public involvement in environmental decision-making; to relate the aims to available methods; to assess implementation issues and discuss relevant criteria for the evaluation of public participation initiatives by the Agency. The review has focused on approaches that seek to involve the public directly and actively in decision-making but where the decision rests with the Agency. The review therefore focuses on consensus-building approaches that enhance deliberation. It is designed to provide a resource for Agency staff involved in, or embarking upon, public participation processes.

A number of different pressures for enhanced public participation in decision-making are converging (sections 3 and 4), not least based in activities by local authorities in the provision of services (particularly related to the Best Value concept), in land-use planning and Local Agenda 21 work linked to sustainable development policies. The review identifies the public decline in trust in decision-makers and the increasing democratic deficit as underpinning reasons for enhanced participation activities. A parallel and related debate in relation to risk communication has been evident. Combined with recent statements of support for the building of public values into science and decision-making, by bodies such as the Royal Commission on Environmental Pollution and the House of Lords Select Committee on Science and Technology, there is evidence of the significant policy importance of the issue at the current time.

Legislative requirements (section 5) for public participation are limited currently to passive consultation activities, placing the onus on the public to identify that an issue may be of interest and to take steps to comment. However, the recently adopted Aarhus Convention places greater emphasis on public participation in, not merely consultation upon, decisions relating to developments which may have significant effect on the environment.

The review considers the advantages of public participation (section 6), which can be summarised in terms of (i) legitimisation of decision-making, (ii) enhancement of democracy and (iii) enlargement of citizenship. The first may have driven most activity, not least amidst concerns that extending objectives and hence methods leads to lengthy decision timeframes and may not actually lead to better decisions.

However, perceived problems in extending public participation can be managed and reduced through effective implementation (sections 7-10). This will require the fitting of method to purpose (section 8); recognition of the value of participation involving participants representative of, rather than who represent, public interests; and the reduction of organisational

barriers in terms of the cultures of professionalism and expertise, minimal compliance and confidentiality. It will require enhanced communication skills.

Section 8 identifies over 25 methods of information provision, consultation and participation, reviewing their advantages and disadvantages. It particularly discusses what have been termed "innovative methods" such as citizens' juries and community advisory committees. Whilst these are beginning to be used more extensively by local authorities across a range of policy areas, they have to-date received less attention by other decision-making bodies, including in the environmental field. They are all more costly (section 8) than traditional methods. Electronic methods are also being used increasingly, although full potential has yet to be achieved. Section 9 briefly reviews the problems of social exclusion, with young people, the elderly, the disabled and ethnic minorities potentially alienated and excluded from participation. Extending participation will require a more direct consideration of the needs of such groups.

The review presents criteria which the Agency should consider in relation to the choice, design, implementation and evaluation of public participation methods (section 10) for extended public consultation on licence applications. The main elements of these criteria are:

- clarity of objectives;
- clarity of legal process;
- clarity of linked processes;
- consensus on agenda and procedures;
- consensus on effectiveness;
- representativeness;
- inclusivity;
- transparency;
- deliberation;
- capability;
- social learning;
- decision responsiveness; and
- enhancement of trust.

More detailed criteria are provided for each. The review of potentially applicable methods suggests that public meetings will not meet these criteria unless adapted to provide for enhanced deliberation. Forms of community advisory committees adapted to take account of timeframes for decisions are recommended as part of an integrated process which combines traditional methods of information provision and consultation with extended participation.

Finally, this review addresses outstanding information and research requirements. Most importantly there is a need for understanding, and application, of the public's (as opposed to institutions', authorities' and agencies') criteria of effective participation, including their preferred methods. This should assist in understanding of the reasons why the majority of the public do not participate, evaluation of their information requirements, and understanding of when public participation 'fatigue' might (does) occur and how to prevent this.

**Key words:** public participation; participation methods; evaluation criteria.

## 1. INTRODUCTION

Although public participation in decision-making in Britain is far from a new activity, the last 5-10 years have witnessed a dramatic growth in initiatives across a wide range of policy fields. Public participation has existed for many years in the primary form of passive consultation. Further development has often been seen as a barrier to effective (particularly efficient) decision-making. However, central government, local authorities and agencies have become sensitive to the need for more direct public participation in their day-to-day activities. The public is demanding to be involved. There has been a growth in the use of all participation methods, particularly more deliberative methods.

Public consultation by the Environment Agency has been in the spotlight in recent years with the proposed extended consultation on licence applications and the publicity given to the Local Environmental Action Plan (LEAPs) process. However, there has been less work which focuses on Agency consultation processes. Specifically, this relates to the attitudes and opinions about that consultation and participation from those involved, and little consideration of the interface between the Agency's organisational structure and the methods of participation.

Many reviews of approaches to involving the public have already been written, including for the Environment Agency (or its predecessor bodies) (e.g. Petts et al, 1996; Downs, 1997; Kemp et al, 1997). This review is part of a larger project which will critically evaluate approaches to consultation and participation by the Agency and develop a framework for the evaluation of participation processes. This review, therefore, has been designed to inform the evaluation process and organisational acceptance issues. It does not seek to replicate the reviews which already exist nor is it a "how to do" manual (see Appendix 2 for examples of these). It is intended to provide a background resource for Agency staff involved in, or embarking upon, public consultation and participation processes. The review has sought to include literature in related but non-environmental areas, given the considerable participation activity by local authorities in particular.

This review:

- traces the roots of the increased interest in public participation;
- assesses both theoretical and policy pressures for increasing public involvement;
- considers the advantages and disadvantages of involving the public;
- relates the aims of public participation to possible methods;
- summarises ways of deciding who to consult and involve;
- reviews possible organisational barriers to increased participation;
- assesses implementation issues;
- reviews available methods, particularly those which are new or innovative;
- summarises approaches to securing public participation, particularly from hard to access groups; and
- discusses the evaluation of public participation initiatives and suggests evaluation criteria relevant to Agency activities.

As an introduction to the discussion the next section sets out some key definitions.





## 2. DEFINITIONS

There are five key terms which require definition: the public; stakeholders; participation; deliberative processes, and consensus building.

There is no single group or interest which can be defined as '*the public*'. Rather, the term provides a convenient catch-all to describe those with an interest in a decision other than a proponent, operator or responsible authority. Those interests may be organised or disorganised.

The 'public' are often viewed and approached as an homogenous entity - an object or audience which in being so large encourages focusing upon definable or specialist interests. Minorities (social, ethnic etc) can either be ignored or the assumption made that their views will be adequately represented by others. A clear understanding of who "the public" are and their interests is essential not only to recognition of the benefits of participation but to the design of specific activities (Petts, 1999).

The term '*stakeholder*' has become popular in Britain and is most frequently used to refer to those with a stake or interest in an issue, which may include government agencies, industry, non-governmental organisations (NGOs) and individuals. Often it has been used in relation to consultation with definable and organised stakeholder groups. In reality many individuals in any community will also have a direct stake although they may not participate in organised groups and they may not declare openly their interests. Stakeholders must be considered in their broadest sense, remembering that even if people choose not to declare their 'stake' they still have a 'right-to-know' if their interests may be affected.

There are degrees of *participation* in decision-making according to the amount of power that is transferred from the responsible authority to the public. At one extreme, the responsible authority can provide information to the public. At the other, the responsible authority can delegate power to a group of individuals to make decisions on its behalf. This review does not deal with the second extreme and only briefly summarises possible approaches under the first. It is concerned with approaches that fall between the two extremes, approaches in which the public are asked to directly and actively take part, but the responsibility for the decision rests with a public body. For this paper, and reflecting Arnstein's (1969) ladder of citizen participation (adapted by Wilcox (1994) in UK guidance), these approaches have been categorised as:

1. education and information provision;
2. information feedback;
3. involvement and consultation; and
4. extended involvement

Related particularly to elements 3 and 4 two other terms are part of the current participation language: *consensus building* and *deliberative processes*.

*Consensus building* is defined by the Environment Council as "agreement by consent", with the end result of such agreements being commitment both to the agreement and to its purpose.

Consensus does not imply full agreement. How the consensus is achieved is paramount - the concept of building consensus implies participative processes which allow for discussion, for disagreements to be aired, for questioning of facts and expertise. Consensus building implies a bottom-up approach where stakeholders are enlisted into the drawing-up of initial proposals as well as the consideration of the preferred proposals and solutions.

*Deliberative processes* are particularly favoured in current research council (e.g. Economic and Social Research Council) and also Office of Science and Technology (OST) activities (OST, 1999). Deliberative processes (such as community advisory groups and citizens' juries) engage relevant interests in debate, discussion and negotiation and are presented as needing to be integrated with assessment methods. The Environment Agency's use of multi-criteria decision analysis in the LEAP for the New Forest (Clark et al, 1998) provides an example. Deliberative processes imply a new relationship between decision-maker and stakeholders and go beyond traditional participation methods.

### **3. TRACING THE ROOTS OF INTEREST IN PUBLIC PARTICIPATION**

A number of different pressures for public participation are converging. The major influences on the Environment Agency include its remit to consider sustainable development, the failing trust in experts, public fears about risks to the environment and health and the links with the local authority land-use planning process which is itself becoming more participative. The Agency operates within a context of perceived democratic deficit since it has no direct local accountability. In addition, an argument could be constructed that regulation is a service and that the Agency should be more accountable for the way in which that service is provided. The following discussion briefly outlines these various pressures.

#### **3.1 Land-use Planning**

The roots of current interest in Britain can be traced as far back as the 1969 Skeffington report *Planning and People* which called for greater public participation in the land-use planning process. Public consultation became a statutory part of the planning system (see Section 5) and has only recently started to be perceived as inadequate, partly due to the increase in public objections to new developments (often labelled the NIMBY syndrome)<sup>1</sup>. The rise of the NIMBY response to new developments has been blamed, at least in part, on a failure to engage the public at a sufficiently early stage in the decision-making process (e.g. Armour, 1991; Petts, 1992; 1995), and specifically at the plan-making stage when issues of ‘need’ can be addressed.

Planning as a mode of interest mediation (Healey et al, 1988) is seen as (i) an important means by which the values which people place on the environment can be taken into account in decision-making (Department of the Environment, 1992), and (ii) one of the main areas within which government strategy for sustainable development can be achieved (Department of the Environment, 1994a). However, during the 1990s there were suggestions that the new environmental agenda should lead to a fundamental rethink of the form and content of planning, including significant institutional changes to allow for greater intersectoral coordination and a stronger emphasis on regional strategy development, and means to provide for greater deliberation in planning debate (Healey, 1992; Healey & Shaw, 1994).

#### **3.2 Regeneration**

Community-based regeneration initiatives came to the fore in the 1990s. Grant-aid programmes such as City Challenge and the Single Regeneration Budget required evidence of community consultation as a condition of funding, although Warburton (1998) notes that “real partnership and participation remain the exception rather than the norm” (p.13). The use of some of the more innovative techniques such as Planning for Real (see section 8.2) derive from urban regeneration activities (Department of the Environment, 1994b; DETR, 1997)

### **3.3 Sustainable Development**

A significant source of pressure upon increased public participation in decision-making derives from sustainable development policies. Agenda 21 of the 1992 Rio Conference on Environment and Development recommends that the broadest possible participation should be encouraged and in several places advocates a 'community-driven' approach. Principle 11 of the Rio Declaration on Environment and Development states that "environmental issues are best handled with the participation of all concerned citizens, at the relevant level. ... each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in the decision-making process ...".

Sustainable development requires an integrated (environmental, technical, social, economic) approach to decision-making in relation to issues which have cross-cutting policy dimensions. Issues such as waste management, energy, transport are key examples where policy conflicts are often inadequately resolved and where the institutional framework for doing so is not "up to the job" (Anon, 1998). Individuals are increasingly regarded as better able to look holistically at issues which affect their lives, free from the functional chimneys that continue to operate within public sector bureaucracies and which are so frustrating to members of the public (Petts, 1997). A key part of achieving sustainable development in practice will be constructing enabling national and local political processes where participation of all stakeholders is optimised.

### **3.4 Service Delivery**

The 1980s saw moves towards "customer-facing" local government in which communicating with the public through needs assessments exercises and customer satisfaction surveys became an accepted part of effective and efficient service delivery (Pratchett 1999a, Wilson 1999). In this way accountability for public service delivery was achieved at least in part through direct involvement of users, despite the fact that the official accountability mechanisms remained the election of local councillors. This ethos remains in the current Best Value regime. There is an argument that a separate paradigm of public involvement might be appropriate for service delivery functions (Hughes, 1998b).

### **3.5 Democratic Deficit**

A general decline in political activity of citizens, as shown by decreasing membership of political parties and low electoral turnouts (the so-called democratic deficit) caused local councils to question their legitimacy. This is demonstrated by the reaction of many local authorities which, when threatened with abolition in reorganisation programmes of the 1990s, sought popular support for their continued existence through extensive consultation exercises. One of the primary aims of participation is enhancement of democracy. One indicator of the concern about the democratic deficit is a new 5-year Economic and Social Research Council (ESRC) research programme focused on "Democracy and Participation".

As issues become more complex, decisions about what constitutes the public good have become less clear-cut. Lidskog (1996), for example, remarks that “a new characteristic of environmental problems has emerged: “an increasing remoteness from the perception and experience of the individual” (p.34). Decisions must be made on so-called “wicked issues”, problems which have contested definitions and no directly obvious means of solution. Although formally endowed with the authority to make decisions on the public’s behalf, there has been an increasing tendency to directly involve the public to gain legitimacy for difficult choices such as these, particularly given the context of democratic deficit. Evidence of, and potential for, direct action by aggrieved public interests is providing a further incentive.

### **3.6 Declining Trust**

Trust and the closely related concept of legitimacy are important for public decision-making, as Miller (1973) notes:

Any government ... operates on the trust which the governed credit it and its agencies. If citizens perceive of institutions, procedures, and ruling groups as legitimate, tensions and instability arising from the gap between official and individual interpretations can be absorbed. (p.128)

A crisis of public trust in scientists and other experts has been growing over recent years, not only in Britain but in most developed economies. Surveys have shown that industry and government officials (including elements of the Environment Agency) rank very low on trust scales (e.g. Covello, 1992; Durant & Bauer, 1997; Petts 1998). Trust is recognised as one of the most important influences upon how people perceive risks and respond to communication.

The cognitive components of trust are known to include characteristics which are relevant to both people and situations, relating to perceived (Renn & Levine, 1991; Peters et al, 1997; Marris et al, 1998):

- competence (degree of technical expertise; accuracy, level of resourcing);
- objectivity (lack of bias in information; lack of vested interest);
- fairness or procedural equity (acknowledgement and adequate representation of all points of view);
- consistency (predictability of behaviour and communication arguments based on past experience);
- transparency (openness of information, access); and
- empathy (a perception of goodwill in composing information; caring, recognition of the validity and strength of other concerns)

The message, the communicator and the institution are specific but also interrelated targets for trust. The nature of an individual's or group's interaction with people in any organisation as well as with the institution itself all affect trust. This multi-dimensional basis may mean that trust can be gained on one level (perhaps between two individuals) but lost at another (i.e. company).

At the root of the decline of trust is recognition that issues which were previously considered the proper domain of technical experts are in fact replete with value judgements and as such

should be considered within a political domain (e.g. Healey 1997 with respect to spatial planning)<sup>2</sup>. Where technical expertise rather than value judgement remains the main overt input to decisions, such as in the Integrated Pollution Control (IPC) regime, the public often no longer accepts the decisions without question. Information is now more readily available both through new technologies such as the Internet and through the improved running of campaigning groups. Friends of the Earth's *Incineration Campaign Guide*, for example, explains the nature of the IPC system in some detail, highlighting the technical issues which might form the basis of any questions and representation. Increasingly, the public is questioning not only the environmental and health impacts of development, but also the need for it in the first place.

### 3.7 Risk Communication

A parallel and increasingly overlapping debate about public involvement has been taking place in relation to risk communication. The US history of the discussion of risk communication summarises progress in the debate:

- (i) *early 1980s*: endorsement of risk as a common unit for characterising environmental impacts and drawing a distinction between the scientists' estimates of risk and the political decision about how to manage them (National Research Council, 1983);
- (ii) *late 1980s*: creation of a role for the public in risk management in terms of being entitled to receive coherent and authoritative risk estimates, and being intelligent enough to benefit from the information (National Research Council, 1989);
- (iii) *early 1990s*: recognition that experts frequently are not communicating facts but their own well-educated judgements (National Research Council, 1994);
- (iv) *late 1990s*: an argument that values are important and that stakeholder values need to be taken into account (Stern & Fineberg, 1996).

The UK's progress to recognition of not only the value of public communication, but also the most effective means has lagged behind that of the US. It is certain that amongst the reasons for this has been the lack of a freedom of access to information law which has provided a 'comfort-blanket' for both industry and authorities, not least in health and safety issues, where confidentiality of information has remained important. The rights of public access and the extent of reporting of environmental and safety performance by industry in the US has required industry to respond proactively to public concerns. It is interesting to note that US government guidance on risk communication was published in 1988 while it has taken another 10 years for the UK authorities to produce a similar document (which largely draws upon its American predecessor) (ILGRA, 1998).

The Chemical Industry in the UK has responded to the Responsible Care Programme, founded in the US, through the Chemical Industries Association. Reporting of safety and environmental performance and a closer relationship with local communities has become important. The gradual uptake of environmental management systems, not least the European Eco-Management and Auditing Scheme, is also requiring industry to communicate both risks and performance.

Summarising the risk communication literature in a review relevant to contaminated land, Kemp et al (1997) conclude that what emerges is an essential message that managing potential conflict around environmental risk issues requires attention not only to the content of the risk information, but to the appropriate procedures at the relevant stages in decision-making. The choice of these procedures has to be based upon sound criteria related to empowerment of the public, transparency to create trust, access, ability to challenge information, and openness to enhance legitimacy.

In the UK, we have witnessed a radical and rapid swing from a view of communication as a process of providing “balanced information” to one which stresses open and inclusive decision-making and which recognises the public as rational rather than irrational.

### **3.8 Current Research**

There are many current research activities within or relating to the field of public participation. Only a small selection are reported here to provide at this point an indicator of the strength of developing interest in public participation. The ESRC research programme has already been referred to.

- (i) A project known as European Participatory Technology Assessment (EUROpTA) aims to “advance the understanding of the role of participation in technology assessment, and to design guidelines for the implementation of participatory methods at relevant decision-making levels” (Danish Board of Technology, 1998). It is part-funded by the European TSER programme and will run from 1998-2000. The programme of work will develop a theoretical framework on the role of participatory technology assessment, compare the current state-of-the-art of participatory technology assessment in different European countries, identify new areas of application, and give recommendations on the use of participatory technology assessment at a transnational level. Denmark, Austria, Britain, Germany, the Netherlands and Switzerland are participating.
- (ii) European Commission funded project on Dispute Resolution mechanisms in Europe (ENV-CT96-0270). The project involving British, Belgium and German case studies has sought to characterise environmental conflicts and develop conflict management procedures aimed at effective regulation of environmental disputes. The case studies have focused on proposals for new developments which are controversial.
- (iii) European Commission project on Consultation and Participation in Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA): DGXI has commissioned Environmental Resources Management to carry out research into EIA and SEA, including a survey of methods and tools and an assessment of current practice in, and effectiveness of, public participation. Information on the scope of the project can be found at [www.europa.eu.int/comm/environment/eia/eia-studies-and-reports/scope.pdf](http://www.europa.eu.int/comm/environment/eia/eia-studies-and-reports/scope.pdf).



- (iv) DETR Local and Regional Government Research Programme: The DETR continues to commission research into public participation. Its 1999-2000 newsletter (DETR 1999a) lists 'democratic renewal and participation' as one of five key themes and specific projects it will part-fund, one a project led by the Children's Rights Office, the Local Government Information Unit and the National Children's Bureau to study local authority approaches to involving young people in government.
- (v) Environment Agency: the Agency continues to commission research relating to public participation, including a project to examine the ways in which the Agency might improve communication with stakeholders, MSc research into the role of REPACs, the potential for using the 'OUTRAGE' software to gauge the extent of concern around an issue, and has just received funding for a study into different methods for engaging the public in radioactive waste management.
- (vi) Department of Health and Health and Safety Executive funded project being undertaken by Institute of Food Research. The aim is to produce a simple instrument for the evaluation of the effectiveness of public participation exercises. The instruments (e.g. questionnaires) are being tested to evaluate the effectiveness of a number of participation methods.

In addition the Interdepartmental Liaison Group on Risk Assessment is funding research particularly in areas of risk communication, which is seeking to understand public concerns and use of information (e.g. from the media) so that government departments can improve their communication approaches.

## **4. CURRENT POLICIES & GUIDANCE ON PARTICIPATION**

It is probable that advice on involving the public in decision-making has been given in all policy fields over recent years, including in relation to social security, policing and crime prevention, and health service provision. This section briefly summarises the advice of particular relevance to the work of the Environment Agency.

### **4.1 The Environment Agency**

The Agency's statutory guidance on its contribution towards achieving sustainable development includes the objective "develop a close and responsive relationship with the public, local authorities and other representatives of local communities, regulated organisations and public bodies with environmental responsibilities" (Department of the Environment *et al* 1996). The *Environmental Strategy for the Millennium and Beyond* (EA undated) expresses the Agency's desire to "operate openly and consult widely" on decisions and actions (p.8) and "resolve conflicts by building consensus where matters are complicated and views are varied and extreme" (p.22).

The Environment Agency (1998) has produced internal guidance on consensus-building for sustainable development, stressing the need for it to consider the relevance of the principles of consensus building to its own responsibilities and its interactions with other agencies and the local authorities.

### **4.2 Local Authorities and Local Agenda 21**

The Local Government Management Board in its 1995 guidance on the Local Agenda 21 process recommended that local authorities (i) consult and involve the general public through a range of traditional and more innovative consultation processes, including focus groups and 'Planning for Real' exercises, and (ii) work to establish partnerships with other organisations and interest groups who also have a stake in sustainable development, in order to break down barriers of distrust and conflict of interest by giving participants better understanding of each others problems and joint ownership of the solutions.

The 1998 White Paper *Modern Local Government: In Touch with the People* (DETR 1998b) makes the creation of opportunities for citizen participation in government one of four pillars of democratic renewal and states that "the Government wishes to see consultation and participation embedded into the culture of all councils ... and undertaken across a wide range of each council's responsibilities" (para 4.6) (see also Pratchett 1999b). The DETR (1998a) note, for example, that "engaging with the public has become a touchstone for the general effectiveness of local authorities" (p.3). The need for local authorities to involve the public more effectively has arisen predominantly from a political agenda which seems, at first glance, only peripheral to the concerns of the Environment Agency - that of democratic renewal.

Public consultation is also one of the important features of the Best Value regime, itself part of the modernisation agenda and a replacement for compulsory competitive tendering (DETR

1998c). The requirements of Best Value have been summarised as four Cs – challenge, compare, consult, compete (DETR 1999b). Pilot projects have been carried out and reviewed with respect to their approach to involving the public (Martin 1998). Guidance states that:

Although important, a one way flow of information will not on its own lead to real improvements in service efficiency and quality. This will require a genuine dialogue between authorities and the public.  
(Martin 1998 p.23)

### **4.3 Central Government**

Central government departments and agencies have been the focus of Service First's attempts to improve formal consultation processes (Cabinet Office, 1998) which notes that "consultation will help lead to more realistic and robust policy, better reflecting people's needs and wishes" (p.2).

The National Consumer Council's *Local Charters* report argues that more needs to be done to ensure that users' perspectives are reflected in service delivery (National Consumer Council *et al* 1999a-e). In response the Cabinet Office, initiated a series of pilot projects as part of its Service First programme to look "beyond the one-off consultation exercise to the building of longer-term partnerships between providers and users". The pilot projects included the Benefits Agency and an NHS Trust in addition to local authorities.

### **4.4 Other Bodies**

The OECD's programme on regulatory management and reform has turned its attention to the issue of public consultation, concluding that consultation programmes should be flexible, make information available early in the process and at low cost, take the form of a continuing dialogue with a wide range of interests, be transparent and become a habit rather than a set of procedures, (see: [www.oecd.org/puma/regref/consultn.htm](http://www.oecd.org/puma/regref/consultn.htm)). The OECD also states that regulators should be aware that consultation programmes may be dominated by a limited set of organised, highly expert and well-financed interests, and advocates more evaluation of existing and innovative approaches.

The Royal Commission on Environmental Pollution in its report on *Setting Environmental Standards* made a strong recommendation that:

"governments should use more direct methods to ensure that people's values, along with lay knowledge and understanding, are articulated and taken into account alongside technical and scientific considerations" (RCEP 1998, para 9.75).

The report identified a number of the more innovative methods for public participation being used in the UK as examples of developing good practice. The inclusion of this significant discussion in a report which might have been conceived as a primarily scientific one is having a major influence on policy-makers.

The House of Lords Select Committee on Science and Technology similarly recommends that:

“direct dialogue with the public should move from being an optional add-on to science-based policy-making .... and should become a normal and integral part of the process” (House of Lords, 2000, para. 5.48)

The report also recommends that government departments should collate experience of new techniques of public dialogue and draw up a code of practice.



## **5. LEGISLATIVE REQUIREMENTS FOR PUBLIC PARTICIPATION**

### **5.1 Environmental Legislation Requirements**

Table 5.1 summarises legislative requirements in British environmental legislation for consultation with the public, focusing on requirements which overlap with the Agency's work.

Table 5.1 reveals what can be classified as a set of primarily passive and reactive participation requirements focused on information provision. The onus is placed squarely on the public to identify and understand the relevance of any issue to themselves and to take steps to respond (usually in writing and hence inevitably limiting access to people able to deal with formal documents and able and willing to respond in writing). Whilst public comments must be considered, the limited legislative requirements can only be categorised as meeting objectives 1 and 2 as introduced in Section 2. They are a long way from the policy pressures focusing on participation, although will have to form the basis of any process intended to meet the objectives of categories 3 and 4 (see discussion in Section 8).

While legislative requirements are currently limited, practice, particularly in planning authorities, but also increasingly in the Environment Agency, seeks to go beyond the minimum. For example, the use of staffed exhibitions and roadshows in relation to development plans are common. More innovative methods, such as Planning for Real, citizens' juries and community advisory groups are also being used (see section 8). However, there is no doubt that limited legislative requirements can be a barrier to the adoption of more participative methods as the time, resources and costs which may be required can be argued not to be justified by the law. There is evidence that more proactive consultation is recognised as important, for example in the *"New Guide to Procedures for Development Plans"*, in *"Planning Permission – A Guide for Business"* and also in the new *"Code of Practice on the Dissemination of Information during Major Infrastructure Developments"* (see: [www.detr.gov.uk](http://www.detr.gov.uk)).

### **5.2 Aarhus Convention**

There is no principle enshrined in UK legislation that the public should be involved in decision-making. However, the UK is a signatory to the UNECE's *Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters* (the Aarhus Convention, available at [www.unece.org/env/europe/ppconven.htm](http://www.unece.org/env/europe/ppconven.htm)) which requires that there be an opportunity for the public to participate in decisions about whether to permit certain specified types of development and other developments which may have a significant effect on the environment. Article 6(4) states that "each party shall provide for early public participation, when all the options are open and effective public participation can take place". The UK is expected to ratify the Aarhus Convention during 2000 by means of regulations. The European Commission is also preparing a Directive to give effect to the Convention (Anon, 2000).

### **5.3 Convention on Human Rights**

The introduction into UK law (October 2000) of the European Convention on Human Rights and decisions of the European Court of Human Rights by the Human Rights Act 1998 could give rise to a number of new influences on the way environmental decisions are taken. Individuals will be able to pursue claims in the domestic Courts (not just the European Court) for alleged infringement of the right "to respect for private and family life" (Article 8 of the Convention) and "to the peaceful enjoyment of possessions" (First Protocol, Article 1) and entitlement to civil rights (Article 6). Environmental lawyers have identified the potential for objectors to claim infringement of their rights by industrial emissions and their impacts even if the latter may comply with an environmental licence. Whatever the merits of any such challenge, it seems that one way to minimise the opportunity for this to occur will be to ensure that all of the legal issues are addressed adequately and discussed publicly during the decision-making process.

**Table 5.1 Major legislative requirements for public consultation**

Process	Situation in which consultation required	Requirement	Legislation/ Regulation
Development plans <i>Structure plans</i> <i>Waste local plans</i> <i>Minerals plans</i> <i>Local plans</i> <i>Unitary developments plans</i>	1. Pre-deposit consultation	Consultation as determined by local authorities with statement of what has been done	Town and Country Planning (Development Plan) (England) Regulations 1999
	2. Deposit of a draft development plan	Advertisement in a newspaper and make plan available publicly	Local Plans and Unitary Development Plans: A Guide to Procedures 2000
	3. Revised deposit stage	Six week period during which representations may be made with further six weeks during revised deposit stage Plan made available for sale at reasonable charge Examination in public held where objections to structure plan; local plan inquiry for other development plans Local Authority statement of publicity and consultation undertaken Local Authority schedule of all objectives and representations	Structure Plans: A Guide to Procedures 2000
Planning application <i>Publicity</i>	1. Where application accompanied by Environmental Statement (ES)	Advertisement in newspaper and site notice	Article 5 of the Town and Country Planning (General Development Procedure) Order 1995
	2. Departure from development plan 3. Development affecting public right of way 4. Development affecting a listed building 5. Development affecting character of appearance of a conservation area	Application placed on public register Authority notification of neighbours	Sections 67 and 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 Circular 2/99
Planning application <i>Consultation</i>	1. Where application accompanied by an Environmental Statement	Proponent to make available a reasonable number of copies of ES for public to view and also for copy to be made available for sale at a reasonable charge. 16 week period for planning consideration used for general consultation with specific 21-day period for public comments.	Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999, Circular 2/99, 1999
	2. For applications not requiring an Environmental Statement	Neighbour notification by planning authority and 21 day notice period during which representations can be made	Article 5 of the Town and Country Planning (General Development Procedure) Order 1995



**Table 5.1 Major legislative requirements for public consultation (cont)**

<p>Integrated Pollution Control (IPC) authorisations (to be amended in relation to IPPC Directive)</p> <p>Waste management licences</p>	<p>1. Application for authorisation of a prescribed process</p> <p>2. Application or modification of a waste management licence</p>	<p>Advertisement in local newspaper</p> <p>Application put on public register (also details of notices issued, convictions, monitoring information relating to a granted authorisation or licence)</p> <p>Representations received in relation to applications also put on register – 28-day period for response</p> <p>Notification to neighbouring countries where trans-boundary implications of IPPC authorisation</p>	<p>Section 20 Environmental Protection Act 1990</p> <p>Section 64 Environmental Protection Act 1990</p> <p>Waste Management Licensing Regulations 1994</p> <p>Environmental Protection (Applications, Appeals and Registers) (Amendment) Regulations 1996</p> <p>Pollution Prevention and Control (England &amp; Wales) Regulations 2000</p>
<p>Environmental Information</p>	<p>Requirement upon any relevant authority/body to provide environmental information on request relating to general information on the state of environment, activities affecting the environment, and measures being taken to protect the environment</p>	<p>Environmental Information Regulations 1992</p> <p>Code of Practice on Access to Government Information 1999</p>	<p>Environmental Information Regulations 1992</p> <p>Code of Practice on Access to Government Information 1999</p>

## 6 ADVANTAGES AND DISADVANTAGES OF PUBLIC PARTICIPATION

A workshop on the progress in implementing the Aarhus Convention, held in Newcastle in December 1999, developed a SWOT analysis of public participation (Table 6.1).

**Table 6.1 SWOT analysis of public participation**

<p><b>Strengths</b></p> <p>Public participation can...</p> <ul style="list-style-type: none"> <li>Bring out technical knowledge from the public and others</li> <li>Use local knowledge not known to the authority</li> <li>Encourage diverse perspectives (and so identify issues not thought of)</li> <li>Allow the public to understand the system better</li> <li>Use the public's passion and enthusiasm</li> <li>Enable a better evaluation of the issues</li> </ul>	<p><b>Weaknesses</b></p> <p>Public participation can be weakened by...</p> <ul style="list-style-type: none"> <li>A lack of resources (time, money staff)</li> <li>An inadequate legal framework</li> <li>A lack of awareness/experience of participation</li> <li>Difficulties in gaining access to information</li> <li>A lack of technical support for the public</li> <li>Limited consideration of the results of participation</li> <li>Not enough public participation is a weakness</li> </ul>
<p><b>Opportunities</b></p> <p>Public participation offers the opportunity to ...</p> <ul style="list-style-type: none"> <li>Build trust and capacity</li> <li>Improve the environment, build a community and avoid wasting resources</li> <li>Empower people by starting a dialogue and improving openness</li> <li>Expand the limits of understanding (working together to solve problems)</li> <li>Prevent conflicts by early involvement of the public</li> <li>Save time in the overall decision process by reduction of opposition</li> </ul>	<p><b>Threats</b></p> <p>Public participation processes can be threatened if ...</p> <ul style="list-style-type: none"> <li>The public thinks that the process is a formality (that minds are already made up)</li> <li>A vocal minority dominate public meetings</li> <li>Not enough time is allowed to make a decision or discuss the proposals</li> <li>The long term implications are not understood (e.g. if 'planning gain' wins over the long-term interests)</li> <li>EIA submissions are not good quality and do not cover all the issues</li> </ul>

The strengths and weaknesses reflect the developed understanding of purpose. In democratic societies the individual has the right to be informed, to be consulted and to express his or her own views on matters which affect them personally (Sewell & Coppock, 1977; Stoker, 1997). Public involvement in decision-making, not merely consultation upon a preferred decision, supports both institutional legitimacy (e.g. Smith, 1987), and the "bottom-up" approach to decision-making (Arnstein, 1969), and allows those with a weak voice to exert influence on decision outcomes (Healey, 1997) to feel some degree of ownership of the issue. It is also something to be valued in its own right, social learning, responsibility and environmental awareness being significant outcomes (Sewell & Coppock, 1977; Webler et al, 1995; Daniels & Walker, 1996).

Participation therefore meets three primary purposes:

- legitimisation of decision-making;
- enhancement of democracy; and
- enlargement of citizenship

The first of the three undoubtedly drives much activity, but arguably if limited to this objective may result in dissatisfaction with outcomes on the part of both the public and decision-makers. It has been the basis of much 'decide-announce-defend' decision-making (Ducsik, 1978).

Although the SWOT analysis contains a cell labelled 'weaknesses', this refers to the weaknesses of failing to involve the public properly rather than weaknesses of involving the public *per se*. There are nevertheless several possible weaknesses of involving the public.

Firstly, involving the public may not lead to a better decision being made. Pratchett (1999b) notes, for example, that "despite the recognised expense of public deliberation exercises, ... few contribute to clear-cut outcomes" (p.12), although he also recognises that there may be educational benefits.

Secondly, once the public becomes involved the process can become 'messy' due to a degree of control over the process being lost. This may be particularly troublesome to scientists and experts who prefer objectivity and predictability. Meadowcroft (1997) contends that planning for sustainable development, if undertaken seriously, will be a "radically disjointed process involving the interaction of many agencies and actors" (p.167). It may also lead to an unsettling questioning of what is 'known' and what is not 'known' (Petts, 1997), a situation which many public officials generally try to avoid (e.g. Lacasse 1997). Teles (1997) comments:

The devolution of power for environmental decisions ... is likely to make the policy-making process in this area messier, policies will probably vary widely and errors will be made. But mistakes are the cost of democracy. There is an inherent value in extending the range of people who can make a real impact on policy. (p.30)

Involving the public may actually result in an increased level of conflict (Steelman & Ascher, 1997).

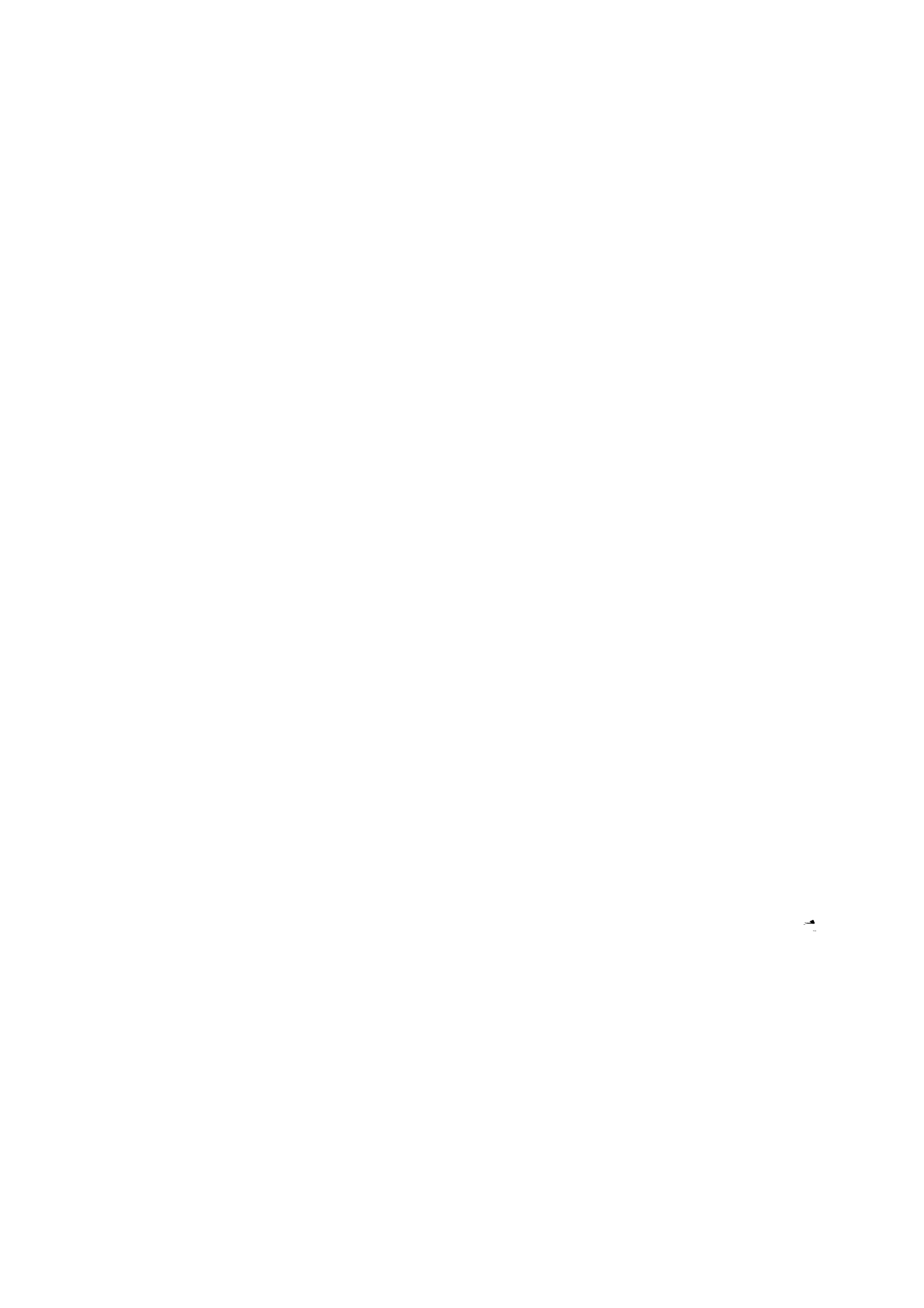
Thirdly, contrary to the SWOT analysis view of the opportunities, the process can take a long time and compromise decisiveness (de Vries 1997). This is particularly important in policy areas where time limits for processing applications are set out in law or where non-statutory performance targets include time-based measures.

Fourthly, increased public involvement implies an additional cost, particularly if financial support for the public's involvement is required, for example in the form of expenses, participation fees or the provision of expert advice. There is limited information on the relative costs of different types of public participation, although qualitative comparisons between methods have been made (see section 8.4).

Fifthly, if public participation is operated at a local level within a national organisation such as the Environment Agency, local differences in approach may arise. This could lead to complaints from industry, another key stakeholder, about uneven playing fields.

Finally, Teles (1997) argues that in some cases experts might make more robust decisions than the public because they are able to think in the longer term and can better appreciate all the technical aspects of the decision.

However, all of these suggested weaknesses should be able to be managed and reduced through effective implementation (see sections 7 & 10).



## 7 IMPLEMENTATION ISSUES

### 7.1 Determining the Aims

As introduced in the previous section, there may be a variety of reasons for involving the public in decision-making and it is important to choose the method that will most effectively and efficiently achieve those aims: i.e. *fitting method to purpose*. Table 7.1 presents some possible reasons with suitable categories of communication technique identified against these based on the 4 categories identified in section 2.

**Table 7.1 Aims of public participation and applicable method level**

Aims	Applicable method level
To satisfy statutory requirements to consult	1: Education and information provision <i>and/or</i> 2: Information feedback
To resolve conflicting views	4: Extended involvement
To increase transparency	1: Education and information provision <i>and/or</i> 2: Information feedback <i>and/or</i> 3: Involvement and consultation <i>and/or</i> 4: Extended involvement
To increase defensibility	2: Information feedback <i>and/or</i> 3: Involvement and consultation <i>and/or</i> 4: Extended involvement
To change people's views about an issue through education	1: Education and information provision <i>and/or</i> 4: Extended involvement
To improve services	2: Information feedback <i>and/or</i> 3: Involvement and consultation
To determine needs and desires	2: Information feedback <i>and/or</i> 3: Involvement and consultation <i>and/or</i> 4: Extended involvement
To empower citizens	1: Education and information provision <i>and</i> 4: Extended involvement
To enable social learning	1: Education and information provision <i>and/or</i> 4: Extended involvement

There may also be different aims at different stages in the decision-making process. Petts (1999), for example, lists different objectives which may apply at different stages of an Environmental Impact Assessment process, from the elicitation of values relevant to site selection at a project design stage to the optimisation of trust and credibility at the monitoring stage (p.155).

It is important that the aims of the participation initiative are clear to those taking part. One case in which the public should probably not be involved in decision-making is when the aims of doing so are unclear or contested. Furthermore, most guidance based on experience indicates that where decisions have already been made, and there is no room for change or manoeuvre as a result of public comment, then participation motives and activities will not be trusted.

## **7.2 Identifying Interests**

Determining the extent to which people may be interested in participating in specific decision processes requires an understanding of their perceptions and concerns (Petts, 1999). In relation to proposals for new development, for example, some individuals may be interested because of its proximity, others because it affects them economically, others because it challenges their tradition or culture and still others who regard it as a threat to their fundamental values.

Interested parties can be identified through their response to consultation documents or through third parties. Community profiling can also be useful (Petts, 1999). Demographic data are collected through questionnaires and interviews, with the objective of understanding people's views about the area in which they live and the factors that are of most importance to them. This can then be used to anticipate the likely level of interest in a particular issue.

In addition to external interests, it is important to identify and fully brief interests internal to the organisation.

A key question which underpins many practitioners' concerns about extending participation activities is whether when views are gathered they can be considered to be representative of the views of the majority who are not direct participants. Questions are raised in particular as to whether activist groups represent the public. It is important to draw a distinction between 'representing interests' and 'being representative of interests' or 'representation' versus 'representativeness'. Representation can be characterised as similar to sampling. However, it raises questions about the faithfulness of representatives to those they represent, the extent to which they can reflect the full range of views of these people, and the extent to which representatives have a degree of power which is denied to others. While it is often easy to identify and also to enlist the participation of representatives, key questions have to relate to whether this merely reinforces existing societal and political structures rather than opening participation to those interests which may be traditionally ignored. Deliberative processes should as a minimum seek to achieve the input of a range of representative interests rather than representatives if the purpose is to understand the range of views which may exist in a community and if these are to influence the decision (Petts, 2000a).

A range of representative interests can be selected by reference to the generic interests which tend naturally to exist in any community - e.g. religious, education, community, environmental, business, health. People who either work in or take part in any activities which might relate to these generic interests are selected to participate. They do so as individuals not as a representative of a specific interest group.

Some participation methods (e.g. the citizens' jury) rely on recruitment of a quota sample of the population based on socio-demographic characteristics. This method appears to meet criteria of representativeness to a greater extent than methods which select participants from existing, identifiable, interest groups (see Section 10).

Spatial dynamics can be a key consideration. For example, in relation to the authorisation of an industrial operation which has regional or national importance, the interests may not only be located within the immediate community. Interests may be apparent across the country although their concerns may be more strategic than based in local environmental and amenity issues. Spatial dynamics will extend a participation programme but have to be addressed. Where activities might have transboundary impacts then it may be necessary to address the interests of those in another county and to provide for information provision as a minimum. (European Directives 97/11/EC for example relating to environmental impact assessment and 96/82/EC on the control of major-accident hazards include requirements for this).

The participation literature has less frequently addressed the issue of how to involve members of activist groups, who may actually choose to operate outside of any participation programme so as to maintain their independence from institutional processes (Petts, 1994). Where known activists and opponents of particular activities (e.g. incineration) have been involved in participation activities there has been some evidence of both their increased understanding of the views of others and also of other participants valuing opportunities to hear what might be termed the "extreme" view without being swayed by it (Petts, 1995, 1997).

### **7.3 Dealing with Organisational Barriers**

Most of the published literature on organisational barriers to increasing the involvement of the public has been prepared with local authorities in mind (e.g. Audit Commission, 1999). One participant in a seminar on Best Value convened by the Institute for Public Policy Research and the Local Government Association characterised local authorities as 'rejectors', 'pessimists', 'complacents' or 'learners' (IPPR and LGA, 1998). The same categories might be applied to different parts of the Agency.

The organisational barriers faced by the Environment Agency are likely to be different in some respects as there are no local democratic structures (previous literature has tended to focus on the reluctance of elected members). In local authorities there has been evidence of the "yes, but...." mode of decision-making (Young, 1996) where the views of the public have been listened to but these views have made no difference to policies or plans because the authority is already 'committed' to the solution. Public participation is merely seen as a public relations exercise.

Elected members have been seen to be some of the most reluctant to embrace more extended public participation methods on the basis that their representation is provided for. However, experience also suggests that elected members who have been reluctant have derived considerable benefit from the processes, particularly in extending their understanding of public concerns (e.g. Petts, 1995).



Possible cultural factors which may pose problems for increasing the extent of public involvement in Agency decisions include:

- a culture of professionalism and expertise;
- a culture of minimal compliance; and
- a culture of confidentiality.

### **7.3.1 Professionalism and expertise**

Public participation can be viewed as challenging expertise and professionalism. "we have done this for years - we know what we are doing". The risk communication literature has identified the frequent expert view that lay persons do not understand "highly technical risk information and that individuals' biases may lead to distorted and inaccurate perceptions (Covello et al, 1986). Institutions often fail to identify participation as a creative exercise which can help to structure problems and challenge environmental managers to find alternatives which would not have emerged through the expert approach based on experience (Petts, 1999).

For the Agency there might appear to be a dilemma in that on the one hand the public look to it to be a strong regulator, implicit in this a professional and expert regulator. On the other the Agency rarely operates as a regulator entirely separate from other decision-makers and its decisions, although appearing to be technically driven, are never entirely separate from social and economic considerations. Furthermore, the inherent uncertainty in any risk or impact assessment means that expert judgement is always open to questioning. Public perceptions are not irrational (Slovic, 1986), rather they are entirely rational in the light of the information available to the public, the personal interests that might be affected and their lack of trust in decision-makers and industry. The techno-rational approach to decision-making is not challenged by participation rather a combination of the "right science" and the "right participation" is now stressed as the way forward (Stern & Fineberg, 1996).

Public participation debate is currently moving to consideration of the more effective integration of technical assessment processes with public questioning and debate. It is known, for example, that in relation to controversial developments such as energy-from-waste incineration, debate over the risks from air emissions are evident in public questioning of the fundamental assumptions, exposure scenarios, and acceptability criteria which underpin the assessment. The public can act as an effective quality assurance mechanism in the assessment process (Funtowitz & Ravetz, 1994; Petts, 1992; 2000b). However, this requires entry of the public into the assessment process itself, not only challenging expertise but requiring information and data to be accessible. Examples relating to the use of multi-criteria analysis in plan-making include the "cooperative discourse model" applied to waste disposal issues in West Germany and Switzerland (Renn et al, 1993; Schneider et al, 1998), and the prioritisation of issues in LEAPs through consensus building with stakeholder groups (Clark, et al, 1998). Current research into integrated environmental assessment (Bailey et al, 1996; Bailey, 1997) stresses the assessment process as a public process, completely challenging the traditional expert-public relationship.

### **7.3.2 Minimal compliance**

Because the Environment Agency is often not the only regulatory body involved in an issue – particularly in relation to new development/activities – and because formal requirements for publicity are set out in legislation there is the potential for a culture of minimal compliance to be evident. Not least when the costs of going beyond the minimal have to be addressed. The proposals in relation to the extended public consultation on licence applications clearly raise such dilemmas as the affected industry could argue that they do not want to bear the costs of any activities beyond the legal minimum.

Questions might be raised as to what could be gained by public participation activities by the Agency when other bodies – not least planning authorities – are already engaged on broader activities relating to a specific plan or proposal. Certainly for the public the confusion over compartmentalised responsibilities and the boundaries which are drawn around the remit of different authorities has always presented a problem. Different public participation activities organised at different times, with different purposes and by different bodies have significant potential to lead to duplication of discussion of issues (even when these are outside of a particular body's responsibilities), frustration amongst participants and even divergence of messages and information given.

The Agency move to work more closely with local authorities is important, not least given the pressures to run parallel procedures in relation to planning and licensing in Planning Policy Guidance (PPG) Note 10 "*Planning and Waste Management*", and also under the IPPC Directive (96/11/EC) for greater integration of environmental assessment for planning and licensing purposes.

### **7.3.3 Confidentiality**

Public participation in categories 3 and 4 places pressure on issues of confidentiality of information. Although over the last decade there has been a significant move to open-up government information, any remaining internal culture which is protective of industrial information, for example, could be counter productive to certain participation activities.

Opening assessment to public involvement may require models and assessment tools traditionally viewed as the property of the assessor to be available for public questioning. →

## **7.4 Communication Skills**

The manner in which people communicate, including the methods they adopt, is often cognitively more important than the information they present (Petts et al, 1996). Communication within public participation processes requires more than individual public relations (PR) skills. The effective communicator is judged not only in terms of competence, but also honesty, dedication, empathy and caring (Petts et al, 1996). The best technical expert is not necessarily the best communicator.

The skills required relate also to the understanding of public concerns. The failure of communication is often a result of an attitude which says that the public are irrational and emotive. Taking a view that "*if I was in their shoes I would feel the same*" is a good starting point for any communicator.

The Environment Council is one organisation which has for a number of years offered training courses on consensus building and dispute resolution. Any move to the adoption of more participative processes demands that staff receive training not just in media communication but in consensus-building skills.

## 8. PARTICIPATION METHODS

### 8.1 Fitting Method to Purpose

A range of methods exist for involving the public in decision-making (see Petts et al, 1996; Downs, 1997; Environment Agency, 1998; Democracy Network 1998; Audit Commission 1999; SNIFFER, 1999; IEAM, 2000). Some methods are traditional while others are more innovative; some are aimed at eliciting views while others aim to empower the community; some are used for generating options at a strategy-making stage while others are used for specific decisions such as option selection; some require participants to give an immediate view while others allow time for deliberation; and some are based around particular service areas while others are more general in nature.

Barnes *et al* (1997) consider the selection of methods based on the following questions:

- whose participation is being sought?  
*e.g. all citizens, or all consumers, or certain groups of citizens or consumers*
- what type of knowledge is being accessed?  
*e.g. expert, interested, informed, uninformed*  
*e.g. factual, value-based*
- what is the source of action to secure participation?  
*e.g. political systems, service systems, organised groups of citizens*
- what is the purpose of participation?  
*e.g. empower citizens, improve services, increase accountability, transform views through discussion, satisfy statutory requirements*
- what degree of power-sharing is implied?  
*e.g. offer advice on options, option generation, take decisions*
- at what level will views be expressed?  
*e.g. individual, collective*
- at what level will change deriving from participation occur?  
*e.g. individual, group, neighbourhood, social programme, organisation*

Translating these questions into consideration of the Agency's different decision-making contexts, - for example, (i) preparing the environmental strategy; (ii) preparing a LEAP or catchment management plan; (iii) considering an application for an environmental licence; (iv) preparing a proposal for a flood-control scheme; (v) disseminating flood action information to potentially affected communities and businesses – it is evident that different answers to the questions above will be achieved. Significantly, however, it is likely to be only rarely that a single method will be “fit for purpose”. Integration of methods optimises the achievement of the objectives of both participants and decision-makers. This was stressed in the Agency's own guidance (Environment Agency, 1998) and also in guidance produced in relation to waste management (ETSU, 1995).

Table 8.1 presents a range of methods, their advantages and disadvantages and the aims which might be met by their use. The Table also introduces an additional classification of methods compared to that identified in section 2, presented as “levels of participation” to indicate degree of innovation (Leach & Wingfield, 1999): i.e.

(i)	education and information provision	<i>traditional</i>
(ii)	information and feedback	<i>traditional</i>
(iii)	involvement and consultation	<i>innovative consultative</i>
(iv)	extended involvement	<i>innovative deliberative</i>

Table 8.1 points out the limitations of each of the method, which do not need reiterating here. However, it is important to note the widespread view that public meetings are ineffective means of public participation. The Audit Commission (1999) points out that approaches such as public meetings are inappropriate for complex or controversial issues, or where a vocal minority might dominate proceedings, noting that “techniques that are both participative and deliberative, such as citizens’ juries, can be more useful for tackling thorny topics” (p.30)

Two methods are not included – standing panels and dispute resolution. Not because they are irrelevant but because they are based in different objectives and are less likely to be organised by the Agency for its own purposes, although it may be involved in any of these methods.

The UK is the first country to set up a *standing consultative panel* at national level. The People’s Panel consists of 5,000 members of the public selected at random from across the UK and is available as a market research instrument. It was set up in 1998 by MORI and the University of Birmingham for the Cabinet Office. Its primary purpose is to track levels of satisfaction with public services, but it is also available for other purposes ([www.servicefirst.gov.uk/panel.htm](http://www.servicefirst.gov.uk/panel.htm)). Local authorities have become increasingly interested in the use of standing panels which can be called upon at any time to express comments about services and to track opinion changes over time. A variant of the standing panel is the interactive panel which consists of much smaller groups of people who meet regularly (as opposed to being surveyed by post) to deliberate on issues, for example, health panels set up by various Health Authorities.

*Alternative Dispute Resolution (ADR)* refers to approaches where people meet face-to-face and use some form of consensus-building or negotiative process to seek a mutually acceptable resolution of disputed issues. The principle of consensus is paramount and the parties to an environmental Dispute Resolution agree at the outset to work towards a settlement that every party can support (Acland, 1992). ADR developed primarily in the litigious culture of the US.

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**Table 8.1 Methods for participation in environmental decision-making**

Technique	Category	Description and use	Advantages	Disadvantages	Aims to be (partially) met
<b>Level I. Education and Information Provision</b>					
Leaflets/ Brochures	Traditional	Written material used to convey information. Care should be taken in establishing the boundaries of distribution.	Can potentially reach a wide audience, or be targeted towards particular groups.	Information may not be readily understood and may be misinterpreted. May be treated as junk mail.	Satisfy statutory requirements Change people's views Increase transparency
Newsletters	Traditional	Written material used to convey information that may involve a series of publications. Care should be taken in establishing the boundaries of distribution.	Ongoing contact, information can be updated. A flexible form of publicity that can be designed to address the changing needs of the audience. Useful to support liaison groups. Potential for feedback.	Not everyone will actually read a newsletter.	Satisfy statutory requirements Change people's views Increase transparency
Unstaffed Exhibits/ Displays	Traditional	Exhibits or displays set up in public areas to convey information.	People can view the displays at a convenient time and at their leisure. Graphic representations, if used, can help people visualise proposals.	Information may not be fully understood or may be misinterpreted. No staff available to respond to questions or receive comments.	Satisfy statutory requirements Change people's views Increase transparency
Advertising	Traditional	Advertisement placed to announce proposals, arrangements for meetings and other activities.	Depending on the circulation of the publication, the advert could potentially reach a large audience.	The information will only reach those who read the publication in which the advert is placed. Only limited information can be provided.	Satisfy statutory requirements Change people's views Increase transparency
Local newspapers	Traditional	An article published in a local newspaper to convey information about a proposed activity.	A potentially cheap form of publicity and means of reaching a local audience.	Circulation may be limited. There may be problems associated with limited editorial control and misrepresentation of information.	Satisfy statutory requirements Change people's views Increase transparency
National newspapers	Traditional	An article published in a national newspaper to convey information about a proposed activity.	Potential to reach a very large audience.	Unless an activity has gained a national profile, it may be of limited interest to the national press and a national audience.	Satisfy statutory requirements Change people's views Increase transparency

**Table 8.1 Methods for participation in environmental decision-making (cont.)**

Technique	Category	Description and use	Advantages	Disadvantages	Aims to be (partially) met
<b>Level 1 (cont). Education and Information Provision</b>					
Video	Innovative consultative (now becoming traditional)	Production of a video to convey information, may incorporate computer graphics and other images.	Under the control of the producer. Can be watched at the viewer's convenience.	Can be perceived as biased propaganda. Relatively expensive to produce if the final product is going to look professional and credible.	Satisfy statutory requirements Change people's views Increase transparency
Site Visits	Traditional	Organised case studies through site orientated meetings to provide first hand experience of a particular activity and the issues involved	Issues brought to life through real examples.	Often difficult to identify a site which replicates all issues under consideration. Not suitable for large groups of people.	Satisfy statutory requirements Change people's views Increase transparency
<b>Technique</b>					
<b>Level 2. Information Feedback</b>					
<b>Technique</b>					
Staffed Exhibits/ Displays	Traditional	Exhibits or displays set up in public areas to convey information and staffed by specialists who can provide information, answer questions and receive comments	People can view the displays at a convenient time and at their leisure. Graphic representations, if used, can help people visualise proposals. One to one contact can be achieved. Particular groups can be targeted e.g. residents directly affected.	Requires a major commitment of staff time. May attract a small proportion of third parties.	Satisfy statutory requirements Change people's views Increase transparency Increase defensibility Improve services Determine needs/desires
Staffed telephone lines	Traditional	A telephone number for people to call to obtain information, ask questions or make comments about proposals or issues	A convenient way of receiving comments from interested parties. Not intimidating, therefore, easier for people to participate and provide comments. Promotes a feeling of accessibility.	Discussions over the telephone may not be as good as face-to-face. Operating staff may not have technical knowledge available to respond to questions	Satisfy statutory requirements Increase transparency Increase defensibility Improve services Determine needs/desires
Internet	Innovative consultative	A web-site on the Internet used to provide information or invite feedback. Care should be taken to keep the information up to date.	The audience is potentially global. Costs are reduced as no printing or postage costs are incurred. A convenient method of participation for those with Internet access.	Not all interested parties will have access to the Internet, therefore, alternative means of information dissemination will also be required. Less appropriate where issues are local	Satisfy statutory requirements Change people's views Increase transparency Increase defensibility Improve services Determine needs/desires

**Table 8.1 Methods for participation in environmental decision-making (cont.)**

Technique	Category	Description and use	Advantages	Disadvantages	Aims to be (partially) met
<b>Level 2 (cont). Information Feedback</b>					
Teleconferencing	Innovative consultative	Digital cameras attached to computers enable geographically distant individuals to ask questions face-to-face.	Enable people who find it difficult to travel to discuss issues face-to-face with officials or politicians.	Must find places to install the cameras in the community and allocate staff to operate them. Can be expensive Limits to numbers who can participate	Satisfy statutory requirements Change people's views Increase transparency Increase defensibility Improve services Determine needs/desires
Public Meetings	Traditional	A formal gathering of interested and affected parties to present and exchange information and views on a proposal.	If run well, can provide a useful way of meeting other stakeholders. Demonstrates that the proponent is willing to meet with other interested parties.	Whilst appearing simple, can be one of most complex and unpredictable methods. Public meetings can be intimidating and may be hijacked by interest groups or vocal individuals. May result in no consultation only information provision.	Satisfy statutory requirements Change people's views Increase transparency Increase defensibility Improve services Determine needs/desires
Surveys, Interviews and Questionnaires	Traditional	Encompasses a range of techniques for obtaining information and opinions. May be self-administered, conducted face-to-face, by post or over the telephone.	Can gather information from people who would not attend public meetings or become involved in other activities. Confidential surveys may result in more candid responses. Can identify existing knowledge and concerns.	Can have a poor response rate. Responses may not be representative and only reflect opinion at that time. Opinions may change. Designing and administering a good survey/questionnaire can be costly and time consuming.	Satisfy statutory requirements Increase defensibility Improve services Determine needs/desires
Deliberative polls	Innovative consultative	A form of opinion poll but examines views after people have had an opportunity to consider the issue being discussed. Randomly selected members of the public come together to listen to experts and their own views.	Tells decision-makers what people would think if they had the time and information to consider their views carefully. Provides a representation of the considered judgement of the public. Designed mainly as a social research tool	Requires commitment by participants. Potentially costly as several hundred people may participate.	Determine needs and desires Increase transparency Increase defensibility



**Table 8.1 Methods for participation in environmental decision-making (cont.)**

Technique	Description and use	Advantages	Disadvantages
<b>Level 3. Involvement and Consultation</b>			
Workshops	Innovative consultative Meetings for a limited number of participants which can be used to provide background information, discuss issues in detail and solve problems.	Can provide a more open exchange of ideas and facilitate mutual understanding. Useful for dealing with complex, technical issues and allowing more in-depth consideration. Can be targeted at particular stakeholder groups.	To be most effective, only a small number of individuals can participate, therefore, full range of interests are not represented.
Focus Groups/ Forums	Innovative consultative A meeting of invited participants designed to gauge the response to proposed actions and gain a detailed understanding of people's perspectives, values and concerns.	Provides a quick means of gauging what public reaction to a proposal is likely to be.	Selection of group members may exclude some sectors of the community, groups require facilitation and serving, time consuming.
Open-House	Innovative consultative Interested parties are encouraged to visit a designated location, e.g. at a site or operational building, on an informal basis to find out about a proposal and provide feedback.	An effective way of informing the public and other interested parties. People can visit at a convenient time, view materials and ask questions at their leisure	Preparation for and staffing of the open house may require considerable time and money.
Open-House on the Internet	Innovative consultative Proposals are posted on a web page and feedback is invited. May include bulletin boards, mailing lists and discussion forums.	The audience is potentially global. Costs are reduced as no printing or postage costs are incurred. A convenient method of participation for those with Internet access.	Not all interested parties will have access to the Internet, therefore, alternative means of information dissemination will also be required.

**Table 8.1 Methods for participation in environmental decision-making (cont.)**

Technique	Description and use	Advantages	Disadvantages
<b>Level 4. Extended Involvement</b>			
Community Advisory Committees /Liaison Groups	Small groups of people representing particular interests or areas of expertise, e.g. community leaders, meet to discuss issues of concern and provide an informed input.	Can consider issues in detail and highlight the decision-making process and the complexities involved. Promotes a feeling of trust.	Not all interests may be represented. Requires commitment from participants. A longer-term process requiring more resources than some other methods.
Planning for Real	A community model is made prior to the exercise to identify problems and issues and generate ideas and priorities through group working. Can be used to identify features of importance to the community and community aspirations.	Allows the community to take control and set the agenda, allows participation without the need for good verbal or written skills.	Community needs to be aware of the constraints. Models need to relate to the real world. Resolve conflicting issues Empower citizens
Citizens' Juries	A group of citizens selected to be representative of the community brought together to consider a particular issue. Evidence is received from expert witnesses and cross-questioning can occur. At the end of the process a report is produced, setting out the views of the jury, including differences in opinion.	Can consider issues in detail and in a relatively short period of time.	Not all interests may be represented. Limited timescale may limit time available for participants to fully consider information received. Resolve conflicting issues Empower [some] citizens

**Table 8.1 Methods for participation in environmental decision-making (cont.)**

Technique	Description and use	Advantages	Disadvantages
<b>Level 4 (cont.) Extended Involvement</b>			
Consensus Conference	Innovative deliberative A forum at which a citizens' panel, selected from the general public, questions 'experts' on a particular topic, assesses responses, discusses the issues raised and reports its conclusions.	Can provide a unique insight into the ways in which issues are perceived by members of the public. Suited to dealing with controversial issues of public concern.	Not all interests may be represented. Limited timescale for consideration of issues.
Visioning	Innovative deliberative A technique for developing a shared vision of a desirable future for a local community.	Develops a common view of future needs. Promotes trust and a sense of purpose.	Lack of control over the outcome. Needs to be used in the early stages of the decision-making process.
Visioning on the Internet	Innovative deliberative A technique for soliciting a range of visions of a desirable future for a local community. May include interactive maps or other visual aids.	Enables a broad range of people to have a say about possible futures.	Difficult to restrict input to those affected (if that is an important criterion). Difficult to assess the extent of consideration of issues. Limited to those with Internet access.

## **8.2 Innovative Methods**

### **8.2.1 Introduction**

Healey (1997) notes that the difference between a traditional approach and a consensus-building approach is the “structure of rights and challenge and the language of reasoning which evolves around the exercise of those rights” which in turn might “change governance practices such that people would trust their governance machinery sufficiently that challenges were the exception rather than the norm” (p.239).

The increasing uptake of consensus-building and deliberative approaches is indicated by the fact that reporting in 1997 more than 80% of authorities had used traditional methods of public consultation such as complaints/suggestion schemes, consultation documents and public meetings, but 47% had used focus groups, 45% some form of community planning, 26% had used visioning, 18% had used citizens' panels, 5% had used citizens' juries (Pratchett, 1999a). Table 8.2 presents examples of the use of innovative methods in relation to environmental issues. Further detail on some of these is presented in the following discussion of the methods. The examples all relate to participation by the public as opposed to participation by key representative stakeholder groups which is frequently done through workshops and similar.

### **8.2.2 Community advisory/liason groups/committees**

Variants of Community Advisory Committees have been used in government in the US for over a hundred years and in environmental decision contexts have been used widely in relation to regional, state and local issues, and particularly in relation to Superfund sites. They aim to provide for participation in decision-making by small groups of citizens where public interests and values need to be made explicit and for different claims and arguments to be put forward, not only to inform and influence the decision but also to contribute to later decisions. People are asked to take part in a ‘serious civic task’ and encouraged to think of societal rather than sectoral interests (Barnes, 1999a). The direct outcome is a non-binding recommendation which may or may not be adopted. Advisory committees would usually run over weeks or months, adopting a "reconciliatory" approach using a variety of meeting and information provision formats so that different concerns and problem representations are reconciled through group support. Hampshire (1994-1995), Essex (1996-1997) and West Sussex (1997-1998) county councils have all used forms of community advisory groups as part of the process of developing non-statutory waste management strategies (Petts, 1994; 1995; 1997; 2000a).

Although there is no transference of power to the public, legitimacy would be severely tested if the views of groups were ignored or overlooked in the formal decision (Petts, 2000a). Participants are often chosen from interest positions that the decision maker considers to be relevant rather than a random selection as would be the case for a citizens’ jury, for example. Nevertheless, the extended timescale over which groups run means that social learning, deliberation, and expert questioning are all beneficial outcomes. Community advisory groups can be expensive, perhaps as much as five times the cost of a citizens’ jury.

**Table 8.2 Recent examples of the use of innovative methods**

Method	Date	Organiser	Purpose	Format	Reference
Consensus Conference	May 1999	UK CEED with Science Museum	To contribute the views of informed public to policy-making for radioactive waste	15 panel members randomly selected. 2 preparatory weekends. 4-day conference attended by 200 delegates.	www.ukceed.org
Citizens' Jury	1999	Lancashire Waste Disposal Authority	To provide views and recommendations to the authority on the future of waste management	16 people, recruited to be representative of socio-demographics, 5-day programme with 1 pre-meeting. Facilitation by independent moderator	Petts, 2000a
Community Advisory Committees	1997-1998	West Sussex Waste Disposal Authority	To provide views of public on the options for managing waste in the county in the future	3 groups comprising a wide cross-section of people representative of community interests. 6 meetings over 5 months with site visits and an expert seminar. Parallel standard public information provision activities	West Sussex County Council www.greenchannel.com/iea/consulta.htm
Community Advisory Committees	1996-7	Essex Waste Disposal Authority	To raise awareness of waste management issues, increase understanding of the management options available and provide a sounding-board for draft proposals	3 groups comprising a wide cross-section of people representative of community interests plus elected members. 5 meetings over 9 months with site visits and an expert seminar and concluding seminar Parallel public information provision activities	Petts, 2000a
Community groups (Contact groups)	1998-2000	Hampshire Waste Services	To provide for direct community input to the environmental assessment stage of planning applications for 3 incinerators	Group of @10 people representative of interests in local community for each of 3 sites. Regular meetings (6-9) to discuss assessment progress and development with experts/consultants and company undertaking the work. Parallel standard public information activities	Not published – contact Hampshire Waste Services

### **8.2.3 Planning for Real**

Planning for Real is a technique for involving the public in a non-threatening manner in decisions about their neighbourhood, a site or a building. Members of the community are encouraged to become involved in building a model of the area to be considered which can then be exhibited at as many locations as desired. Workshops are then held at which people are asked to write concerns, desires or other issues on cards which they place on the model. Groups responsible for specific issues then re-arrange the cards, negotiate with other groups and develop action plans. Planning for Real is a registered trademark and anyone wishing to run such an event should first contact the Neighbourhood Initiatives Foundation (01952 590777). UK examples of Planning for Real include an exercise in an estate in North Tyneside in which local teenagers helped to redesign a site which had been destroyed in rioting, and Sparkbrook and Sparkhill in Birmingham in which residents considered priorities for their areas ([www.pip.org.uk/methods.htm](http://www.pip.org.uk/methods.htm)).

### **8.2.4 Citizens' Juries**

Citizens' juries offer a means of challenging the collective wisdom of dominant groups within an organisation or community by introducing the considered views of lay people (Pratchett 1999a). The use of the term 'jury' can be misleading, however, as the process resembles a Parliamentary Select Committee more than a judicial trial (Pratchett, 1999a). Usually a small group (16-20) of randomly selected members of the public are brought together to listen to a series of expert witnesses and to question them over a short period (3-5 days typically).

Juries have been used for making decisions about health care rationing (Lenaghan, 1999) following the recognition that (i) health care rationing decisions are essentially value judgements, (ii) legitimacy is required, (iii) decisions have become painful and that pain should be shared, (iv) there is a need to counter the democratic deficit in health care, (v) there is a need to introduce more care into decision-making and (vi) there is a need to increase trust and confidence. Several of these conditions, particularly (i), (iii), and (vi) are equally relevant to issues which the Environment Agency has to deal with. Copsley (undated b) reviews three Kings Fund sponsored juries held on healthcare issues, reflecting that they can help to 'think the unthinkable', bringing issues to the surface that would otherwise have been simply thought too radical.

The use of juries in environmental topics has been less extensive than that in health and social services areas. Juries have been used in both Hertfordshire and Lancashire in relation to waste strategy development and most recently, by Merseyside Waste Disposal Authority (integrated with a consensus panel). The major difficulty with juries in relation to such complex issues as waste management is the extremely limited time and information made available to people – there is little opportunity to learn before effective deliberation can commence (Petts, 2000a). Juries are suspected of leading to less pragmatic decisions and more extreme views, partly engendered by the confrontational style (Vari, 1995).

### 8.2.5 Consensus conferences

A consensus conference is a forum at which a panel of citizens questions experts on a particular topic, assesses their responses, discusses the issues raised and reports its conclusions to a press conference. The panel is the main actor throughout the process, deciding the questions to be asked of which experts and formulating its own conclusions. It is not forced to reach a consensus, but discover the extent to which agreement can be reached. The whole conference is open to public observation. Pioneered in Denmark, consensus conferences involving the general public have been held all over the world (see Table 8.3) but only two national events have to date been convened in the UK. The first was held in 1994 on the subject of plant biotechnology and the second in 1999 on radioactive waste management.

**Table 8.3** Examples of national consensus conferences

Country	Year	Conference topic	Source
Austria	1999	Ozone	<a href="http://www.tekno.dk/europta/ozone.html">www.tekno.dk/europta/ozone.html</a>
Australia	1999	Gene technology in the food chain	<a href="http://www.abc.net.au/science/slab/conconf/dinner.htm">www.abc.net.au/science/slab/conconf/dinner.htm</a>
Denmark	1996	The future of fishing	<a href="http://www.tekno.dk/eng/metods/Methods6.html">www.tekno.dk/eng/metods/Methods6.html</a>
	1996	Consumption and the environment	
	1997	Teleworking	
	1999	Genetically modified foods	
Great Britain	1994	Plant biotechnology	<a href="http://www.ukceed.org">www.ukceed.org</a>
	1999	Radioactive waste management	
Japan	1998	Use of genetics in medical treatment	<a href="http://www.ccs.dendai.ac.jp/~consensc/english/index.html">www.ccs.dendai.ac.jp/~consensc/english/index.html</a>
	1999	The information society and the Internet	
New Zealand	1996	Plant biotechnology	<a href="http://www.consumer.org.nz/tech/index.html">www.consumer.org.nz/tech/index.html</a>
	2000	New biotechnology for pest control	
Norway	1996	Biotechnology	<a href="http://www.etikkom.no/NENT/fast.htm">www.etikkom.no/NENT/fast.htm</a>
United States	1997	Telecommunications and the future of democracy	<a href="http://www.loka.org/pages/panel.htm">www.loka.org/pages/panel.htm</a>

Consensus conferences seem to be particularly useful for dealing with disputes over the existence, extent or nature of a problem, and have been applied in the field of technology assessment. In the environmental field they have been applied primarily at national policy level.

The published report of the UK radioactive waste management conference ([www.ukceed.org](http://www.ukceed.org)) includes the views of the participants about the process. They report having been “offended” by a suggestion to the House of Lords Select Committee inquiry on the management of nuclear waste (House of Lords, 1999, para.5.9) that “the public should not be expected to have an opinion....Nuclear energy is a matter that is largely in Government hands and is a matter for Government decision”. The value of the consensus conference is seen as a way of building trust and confidence and “avoiding secrecy and resulting misunderstandings”. It is certain that the nature of the issue and the way it has been handled in the past prompted such a conclusion, however, it is still an indicator of the value of such processes. Any attempt by experts to suggest that the cost of such processes is not justifiable if the only outcome is improved public trust would be a significant mistake.

### **8.2.6 Visioning**

Aimed at achieving consensus within a community about the future shape of a place. They are useful in educating groups about competing needs and can provide a useful way of establishing partnerships across organisations, but may raise expectations which public organisations are unable to meet (Pratchett, 1999a).

An example of the use of visioning is by Mendip district council who used vision planning days as part of a process of producing a new local plan for the area. The Planning Days were used to get a picture of local residents' aspirations for their village prior to the drafting of the local plan. People were asked to describe what makes their village special, what they liked and disliked about their village, what they would like it to be like in 10 years time and their priorities for change (reported on [www.greenchannel.com/iea/consulta.htm](http://www.greenchannel.com/iea/consulta.htm))

## **8.3 Electronic Methods**

Electronic methods are being used increasingly by public bodies. This is the only method that the Audit Commission (1999) refers to as being ‘very cheap’. At one end of the participation spectrum, a web page could be set up to provide information to the public. Most public bodies now have a web site which provides information to the public.

At the other end of the spectrum, an interactive GIS-based web page could enable members of the public to try out scenarios and make recommendations to the public authority. Such a web site has been developed by Leeds University’s School of Geography as part of the ESRC’s Virtual Society Programme<sup>3</sup>. Known as a Virtual Decision Making Environment (VDME), users can suggest changes of uses for specific buildings shown on a map or identify areas for new developments. Three case studies were used for the initial research including a virtual Planning for Real exercise in a Yorkshire village ([www.ccg.leeds.ac.uk/slaithwaite/](http://www.ccg.leeds.ac.uk/slaithwaite/)), an evaluation of the potential for regenerating natural forest in the Yorkshire Dales National Park



([www.leeds.ac.uk/dales/start.html](http://www.leeds.ac.uk/dales/start.html)), and finding a suitable site for a radioactive waste depository ([www.ccg.leeds.ac.uk/mce](http://www.ccg.leeds.ac.uk/mce)). The research provisionally concluded that:

...on-line systems will become a useful means of informing the public and to allow access to data and planning tools such as on-line GIS as an additional means of public participation in the UK planning process. These will provide mechanisms for the exploration, experimentation and formulation of decision alternatives by the public in future planning processes and have the potential to move the public further up the participatory ladder.

(Kingston, 1998 p.11) See also Carver et al (undated)

The OECD (1998) disagrees with this analysis, however, commenting:

The experiences of Norway, Switzerland, Canada and others with the Internet do not at this juncture fulfil the expectations of those who see it as a vehicle promoting broad public participation in political issues. Further improvements in technology will help; but more important will be the demonstration of political will by governments that they genuinely want 'broader and deeper' policy input from the public, and by the public that it is willing to do the work required to participate constructively in the policy process. (p.39)

Similarly, Trench and O'Donnell note that the world-wide web is limited in its ability to meet the information needs of communities, commenting that a "newsletter delivered through the post appears to have a communication value which a Web page, even one which is updated frequently, cannot easily replicate" (p.227).

The Internet is inevitably self-selecting and participation may be unrepresentative (currently about 35% of the population have regular access to the Internet, about 20% in their homes). Its anonymity can encourage "implusive rather than considered responses" (House of Lords, 2000, para 5.3) and the quality of the debate can be low unless the moderator of the debate has a sufficiently high profile.

The government has partially recognised the potential for electronic media to transform the way in which the public might participate in decision-making. The Parliamentary Office of Science and Technology (1998), for example, (summarised at [www.publicnet.co.uk/publicnet/fe980501.htm](http://www.publicnet.co.uk/publicnet/fe980501.htm)) has produced a report on Electronic Government which highlights opportunities for new technology including the Internet and digital television to involve greater numbers of people in decision-making. The Cabinet Office has also examined the role of electronic technologies in its 1999 report *Electronic Government: The View from the Queue* ([www.citu.gov.uk/research/viewqueue/index.htm](http://www.citu.gov.uk/research/viewqueue/index.htm)). The UK, as part of the Group of Eight Industrialised Nations (G8), is also involved in a project entitled Government Online ([www.open.gov.uk/govoline/golintro.htm](http://www.open.gov.uk/govoline/golintro.htm)), a sub-project which was initiated in 1997 on on-line support for democracy (EDem) and this resulted in case studies from a wide range of countries (G8 Government On-Line 1998).

In a UK setting, an example of a discussion forum is provided by the web page of the National Assembly for Wales which contains a moderated discussion forum for sustainable development at [www.wales.gov.uk/susdev/](http://www.wales.gov.uk/susdev/). The London Borough of Brent set up an on-line consultation for Local Agenda 21 at [www.brent.gov.uk/la21/la21idx.htm](http://www.brent.gov.uk/la21/la21idx.htm) and the London

Borough of Lewisham has provided a sub-sample of its citizens' panel with an Internet link to access a message board and participate in live chat, the first topic being the ageing of the population (cited in Martin, 1998). Buckinghamshire has run an Internet-based consultation exercise in parallel with a citizens' jury, placing the jury's recommendations on the web page and inviting visitors to vote on them ([www.pip.org.uk/models.htm](http://www.pip.org.uk/models.htm)).

## 8.4 Costs

The Audit Commission (1999) has published a qualitative analysis of the relative costs of different methods in the form of a wall chart (Table 8.4 presents elements).

**Table 8.4 Relative costs of different methods**

Approach	Relative cost
General survey	Relatively inexpensive for telephone or postal surveys, but more expensive for face-to-face interviews. May require the use of external consultants.
Survey of service users	Inexpensive, especially where there is a 'captive group' of respondents (e.g. at housing benefit interviews)
Panel surveys	Can be expensive to set up the panel, especially if outside consultants are used. But once the panel is established, this is a cost-effective method.
Citizens' juries	Expensive, because of the time commitment for authority officers and the need to pay jury members. Experienced facilitator also needed.
Referenda	Relatively inexpensive way of assessing the opinion of the maximum number of people
Action planning	Relatively inexpensive per event, although creating a community event atmosphere to attract participants has costs
Neighbourhood forum	Relatively expensive to set up, as dedicated staff resources are needed to organise and service the forums. But inexpensive after the forum structure has been established.
Planning for Real	More expensive than action planning, but can be good value, especially considering the complexities of the 3D neighbourhood models. Models can be used again for future consultations.
Focus groups	Relatively inexpensive to organise but may be expensive if a broad representative sample is needed
Virtual consultation	Very cheap

Table 8.5 presents some example costs ranges for selected innovative methods. Previous work for the Agency has reviewed the costs and time involved in the traditional information provision techniques involved in consultation (Downs, 1997). Table 8.5 is based on experience in the environmental area. However, the data must only be regarded as comparative indicators as the elements of costs which are included vary significantly from process to process. One of the difficult elements to cost is the staff time of officers in authorities/agencies as this may be extensive but piecemeal and spread over a long time

period. Most of these methods involve external/independent facilitation, usually because skills may not be available in-house, but also because independence of the organiser is an important characteristic in the public mind (Petts, 1994). Participants' and experts' fees and expenses will also be involved, particularly in relation to citizens' juries and consensus conferences when people may have to give up whole days of their time and take leave from work.

Evidently deliberative processes are costly. However, in that they usually can be considered to have a broad set of objectives from promoting citizenship to legitimisation of decisions, and they are usually related to large-scale, lengthy, or major investment programmes which may be contentious, they can still be considered to present "good value for money", although only effective evaluation will reveal this (see section 10).

**Table 8.5 Example cost range for selected methods**

<b>Method</b>	<b>Cost Range</b>
Citizens jury (@16 participants, lasting 4-5 days)	£15k-£30k
Consensus Conference - 16 participants, introductory weekend workshop, 3-4 day conference	£85k-£100k
Community advisory groups - 3 groups x 16 people lasting 6 months, (with associated public information provision)	£100k-£150k (£200k+)

## 9. SECURING INVOLVEMENT

It can be difficult to secure broad public participation, particularly where there has been little tradition of doing so. The Audit Commission (1999, p.31) suggests participation may be encouraged by:

- consulting with people at places they regularly visit rather than expecting them to come to a special venue;
- providing incentives such as prizes or gifts;
- providing refreshments, particularly a proper meal rather than tea and biscuits;
- providing child care facilities, which can also help create an atmosphere of a community event; and
- making the event more entertaining by using participative consultation methods.

Involving minority and otherwise hard to access groups can also be difficult. Hard to access groups might include those which have little spare time (e.g. working people and single parents), those that do not understand English well, those that feel culturally isolated from the mainstream of the authority's/agency's activities, those that are suspicious of the authority's motives, those that are geographically isolated, those who have no permanent address, and those which are not interested in being consulted (Audit Commission, 1999). Securing the involvement of hard to access groups is particularly important if the consultation process is intended to be representative of an area. However, people who claim to represent groups which are traditionally difficult to involve are likely, by definition, to be different from those groups (Pratchett, 1999a). Census data and local authority information can be useful in identifying local population demography, particularly in helping to understand local variations in old and young and ethnic minority populations.

### 9.1 Older People

The government has a programme on Better Government for Older People (BGOP) which aims to work with older people to provide them with:

- clearer and more accessible information on their rights;
- more say in the type of services they can get;
- simplified access to services;
- improved linkages between different agencies; and
- better opportunities to contribute to their local community.

Under the BGOP programme and in association with Warwick University Local Authorities Research Consortium, Age Concern, the Anchor Trust and the Carnegie Third Age Programme, 28 pilot projects were funded<sup>4</sup>. One of the pilot projects was Hammersmith and Fulham's engAGEMENT 50+ initiative in which two consultation exercises were held with a cross section of the Borough's 50+ population and the voluntary sector and five consultation exercises were conducted within ethnic minority communities. The project resulted in a monthly advisory group of older people, representation on a corporate steering group, older

people being co-opted onto the Better Government for Older People panel within the Borough and invited to attend the Best Value review of older people's social services, opportunities for older people to work with officers on projects such as service improvements and planning, and the involvement of organisations representing the interests of older people on a regular basis and at every level.

## **9.2 Children and Young People**

There are around 10 million children under the age of 16 in England and Wales. The right of children to be involved in decisions affecting them forms the basis of Article 12 of the Convention of the Rights of the Child, ratified by the UK government in 1991 although having no status in UK law. The UN Committee on the Rights of the Child has recommended that the UK should "consider the possibility of establishing further mechanisms to facilitate the participation of children in decisions affecting them, including within the family and the community" (UNCRC 1995 p.6).

Several factors mitigate against the involvement of children and young people. Firstly, authorities may not believe that children and young people are capable of making a constructive input into decision-making, particularly if the issues are complex or technical. Secondly, cultural factors mean that children are perceived as in need of protection rather than as active participants in society. Thirdly, the practicalities of consultation might make young people's involvement difficult. Because children under 16 are not included on the Electoral Register, they are often excluded from survey-based approaches, for example. This need not be the case, however, and several local authorities have set up special consultative forums.

Youth councils are one approach to involving children in decision-making. These are made up of elected representatives drawn from constituencies such as schools and meet to discuss issues and make decisions. Youth councils may meet regularly or for making one-off decisions. A more informal approach is a youth forum or network which has open meetings at which young people can share their views with a panel comprising local councillors and MPs, for example. There is also a fledgling national forum called Article 12. Other approaches to involving children and young people include actively selecting participants from schools and youth groups to take part in a wider consultation exercise, conducting a child-focused deliberative poll, or setting up special Internet sites aimed at children. Two citizens' juries have also been held with young people, the most recent being in Swansea with a group of 16 year olds who discussed their expectations for their urban environment (see [www.pip.org.uk/news.htm](http://www.pip.org.uk/news.htm)).

## **9.3 Ethnic Minorities**

Ethnic minorities do not have homogenous characteristics and display a diverse range of cultures, languages and religions. From an ethnicity perspective, the UK is home to Indians, Pakistanis, Bangladeshis, Chinese, Vietnamese, Africans, Afro-Caribbeans and others. Indians, Pakistanis, Bangladeshis, Africans and Afro-Caribbeans tend to be concentrated in certain urban areas although originating from predominantly rural areas. Chinese and Vietnamese tend to be dispersed around the country.

Mackenzie and Paget (1999) found that ethnic minority interest in environmental issues has often developed when conceptual links were made with non-environmental interests such as culture, food and access to green spaces. The Countryside Commission, the National Trust, the Black Environment Network, Urban Wildlife Trusts and local Groundwork Trusts have all attempted to involve ethnic minority communities in environmental matters. Guidance has also been issued with respect to Local Agenda 21 activities (Local Government Management Board, 1996) and urban regeneration (DETR, 1997).

It is important to remember that in many of our largest urban environments 20-30% of the population may come from ethnic minorities and in some specific areas of cities they may represent >90% of the community. Their involvement in issues like waste management, as well as their rights to information on licensed processes are important, but have been largely ignored to-date either because it is assumed that their views will be the same as the rest of the community or because it is considered to be too difficult to involve them.

Many of the barriers to ethnic minority involvement in decision-making result from the fact these groups are more likely to suffer from social exclusion. They include a lack of transport and child-care facilities. Other barriers, however, stem from a general sense of disengagement with British culture and its institutions. Language barriers are also important. Approaches to involving ethnic communities might include:

- involving organisations which represent different parts of the community;
- producing written materials and questionnaires in other languages;
- providing interpreters for face-to-face and telephone interviews and translators for written responses;
- talking to people in the places they would normally visit – e.g. mosque or temple; and
- training staff in cultural awareness, anti-racism and equal opportunity issues.

## **9.4 Disabled People**

Around 2 million people in England and Wales are registered as disabled and many more have a disability which affects their lives (Audit Commission, 1999). The Audit Commission recommends the following to ensure participation of disabled people:

- involving organisations which represent the interests of disabled people;
- the production of large print and taped versions of questionnaires;
- making sure that public meetings or neighbourhood forums are held in accessible buildings with induction loop systems and that lifts are offered to those who need them;
- printing Braille and large print messages on postal consultation forms telling people with poor eyesight how they can participate;
- making sure that face-to-face interviews are carried out in a way that enables people with hearing difficulties to take part; and
- carrying out consultation exercises at places which disabled people are likely to visit.



## **10 EFFECTIVENESS**

### **10.1 Principles of Good Practice**

Many of the guides to participation (e.g. Wilcox, 1994; Local Government Management Board, 1994; Downs, 1997; IEAM, 2000) have suggested key principles which initiators of participation are encouraged to bear in mind as they develop the approach for any purpose. These principles stem from theoretical criteria of effective participation, but are usually presented as practical or working principles for adoption and which should guide the selection of methods. The principles include:

- (i) set clear objectives for participation;
- (ii) identify and target all the relevant stakeholders;
- (iii) tailor the participation process to the objectives and the needs of the stakeholders;
- (iv) set out the process in an honest and understandable way;
- (v) ensure that participation is timely and allow sufficient time;
- (vi) ensure that the process is credible;
- (vii) ensure that the process is interactive;
- (viii) ensure that the process generates a response, and
- (ix) only make commitments that you will be able to keep.

The Institute of Environmental Management and Assessment's (2000) draft guidance on public participation in environmental decision-making stresses the need for a programme of participation to be planned if the principles are to be met. It identifies 7 planning steps:

- step 1: consider the objectives of the participation exercise and issues that may arise;
- step 2: consider the objectives of participation - both your own and those of potential participants;
- step 3: consider the decision-making process in which participation is proposed and determine the timescale for participation;
- step 4: identify potential stakeholders who will be relevant participants;
- step 5: identify the need for staff training or external expertise;
- step 6: consider how the results of participation will be analysed and used; and
- step 7: determine how the participation programme will be evaluated.

The last step stresses the importance of evaluation which immediately raises the question of the criteria which should underpin it. The rest of this section explores the criteria which underpin the types of practical principles introduced here. It develops a set of criteria which could be relevant to the development of appropriate participation processes for the extended public consultation on licence applications and which could be adapted to other public participation activities.



## 10.2 Evaluation Criteria

The evaluation of the effectiveness of public participation is a relatively rare activity. Partly because of the time, cost and also fear of finding out something was wrong, but mainly because clear objectives and criteria of effectiveness are rarely defined. Yet without effective evaluation progress will never be made in effective practice.

Often effectiveness has been defined in terms of the outcome – particularly the legitimization of the decision. However, as indicated throughout this review constructs of 'discursive' and 'deliberative' democracy, demand a broader set of effective criteria concerned with the process itself. The focus shifts to a working definition of effectiveness which rather than hoping that everyone will be happy with the outcome (unrealistic), concentrates on getting the 'right science' and the 'right participation' (Stern & Fineberg, 1996, pp 152).

'Fairness' and 'competency' criteria (Webler, 1995) have underpinned many international evaluations. *Fairness* relates to the terms of access to the participative process; providing opportunities for participants to shape the agenda, choose the moderator and the rules of deliberation, and the provision of an equal chance to every participant to put forward their views. *Competence* relates to the ability of the process to provide participants with (i) access to knowledge, explanation of terms and access to interpretations of understanding and (ii) the best procedures for resolving disputes about knowledge and interpretations and for checking the authenticity and sincerity of claims.

Webler (1995) identified 34 criteria and 86 accompanying indicators that could be used to evaluate a participative process. These were applied to the evaluation of a number of US and European case studies (Renn et al, 1995), but unfortunately there was insufficient experience, at the time, of the application of deliberative methods to environmental issues to provide for any British case evaluations.

Petts (1999) suggested some of Webler's criteria which might be relevant to the EIA process. These support two-way communication where participants are both speakers and listeners and participation is both consensual and non-hierarchical. Opportunities for critical self-reflection and challenging of the speaker are provided.

Various authors have considered criteria based around the fairness and competency theme (e.g. Hughes, 1998a; Barnes, 1999a; Rowe & Frewer, 2000) in the evaluation of non-environmental participative processes although having wider applicability. These all focus on issues of:

- inclusivity
- timeliness
- focus;
- openness;
- resourcing;
- responsiveness; and
- appropriateness.

Ten evaluation questions (Petts, 2000a) have been applied to the evaluation of the use of innovative methods in waste strategy development in Britain, addressing whether the process:

- (i) ensures that the participants are representative of the full range of people potentially affected and that barriers which may bias representation are minimised;
- (ii) allows participants to contribute to the agenda and agree and influence the procedures and moderation method;
- (iii) enables participants to engage in dialogue, and promote mutual understanding of values and concerns;
- (iv) ensures that dissent and differences are engaged and understood;
- (v) ensures that 'experts' are challenged and that participants have access to the information and knowledge to enable them to do this critically;
- (vi) reduces misunderstanding and ensures that the authenticity of claims is discussed and examined;
- (vii) makes a difference to participants - e.g. allows for development of ideas, learning and new ways of looking at a problem;
- (viii) enables consensus about recommendations and/or preferred decisions to be achieved;
- (ix) makes a difference to decisions and provides outcomes which are of public benefit; and
- (x) ensures that the process is transparent and open to those not directly involved but potentially affected.

What is evident is a move from instrumental to pluralistic evaluations which include ethical and value-based dimensions (Environment Agency, 1998) including the extent to which a process is:

- honest;
- equitable;
- impartial; and
- respectful

The criteria identified in the various literature can accommodate a wide range of processes and purposes. There will be certain applications where some are more relevant than others, and, indeed, where some may not be relevant at all. For example, it may be that opportunities for agreement on the rules of participation may be limited where it is linked to regulatory requirements or to consultative processes linked to site-specific development. Where innovative methods are being used for policy or plan development compared to site-specific issues, greater flexibility and integration of processes and methods may be possible, including integration with the assessment process itself (Clark et al, 1997; Petts, 1999).

The Improvement and Development Agency ([www.idea.gov.uk](http://www.idea.gov.uk); quoted in Audit Commission, 1999) has produced a list of questions to be used for evaluating individual participation initiatives particularly in the area of local authority service provision and which address organisational/institutional issues:

- did the exercise reach a representative sample of the population or, where this is appropriate, all the target group?

- was the response rate high enough to give reliable results?
- were the results disseminated to:
  - consultees?
  - the wider public, if only a small group was consulted?
  - relevant staff in the organisation, including front-line staff?
  - relevant partner organisations?
- if the exercise did not meet its objectives, why was this, and what steps can be taken to prevent similar problems in the future?
- what did the exercise cost, both directly and indirectly?
- what proportion is this of the overall cost of the relevant service?
- how does the cost compare with other similar exercises in the authority and other similar authorities?
- has the cost been shared by designing the exercise to be valuable to more than one service or organisation?
- has the exercise helped to improve the cost effectiveness of the service by making it match users' needs more closely?
- did the consultation directly inform a decision, or shape policy or service delivery arrangements?
- were the consultation results used to set local performance standards and targets?

Most of the evaluations of effectiveness have relied on the use of such 'generic' expert criteria with little input from the participants themselves as to the criteria of effectiveness which they consider important. This, of course, requires the criteria to develop as the process proceeds in the light of the participants' experience. The evaluation process itself has to adopt participatory techniques (Barnes, 1999b) if the learning objective which should underpin evaluation is to be optimised.

## **10.3 Judging Methods Against Criteria**

### **10.3.1 The performance of specific methods**

Renn et al (1995) compared the application of the various innovative methods against the fairness and competency criteria. In terms of access to the process Community Advisory Committees were considered to be the most restricted with citizen juries somewhere between this and the complete openness of study groups. Comparing Community Advisory Committees with Juries on the broader criteria Table 10.1 presents the summary findings.

Evaluation of the two methods as used by British local authorities in relation to the development of waste management strategies (Petts, 2000a) leads to some agreement with the summary in Table 10.9. Juries score more highly in terms of the representativeness of participants of the general public but get lower scores in terms of opportunities for participants to influence the agenda and rules of procedure. Both processes score reasonably well in terms of the quality of the discussion, learning, and gaining of knowledge although Community Advisory Committees are more successful primarily because of the longer time-frame over which they operate. Juries are relatively poor in allowing for the claims of experts to be tested and verified.

**Table 10.1 Comparison of Community Advisory Committees and Citizens' Juries (Renn et al, 1995)**

	Agenda <sup>1</sup>	Choice of rules <sup>2</sup>	Discussion <sup>3</sup>	Language & terms <sup>4</sup>	Knowledge <sup>5</sup>	Social claims <sup>6</sup>	Verification of formal claims <sup>7</sup>
CAC	+	++	+/++	+	+/-	+/-	+
Juries	-	+/-	+	+	-/+	+	-

Key: CAC = Community Advisory Committee

<sup>1</sup> Provides for participants to identify and influence agenda

<sup>2</sup> Provides for participants to influence the procedural rules and choice of moderator/facilitator

<sup>3</sup> Provides for inclusivity and equal chance to participate for all those potentially affected

<sup>4</sup> Provides for access to definitions, terms etc relevant to the discussion

<sup>5</sup> Provides for access to relevant objective knowledge – either scientific or anecdotal

<sup>6</sup> Provides for discovery and mutual understanding of social values

<sup>7</sup> Provides for formal claims by any party to be open to testing and verification

+ = meets some criteria

++ = meets most criteria

- = meets few criteria

The Environment Agency includes public meetings as a potential method in relation to the proposed extended public consultation on licence applications. At the start of the consultation the Agency will listen to concerns identified by the public, explain the Agency's role and how the public can submit written comments.

Public meetings are not innovative methods and were not included in Renn et al's (1995) evaluation. This review has already referred to the widespread view that public meetings present major problems as participatory methods as they are difficult to manage, focus on information provision rather than deliberation, and are liable to be taken-over by activist or extremist views. Advice has already been given that they are best not used, except perhaps in emergency situations where information needs to be given to as large a number of people as is possible (Petts et al, 1996).

In general a public meeting run on traditional lines – i.e. as an open meeting where the experts present the information they consider relevant and people are allowed to ask questions, usually chaired by an independent chairman – scores low in terms of all of the fairness and competency criteria, except in relation to representativeness and inclusivity, as in theory at least they are open to anyone to attend.

### 10.3.2 Integration and Modification of Methods

Most of the above discussion addresses the evaluation of specific, individual methods of participation usually operated in line with the traditional form of the method. However, in practice, multiple methods of information provision, consultation and also deliberation may be appropriate if the overall effectiveness of a programme of participation is to be considered.

Thus, for example in both Hampshire and Essex where forms of Community Advisory Committees were used these operated parallel with extensive information provision and consultation exercises using traditional methods - such as TV and radio, press releases, videos, leaflets, staffed exhibitions, newsletters, questionnaires - all designed to communicate with the wider public about waste management and to inform them of the specific participation activities in progress.

Mixing methods to match overall objectives, and adaptation of methods to meet local conditions or to enable a less costly method to be used is likely to improve effectiveness. For example, a citizens' jury process might be adapted to deal with the deficiencies identified above by running it over a slightly longer period to allow for participants to take a break during the process, to read and look at information from multiple sources and to have an opportunity to formulate questions. During the jury itself there could be opportunities provided for multiple experts to be questioned together in a form of debate as opposed to individual witness cross-examination.

Furthermore, the use of more structured processes such as multi-criteria decision processes (as in the LEAPs experience) needs to be considered to allow for the public to be involved in the actual choice of assessment assumptions, scenarios to be considered, criteria of acceptability, rather than merely being provided with an opportunity to question choices already made by experts. This will start to provide for participation *in* decision-making itself.

It is rare (if at all) that the evaluation of entire programmes using multiple and integrated methods appears to have been undertaken – i.e. addressing the active and semi-active participants and non-active members of the public (the “silent majority”). Arguably such evaluation is essential.

## **10.4 Relevant Agency Criteria and Methods**

### **10.4.1 Potential Agency Criteria**

It is not the purpose of this review within the context of the overall project, to define specific criteria for a specific participation activity. The objective is to identify evaluation criteria which may be used for the choice and conduct of participatory processes relevant to extended consultation on licence applications. These will be tested against one traditional and one innovative method with an evaluation based on the views of both the public participants and also the Agency and other key participating stakeholders. The preferred criteria of these participants will be combined with the generic criteria which are presented here.

Therefore, the context is of project and site consideration as opposed to the development of a policy or plan. This inevitably influences the nature of the methods which can be used and their actual implementation and conduct.

Firstly, while the licensing decision process for a new facility is legally separate from the planning process which may be running in parallel, many common issues will be raised between the processes, not least in relation to environmental impacts. The planning process

will adopt different methods of participation organised by the developer/operator and/or by the planning authority. This parallel process will in practice influence the effectiveness of any participation process run by the Agency.

Secondly, the licensing process does not place any legal requirements upon the developer/operator to undertake any form of consultation or participation (although does require information provision). The involvement of the developer/operator will be voluntary. This may impact directly on participation effectiveness depending on the effort and resources which they are prepared to commit. The objectives of participation as viewed by the developer/operator may be different to those of the Agency.

Thirdly, the assessment process which the Agency adopts when considering a licence application does not have to address non-pollution environmental impacts (e.g. traffic, visual, socio-economic) and yet these may be significant public concerns. There are some areas of overlap between Agency and Planning Authority responsibilities. For example, noise nuisance is addressed by planning authorities on all new planning applications, but under IPC, the Agency has to address noise nuisance where no planning permission is required or was determined prior to April 1994. Under the new Pollution Prevention and Control regime (Implementing Directive 96/11/EC) 'pollution' is defined to include noise, although noise also remains a material consideration in the granting of planning permission. The question of "need" for the process and siting is outside the Agency's responsibilities, but these are known to be significant public issues.

Finally, the Agency is required by law to follow certain consultation procedures in terms of placing an authorisation application on the public register. It may be approached to provide information relevant to the application under the access to environmental information provisions.

Cognisant of these legislative influences but also of the Agency's immediate and longer-term objectives in the context of sustainable development (Environment Agency, 1998), it is considered appropriate for the generic criteria presented in Table 10 to form the basis of the selection and operation of participatory processes in the context of the Agency's authorisation/licensing activities.

Throughout the term 'process' is used to refer to the whole participation exercise, which should include appropriate methods of information provision, consultation, and deliberation integrated together. The term 'participant' is used to refer to any person - member of the public, people from the industry/company concerned, Agency staff, members of organised interests (governmental and non-governmental) who may be affected. However, the criteria are presented from a public participation viewpoint as opposed to institutional/organisational issues which may be relevant only to the Agency. The criteria stress the effective conduct of the process itself as much as the outcome of the process.

**Table 10.2 Potential Agency effectiveness criteria**

***Clarity of objectives:***

- are the objectives of the overall participation activity clear both to active and non-active participants, including the limitations of what can be achieved - i.e. is the connection made between purpose, process and outcome?

***Clarity of legal process:***

- are the legal process and linked processes (e.g. planning) which will influence the decision made clear to all participants, including the limitations but also the responsibilities of these other processes?

***Potential decision responsiveness:***

- is the decision open to amendment if agreed to be appropriate by participants (i.e. the decision has not already been taken)?

***Clarity of linked processes:***

- are all participants provided with information about other linked participatory and information processes which have been, or will be, undertaken by other responsible authorities and by the Agency?
- is the process designed to integrate with rather than duplicate or conflict with any other participation activities organised by other authorities?

***Consensus on agenda and procedures:***

is there sufficient opportunity for participants to have input to the agenda for discussion and decisions on the procedures to be used including the choice of.

- facilitator/chairman/moderator?if there is no opportunity for participant input prior to commencement of the process, are their opinions sought at the start?

***Consensus on effectiveness:***

- is there opportunity for participants to input their own views on what will make the participation process effective and for these criteria to be included in the evaluation?

***Representativeness:***

- are the participants in any participatory process representative of the full range of people and interests potentially affected?
- is the process of identification and selection of any specific participants objective and open?
- is opportunity provided for new or additional participants to take part in the process if identified by others and it is agreed that their participation would be beneficial?

***Inclusivity:***

- are the barriers to participation - physical, social, economic - removed or at least minimised as far as is possible?
- is the choice of location, times, venues, etc undertaken with due regard to local circumstances and participant preferences?
- is adequate notice given to participants of the dates and times of any event, and are their views sought on the latter as new events are arranged?
- are appropriate methods used to ensure that those who do not participate directly are made fully aware of the issue, the consultation being undertaken, where information can be obtained and a variety of appropriate opportunities provided by which they may make known their views if they wish to?

***Transparency:***

- is the participation process transparent and open from inception, through operation, to communication of its outcome?
- are the views, both for and against, of the majority and minority acknowledged in the outcome?
- are Agency staff and also officers in other authorities and in the applicant company, who are not directly involved made aware of the participation process?

***Deliberation:***

- are adequate opportunities provided for participants to engage in dialogue, discussion and group interaction?
- are adequate opportunities provided to everyone to put forward their personal opinion if they wish?
- is information provided to ensure that all terms, definitions, technical details, are available to everyone in advance and are clear so enabling people to participate in discussion fully and critically?
- is the technical assessment process sufficiently transparent and open to challenge and to input of alternative assumptions if agreed to be appropriate by participants?
- are adequate opportunities provided for the uncertainty inherent in factual information to be acknowledged, explained and discussed?
- are knowledge deficiencies openly acknowledged by the official contributors?
- are opportunities provided for expert knowledge and information to be challenged and claims to be tested through discussion?
- are opportunities provided for other expert knowledge agreed by participants to be relevant to the discussion to be made available to the process and to be considered directly - i.e. peer review?
- is sufficient time allocated throughout the process to allow effective deliberation to take place and do participants feel that they have had sufficient time to take part to the extent that they want?
- where questions cannot be answered immediately are adequate arrangements made to ensure that participants receive the information as soon as it is available?
- where it becomes apparent that information or knowledge is missing or insufficient are resources made available for further work or assessment to be undertaken?



***Deliberation cont...***

- is disagreement acknowledged and dealt with openly, but also managed to ensure that it does not impact adversely on discussion?
- does the process enable participants to improve their own anecdotal and intuitive knowledge by being exposed to relevant experiences (e.g. visits to sites, discussion with people who live close to similar facilities, etc)?

***Capability:***

- are all technical experts, organisers and other officials providing input to the process sufficiently skilled as communicators and have received appropriate training?
- are sufficient financial resources allocated to the process?
- does the process have sufficient time allocated within the overall timetable to allow for any unforeseen issues and needs to be dealt with and responded to?

***Social learning:***

- does the process make a difference to participants in terms of their understanding of the issue and knowledge gained?
- does the process lead to an improvement in the public availability of information?
- does the process promote understanding of different viewpoints?
- do people enjoy taking part?

***Actual decision responsiveness:***

- does the process add value to the decision?
- are recommendations which represent a consensus of participants' and respondents' views taken on-board in the decision?
- is the decision communicated to all participants, non-participants and to Agency staff?
- is an evaluation (preferably independent) of the process completed and the results made known to participants and recorded for input to the design of future processes?

***Enhancement of trust:***

- does the process lead to an enhancement of the Agency's credibility as an environmental regulator and promote trust in its decisions?

**10.4.2 Potential Agency methods**

The above evaluation criteria suggest that:

- (i) there will be a need to integrate information provision, consultation and participation methods for all decision purposes if the key criteria of representativeness, inclusivity, potential decision responsiveness and enhancement of trust, are to be achieved;
- (ii) public meetings run on traditional lines will meet few of the criteria;
- (iii) methods which optimise opportunities for deliberation must be included - e.g. forms of community advisory committees or discussion meetings; and

- (iv) these will need to be adapted to meet the limited timescales over which the extended public consultation on licence applications have to operate and the more limited objectives which the participation will have compared to the broad objectives which relate to the methods use in strategic planning.

However, it is important to build flexibility into the planning of any specific programme. The local public may request or expect certain participation methods. For example, in relation to the application for trial burning of wastes as fuel by Blue Circle at its Westbury plant, a public meeting was requested by the local community.

A form of public or community meeting may be an appropriate method to integrate with a form of community advisory committee, or discussion meeting, as a public meeting does at least provide the opportunity for many people to attend. If so, the meeting should be managed following some of the criteria above, e.g:

- use of independent chairman or facilitators,
- providing opportunities for participants to identify issues for discussion
- providing opportunities for questioning of experts,
- providing information in advance so that people can have an opportunity to identify questions which they may wish to ask,
- providing for the participants to discuss amongst themselves (perhaps in smaller groups),
- providing for people to listen to opposing/alternative views
- providing evidence as to how participants' views have been considered in the final decision

### **10.4.3 Joint Methods**

The parallel licence and planning application processes encouraged by PPG10, to keep the duplication between planning and pollution control to a minimum and to help minimise delays and costs, provides considerable scope for joint participation activities. This could also meet the spirit of the Environment Agency's and Local Government Association's plan for better co-operation which identifies that local authorities can help the Agency through advice and established networks to develop meaningful local engagement with the public.

Agency collaboration with local Health Authorities, not least where there are public concerns about actual or potential health effects from industrial activities subject to environmental licences and also consultation with the Department of Health over applications for activities with potential health effects, also indicate the potential for exploring opportunities for joint involvement in public participation activities.

A careful balance needs to be ensured between consultation overload where multiple participation activities might be organised by the Agency, the local authority and the developer/applicant, and the need for meaningful participation in the public's mind. The latter is dependent upon clarity of purpose of the participation activity being organised and also opportunity for the public to make the key links between issues of need, environmental impact

and pollution control. The Agency could optimise the effectiveness of its communication by involvement in other participation activities as well as discussion with the local authority, in particular about the value of joint activities in particular circumstances.

## **10.5 Summary of Remaining Knowledge Gaps**

The amount of public participation activity which is now taking place in Britain indicates that public bodies in particular are increasingly responsive to public demands for information and involvement. The public also display a rapidly increasing ability to access information which fuels concerns and facilitates questioning. For any public body which is providing a public service there is a basic responsibility to ensure that the service is acceptable.

However, this activity, particularly in relation to environmental issues, is still proceeding against some knowledge and practice gaps. Fundamental to all of these is the failure to evaluate those processes which are adopted. This evaluation failure results in the following knowledge gaps:

- (i) understanding, and application, of the public's (as opposed to institutions', authorities' and agencies') criteria of effective participation;
- (ii) understanding of the reasons why the majority of the public do not participate and evaluation of their information requirements;
- (iii) understanding of the impact of other sources of knowledge, including the actions of activist groups who operate outside of organised participatory processes;
- (iv) evaluation of the problems which can be created by multiple but unrelated participatory and consultative activities by different institutions and organisations;
- (v) experience of proactively seeking to involve the traditionally difficult to access groups, in particular young people and the ethnic minorities;
- (vi) understanding of how to integrate assessment with participation approaches;
- (vii) understanding of when public participation 'fatigue' might (does) occur and how to prevent this; and
- (viii) experience of, and understanding of the effectiveness of, the use of the internet for interactive public participation.

## 11. CONCLUSIONS

Public participation and the adoption of more deliberative methods has become a key principle in a wide range of policy areas and service provision. The Environment Agency in seeking to develop and extend its own approaches needs to be not only cognisant of these developments but responsive to public demands for extended processes. It has already explored new approaches in relation to the development of LEAPs. Similar principles need to be applied in other regulatory areas, including the authorisation/licensing process. The passive consultation provisions of environmental legislation provide a limited and increasingly outmoded form of participation which no longer meets the public's full needs in an age of democratic deficit, declining trust in decision-makers and increasing access to information.

Public participation responds to the rights of individuals to be informed, consulted and to express their own views. However, it also provides for the 'bottom-up' approach to decision-making and for enhanced social learning and responsibility. Participation offers opportunities to build trust and capacity, not least in an organisation which is not directly accountable through elected members and whose underpinning regulatory principles (e.g. BATNEEC (BAT under IPPC) and BPEO) support a working relationship with the regulated.

Effective public participation requires more attention to the fit between method and purpose, whether the latter be information provision, information feedback, involvement and consultation or extended involvement. In many situations multiple objectives will be apparent, and multiple and integrated methods will provide the most effective solution. There is an urgent need to develop modes of participation which seek to involve the public in the assessment process itself, rather than merely focusing on the presentation of assessment output. This presents new challenges to the traditional expert-public relationship.

Public participation is inhibited by fears that while the process of decision-making may take longer, better decisions may not be made. Extended public participation will cost more and will place demands upon skill levels. Practice is often further inhibited by confusion over the distinction between approaching and involving those who 'represent' different public interests compared with those who are 'representative' of these interests. The latter are important in deliberative processes, the former are likely to continue to form a component of consultation.

Every method of public participation has strengths and weaknesses. New methods, not least electronic, appear to offer significant potential, although their application requires more experience and evaluation. The internet, whilst a potentially powerful information source, may have more limitations as a mode of participation. Understanding of the strengths and weaknesses of the many methods is vital to effective choice and application. The increasing application of more innovative methods which improve opportunities for deliberation in a range of policy areas will lead to expectations of their use by the Agency. Indeed, because the Agency is often not the sole decision-maker it must develop its own public participation activities in the light of, and sometimes, integrated with, other authorities' (particularly local authorities) activities.

Securing involvement of traditionally difficult to access populations such as the young and those from the ethnic minorities must be an important objective. This will require the needs of such groups to be specifically identified and responded to.

A broader concept of effective participation is required - one which recognises the importance of the process as much as, if not more than, the outcome. Criteria based on the principles of the fair and competent process should underpin the Agency's application. This review has suggested criteria which should underpin the participation process in relation to the extended public consultation on licence applications, however, they are equally relevant to other areas of Agency decision-making. The public meeting as a possible method will need to be adapted to meet the criteria which relate to more deliberative processes if it is to be used effectively. Whichever methods are used, however, evaluation of their application will be essential and this will require the public's criteria of effectiveness to be identified and built into the process alongside the Agency's.

A number of outstanding information requirements have been identified in the review, which all suggest that public participation will need to have a high profile in Agency activities (as in other authorities and agencies) if it is to acquire the resources required to develop effective approaches.

## 12. NOTES AND REFERENCES

### 12.1 Notes

<sup>1</sup> The NIMBY syndrome mischaracterises the public as overly emotional, ill informed, unscientific and motivated by selfish interests in their obstruction of facilities for the common good. This conception leads to an information-based strategy under the assumption that if only the public knew the truth, they would not be so hostile. This strategy assumes that there is an objective 'truth' to know

<sup>2</sup>Most important amongst these are what Weinberg (1972) has called trans-scientific issues, that is, questions which appear to be scientific because they can be framed in the language of science but which, for three reasons, either cannot or should not be answered by science. Firstly, the practicalities of answering the question may be prohibitive, secondly the inherent variability of social phenomena may mean that reliable predictions of behaviour are impossible, and thirdly the questions may actually be of a moral or aesthetic nature which the scientist is no more qualified to answer than any other member of society.

<sup>3</sup>See also the programme web site on the programme at [www.brunel.ac.uk/research/virtsoc/](http://www.brunel.ac.uk/research/virtsoc/) and the report of a workshop on the programme as a whole at [www.brunel.ac.uk/research/virtsoc/events/inclusion\\_workshop.htm](http://www.brunel.ac.uk/research/virtsoc/events/inclusion_workshop.htm).

<sup>4</sup> Projects are in Bolton, Bury, Coventry, Devon, Hackney, Hammersmith and Fulham, Harrow, Hartlepool, Kensington and Chelsea, Lambeth, Middlesborough, Newcastle, North Down, North Yorkshire, Nottinghamshire, Oxfordshire, Rhohdda Cynon Taff, Scottish Borders, Sheffield, Solihull, South Lanarkshire, Stirling, Warwick, Watford, Waverley, Wolverhampton, Ynys Mon and York. An evaluation is due to be published in April 2000. See [www.bettergovernmentforolderpeople.gov.uk](http://www.bettergovernmentforolderpeople.gov.uk)

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## APPENDIX 2 TRAINING MATERIALS AND PRACTITIONER GUIDELINES

**Sources of information on methods on the Internet (in addition to specific items mentioned in the text):**

**The Institute of Public Policy Research's Public Involvement Programme (PIP)**

A summary of different approaches to public participation, including case studies and theoretical contributions. [www.pip.org.uk](http://www.pip.org.uk)

**Institute of Environmental Management and Assessment**

Guidelines on Public Participation in Environmental Decision-making Draft published. [www.greenchannel.com/iea/consulta.htm](http://www.greenchannel.com/iea/consulta.htm)

**Publicnet**

A collection of papers and articles on public policy, including a theme of public participation. [www.publicnet.co.uk](http://www.publicnet.co.uk)

**Key guides on methods:**

**Audit Commission** (1999) *Listen Up! Effective Community Consultation* London: The Audit Commission. £15 from Audit Commission on 0800 502030

**Democracy Network** (1998) *Democratic Practice: A Guide* London: Local Government Association and Local Government Management Board. £15 from LGMB Publication Sales on 0171 296 6600

**Department of the Environment, Transport and the Regions** (1998) *Guidance on Enhancing Public Participation in Local Government* London: DETR

Available at [www.local-regions.detr.gov.uk/epplg/index.htm](http://www.local-regions.detr.gov.uk/epplg/index.htm)

**National Consumer Council, Consumer Congress, Service First Unit of the Cabinet Office** (1999) *Involving Users: Improving the Delivery of Local Public Services* London: Cabinet Office. Available from Service First Publications Line on 0345 223242

**Training**

**The Environment Council** runs a course entitled *Resolving Environmental Conflicts: Stakeholder Dialogue Training* and in 1999 ran a series of courses, including one five-day course, on issues relating to public consultation.

See [www.the-environment-council.org.uk/ercourse.htm](http://www.the-environment-council.org.uk/ercourse.htm)