

Public Participation in Making Local Environmental Decisions

*The Aarhus Convention
Newcastle Workshop*

Good Practice Handbook

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PREFACE

This handbook has been produced following discussions at a workshop on public participation in making local environmental decisions, held in Newcastle-upon-Tyne, United Kingdom, in December 1999. The workshop was part of the work programme agreed at the first meeting of Signatories to the Aarhus Convention earlier that year.

The workshop was financed by the United Kingdom Government with funds from the Department for International Development's 'Know How Fund' and from the Department of the Environment, Transport and Regions. Over 120 Government, local authority and NGO representatives from 36 countries in Europe, central Asia and North America attended the workshop. Representatives from 5 international organisations also attended. A full list of participants is at Appendix 1.

The handbook was prepared by a team in the UK's Department of Environment, Transport and Regions, which included an official on secondment from the Ministry of the Environment, Poland. The Regional Environmental Center for Central and Eastern Europe researched a set of case studies of public participation exercises set out in Appendix 3. The handbook draws on these case studies and the other material discussed at Newcastle in order to identify what was considered to be 'good practice'.

The team working on the handbook would like to thank Newcastle City Council for their hospitality during the workshop and all those who have contributed to this handbook through case studies and comments.

Copies of this handbook have been sent to the national contact points for the Aarhus Convention. These are listed on the UNECE website where an electronic copy of the handbook can also be obtained (www.unece.org/env/pp). A related guide on the implementation of the Convention¹ can also be obtained at this website.

¹ *The Aarhus Convention – An Implementation Guide*, Stephen Stec and Susan Casey-Lefkowitz, United Nations, Geneva and New York, 2000.

FOREWORD

I was delighted to attend the Newcastle workshop last December as the Aarhus Convention is a subject in which I take a close personal interest. I announced the workshop when I signed the Convention because I knew that the practical issues are just as important as the legal text. From talking to the participants at the workshop, I know that I am not alone in this view.

The workshop was an exciting event. It brought together a wide range of colleagues trying to understand how to better involve the public in making decisions. All sectors; central and local Government, businesses and NGOs, now share a common goal.

We all believe that by being more open, we can make decisions that improve the quality of life for everyone. The workshop showed that there is already an enormous amount of this sort of good practice going on across the UNECE region. By sharing those experiences through the case studies in this handbook, I hope that we can learn from this and achieve more, and more quickly, than we might do on our own.

The discussion at Newcastle clearly showed what can happen if we don't learn these lessons. We heard about projects that wasted large sums of public money, caused environmental damage and worsened people's quality of life. These mistakes cannot go on being made. It simply isn't sustainable to do so.

The enthusiasm of the participants at Newcastle greatly encouraged me. As a Government Minister, I can only do so much. Of course, Government has a key role in starting, and supporting, initiatives. It must provide the frameworks for proper public participation. However, success ultimately depends on the energy and commitment of local communities and decision-makers. The workshop showed that this enthusiasm is found across the whole UNECE region.

The challenge is to make that enthusiasm spread to the public. We face great difficulties. Solutions that exclude the public are unlikely to be real solutions. This good practice handbook offers some examples where these lessons have been learnt and demonstrates that making decisions with the public is possible.

The audience for this handbook is principally authorities who make decisions but I hope it will also be valuable to the public, NGOs and businesses. I would like to see it used to build networks of people who can exchange information and experience on public participation. In this way, it will represent the start of a process rather than the end.

I wish you all the very best of luck in your important work.



Michael Meacher
Minister of the Environment, United Kingdom

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CHAPTER 1

Introduction

On 25 June 1998, Ministers from European countries signed a Convention in the town of Aarhus, Denmark. The Convention is now known as the Aarhus Convention and it gives the public the right to obtain information on the environment, the right to justice in environmental matters and the right to participate in decisions that affect the environment.

1.1 The Right to Information

Information about the environment and the impact of activities on it has sometimes been kept secret. That is changing. In a democratic society, people should have a right of access to information about the environment.

The Aarhus Convention gives people this right. It sets out a general right of access to information on the environment where information can only be withheld in certain circumstances. It emphasises the need to make access easy and prohibits discrimination between requests for information on the grounds of citizenship, nationality or place of residence.

Making information available on request is vital but equally essential is collecting and publishing information in a form which is easy to understand and readily available. While the right to information is not the focus of this handbook, it does highlight examples of how the provision of good information at a local level is vital for effective participation in decision-making.

1.2 The Right to Justice

If rights are to be effective, the public must have a way of seeking justice when those rights are accidentally, or deliberately, denied.

The Convention sets out rights of access to justice to meet this need. The Convention highlights rights of appeal against decisions to refuse requests for information on the environment, against failures of law in decision-making processes, or against actions which are illegal under a country's environmental laws.

1.3 The Right to Participate

Opportunities for public participation in making decisions that affect the environment have sometimes been limited. The Aarhus Convention gives the public a right to participate in making these decisions.

The right covers decisions on whether to allow specific activities listed in Annex I to the Convention (e.g. roads, power stations, dams and factories), plans and programmes that

affect the environment and also policies and laws. The Convention sets out minimum levels of opportunities for participation and the procedures that must be followed.

It is only by working with the public that decisions will be made which provide a good environment and meet the needs of local communities for a better quality of life. This is why public participation in decision-making is highlighted in the Aarhus Convention.

However, successful public participation depends on more than just granting a right to participate and setting out a procedure in a Convention. This handbook concentrates on the practical issues and sets out good practice in public participation exercises to complement the legal text.

CHAPTER 2

The importance of public participation

The Aarhus Convention provides the framework for good practice by providing the basic procedure for public participation and specifying the types of decisions to which it should apply. However, the Convention cannot deal with the practical issues that can make the difference between success and failure. This is the subject for this handbook. It focuses on good practice in public participation in making decisions that affect the environment.

Public participation in making decisions is vital. It brings benefits in making an individual decision and also for democracy more generally. It uses the knowledge, skills and enthusiasm of the public to help make the decision and recognises that the public have a significant role to play.

It is also a moral duty. Public authorities work for the public. To do so in a way that the public want and to ensure that they know what the public needs, they must involve the public when they make decisions. Each person has a stake in protecting and enhancing the environment and citizens know the needs of their communities through work, play and travel. That is why public involvement is a central part of sustainable development policies. Solutions to achieve economic, social and environmental improvements at the same time will only be found if everyone is involved and if the discussion is open so that new ideas and approaches can be considered.

2.1 A better decision

Public participation can lead to better decisions. That is, decisions that better meet the needs of more people, decisions that last longer and decisions that have more validity.

Better decisions will lead to improvements in everyone's quality of life. By considering the issue as widely as possible, improvements in social conditions, the economy and the environment can occur at the same time.

There is no secret to this. Involving more people in the process uses a wider range of experiences. It brings in more points of view and uses knowledge about local conditions that might not be widely known. If the decision takes account of this wider range of experience and views, it is more likely to be 'right' since more issues have been considered and more risks evaluated.

Lengthy arguments after the decision has been made can also be avoided since the different opinions have already been considered. The decision is more likely to withstand scrutiny if the decision-making process is more open, more honest and more accountable.

Public participation does not guarantee that everyone will be happy with a decision since different groups of people will have different priorities and concerns. But involving the public at an early stage in the decision-making process, and finding ways for their views to be heard and taken into account, helps to build consensus. It means that concerns can often be met early in a planning process, when changes may be easier to make, rather than late in the process when even small changes may cost both time and money.

In addition, by being involved in the process, the public is exposed to the whole range of factors which may influence a decision. Even if people do not agree with the final decision, they are more likely to understand why it was made.

2.2 Stronger democracy

In the longer term, public participation can improve democracy. Again, this is no secret. Regular public participation shows people that they are valued and that their views are important. These exercises build trust and confidence in the authority undertaking the exercise and demonstrate to the public that change is possible. Individuals and community groups can become more active and more responsible for their environment and quality of life. People can feel more part of a community and authorities can make better relationships with these communities which continue after the decision has been taken. Participation exercises can build confidence to undertake other initiatives, help give the public the skills to do so and generate enough enthusiasm to complete the initiative.

However, these significant benefits do not mean that public participation exercises are easy. They require thorough preparation well in advance of involving the public. Some of the questions that need to be addressed when planning a public participation exercise are set out in the next chapter.

CHAPTER 3

Preparing for public participation

Before starting a public participation exercise, certain questions should be considered and a strategy or plan agreed. Without this preparation stage, the exercise is unlikely to be effective or to achieve what is required. However, be flexible. Situations might arise which mean that the plan should be revised. Keeping to a plan which is not working is as bad as not having a plan at all.

The most obvious question is when should public participation be undertaken. The Convention sets out in Articles 6, 7 and 8 when public participation should form part of the decision but best practice will be to include the public in decisions on other activities.

In general, public participation should be undertaken when people are affected by the decision. They should be involved even when it is uncertain what they will say or when they may oppose the proposal. However, public participation exercises should only be undertaken when:

- the options are open (when public participation can make a difference);
- there is a clear idea of what the public is being asked to do; and
- there is a commitment to listen to the public's views and take them into account in making the decision.

On some occasions, it is not appropriate to involve the public in the decision-making process. This might be on:

- simple or routine decisions where repeated requests to participate can lead to boredom or tiredness;
- secret matters such as international relations, national defence, public security or state security matters; and
- decisions in emergency situations.

The spirit of the Convention is to involve the public wherever possible. For instance, the emergency services, which must act immediately without public participation, could involve the public in the preparation of their general plans.

3.1 Creating a participation strategy

The most obvious starting point for preparing a strategy for a participation exercise are the existing legal requirements. In many countries, the law sets a framework for public participation exercises. Good practice goes beyond these minimum requirements and even where there is no legal framework in place, it is still possible to organise effective public participation exercises.

The participation exercise must be open and honest to encourage trust and show that the decision is fair. Giving the impression that the decision has already been made is very damaging to the process. The public will not participate if they think that the decision has already been made.

It can be difficult to build sufficient trust for the public to want to participate, especially in places where public participation is relatively new. The strategy might need to include a trust building phase with the public, NGOs and businesses or be part of a longer strategy for building a relationship between the authority and the public (see Chapter 7).

Similarly, there might be a need to undertake a training phase:

- The public might need to be informed about the process that will be followed and their role in making the decision.
- Decision-makers might need training about how they should deal with the public's comments, and which comments they can consider and which comments they should ignore. They might also require training so that they do not say or do anything which gives the impression that the decision has already been made.
- Other participants might need training in special skills to manage the public participation exercise, for instance to deal with angry people or to encourage comments from quiet people.

The strategy must be honest about the level of public participation. An exercise which promises action on decisions that cannot be changed will undermine the public's trust. They are much less likely to participate in future exercises if this happens.

In making the strategy, recognise that local circumstances can be different. A plan which worked well for one area might not work well somewhere else. If in doubt, find out what is required for the area concerned.

Although making a strategy is vital, it should not be followed at all costs. Review progress against the plan regularly and consider whether changes need to be made to achieve the objective.

To provide a clear focus for the process, someone should be appointed to act as the manager with overall responsibility. His or her role will be to make sure that:

- the process is properly prepared;
- the process is reviewed regularly to monitor progress;

- the process follows the timetable;
- the results are achieved; and
- feedback is given so that lessons can be learnt.

The next sections outline the questions that need to be considered in preparing a participation strategy.

3.1.1 WHAT IS THE PURPOSE OF THE EXERCISE?

It is vital to be clear what the process is trying to achieve before it starts. The purpose of the exercise affects how the process is managed, what participation techniques are used and how long it will take. A clear idea of the purpose also enables the manager of the procedure to focus on the specific decision in question rather than becoming engaged in irrelevant issues.

It might be useful to think of public participation as a ladder. At the bottom of the ladder, the public is just informed about decisions that affect them. Typical ways of doing this might be by letter or public announcement in a newspaper. There is no chance for the public to have any effect on the decision. In the middle of the ladder, the public is offered a chance to comment on decisions before they are made. This might be by arranging a consultation exercise where the public look at the documents and make written comments. At the top of the ladder, the public help develop the solution with the authority. This might be by one to one meetings or special exercises such as ‘brain storming’.

Although each strategy needs to be considered on a case by case basis, it is generally good practice to be as high up the ladder as possible. Higher level techniques give the public a stronger role. Article 6 projects are generally lower on the ladder than Article 7 exercises because the public’s opinions are being asked about a clear proposal. However, even in Article 6 cases, it is possible to give the public a strong role in the decision-making process. Techniques for participation are discussed in Chapter 8.

3.1.2 WHO SHOULD PARTICIPATE IN THE EXERCISE?

The decision-making process should be open to everyone so that anyone affected by the decision can participate.

This though may not be enough. The best decision-making processes actively seek out all the people and organisations likely to be affected by the decision so that they are fully aware of it and its likely effect on them. A wide range of interests should be identified and encouraged to take part in the process. Waiting for people to come forward is not best practice.

3.1.3 ARE THE PUBLIC REPRESENTED?

It is a mistake to think that ‘the public’ has a single opinion. There will be many different opinions about a proposal and it is important to hear all of them.

It follows that one group or organisation will not represent ‘public opinion’. Those most willing to participate in the decision-making process, including NGOs, may not be representative of the public’s views. To overcome this, identify other people and do not rely on NGOs as a substitute for talking to the public.

When talking to the public, talk to a representative mixture (males and females, young and old, different social backgrounds, different racial groups). Talk to people who do not volunteer and consider how to encourage groups that are reluctant to participate (e.g. older people) to become involved.

People will not necessarily agree with each other since their interests and concerns can be very diverse. However, it is only by hearing the different opinions, and all of the opinions, that problems can be avoided at later stages. This must include opinions against the proposal.

Businesses, other public bodies or academic institutions might also be affected by the decision. Consider whether these organisations have different requirements and whether a different participation technique would be better for them.

3.1.4 WHEN SHOULD THEY PARTICIPATE?

Participation should take place before the decision has been made. As many options as possible should be open so that the participation process can help inform the final decision. It follows that participation should be started at an early stage.

Some decisions follow earlier strategic phases where the range of options available has been reduced. The public can sometimes have difficulty in accepting these earlier strategic decisions and the participation plan should consider how this can be explained to the public. This will be easier if there has been public participation as part of these earlier strategic phases.

3.1.5 HOW DO YOU GET THE PUBLIC TO PARTICIPATE?

The public can sometimes be reluctant or unwilling to participate. This might be for reasons of apathy, a belief that it will not make any difference or a suspicion of the authority organising the participation exercise. There is no easy way to overcome this. Building trust is a long-term process but each public participation exercise is a small step to that goal.

However, there are some basic points about participation exercises that need to be remembered to encourage public participation. Exercises should be:

- **Relevant**

The decision should be explained in a way that the public will understand. Using examples that are relevant to people’s lives is the best way to do this. If the issue is air pollution, the fact that it will kill a rarely seen plant might not attract much public interest but the effects on people’s health are more likely to do so. It is also important to explain why the public should be involved.

- **Interesting**
The process, the meetings and the documents need to be interesting. Using different speakers and different presentation techniques at meetings makes them less boring. Colourful documents attract attention.

3.1.6 WHAT INFORMATION DO THEY NEED TO PARTICIPATE?

Good information is vital for effective public participation. There are two types of information that participants need: information about the process and information about the proposal.

Publicity

To participate effectively, people need to know that the exercise is happening and how they can get involved. This is usually done by an announcement in the local media or on a notice board. Although this is normally the legal minimum, some of the public do not read newspapers or pass the notice board and so might miss the information about the process.

Good practice is to be active and announce the procedure using a range of different methods. Think about the likely audience of each method of publicity.

Information

Information about the proposal tells the public what the decision is about and what the possible outcomes might be. To do this, it is vital that the information is of good quality. The information must be:

- **Complete**
Give the public enough information to form an educated opinion on all the issues, even technical issues. Documents such as Environmental Impact Statements must address all the issues but remember that too much information can prevent participation.
- **Easy to understand**
Technical language prevents the public from understanding the issues and forming an opinion. Information, even technical information, must be in a suitable format for the public.
- **Accessible**
Information must be easy to obtain. Methods of providing information such as the Internet can appear very open but it might make it difficult for people to obtain the information if computers are not common. Chose the right methods to provide the information for each case with the aim of making it as accessible to as many people as possible.

3.1.7 HOW LONG SHOULD BE ALLOCATED TO THE PUBLIC PARTICIPATION STAGE?

The aim of a public participation exercise is to give the public an opportunity to form an opinion on the proposal and make that opinion known to the authority before the decision is made. The time this takes will vary. Too short a period can prevent people from forming an opinion but too long a period can lead to boredom, unnecessary delay and can prevent businesses from developing.

Minimum periods will usually be set in law but longer may be needed for complex cases. Good practice is to be flexible and allow more time if it is clear that the public require it.

Creating a regular dialogue with the public and helping people to participate by training and education, will enable them to better understand the issues and form opinions more quickly.

3.1.8 WHAT DO THE PUBLIC NEED TO PARTICIPATE?

Where public participation is a new idea, it might be necessary to offer some basic information about the process so that the public can participate in an effective way. These issues are mentioned in section 3.1. The participation strategy should consider these issues and incorporate the relevant stages.

3.1.9 WHAT RESOURCES ARE AVAILABLE?

Resources are always limited and public participation places additional demands on an authority's resources in terms of money, time, staff and facilities. However, this is not an excuse to ignore public participation and in the long-term, far more resources can be saved than are required to undertake the exercise.

In planning the participation exercise, consider what resources will be required for the various approaches being considered. Where resources are limited, it is important to match the approaches used to the resources available. A mixture of techniques might help.

3.1.10 HOW WILL THE COMMENTS BE HANDLED?

The results of the participation exercise must be taken into account by the authority when they make their decision. When planning the exercise, consider how this will be done.

- How much time will be required to consider the comments?
- How will the opinions be considered?
- Will they be summarised? By whom?
- How will the opinions be presented to the decision-makers?

3.1.11 WHAT NEEDS TO BE DONE ONCE THE DECISION HAS BEEN MADE?

The public participation exercise does not end with the decision.

Feedback should be provided to show the public that their comments were considered in making the decision. Without this, the public is less likely to participate in future. Good practice is to show clearly how the comments were taken into account and explain why the rejected comments were not appropriate.

Sometimes elected representatives make decisions that reflect the needs of the wider community rather than the views of local people. Where the decision is not what the local public wanted, the aim of the feedback is to enable the participants to understand why the final decision was made, even though they do not agree with it.

It is good practice to **evaluate the participation process** after the decision has been made so the authority can improve the process for the next exercise. In this way, the authority will learn about public participation and improve its effectiveness. It can be done by:

- circulating case studies of success stories within the organisation;
- making changes to participation procedures/guidance; and
- making changes to the organisation's culture (mission statements, policies etc).

As part of the evaluation review, the public can be asked for their opinions on the participation exercise (not the decision itself).

The final thing that must be done once the decision has been made is to **deliver** what has been promised without unnecessary delay. Particular attention should be given to issues which concerned the public. A failure to do this will undermine any trust that has been built up through the process.

A summary of the key questions authorities need to consider when planning each stage of a public participation process is overleaf. This can be used to record initial ideas for building a participation strategy.

Building a participation strategy: Key Questions

What is the public being asked to do?

Who needs to participate in the decision?

How will we make sure all of the public is represented?

How will we persuade the public to participate?

What information will the public need?

What help will the public need? (e.g. a telephone help line or seminars)

What resources are available?

When will the public participate?

How long will the public need to make their comments?

How will the comments be handled?

What will need to be done once the decision has been made?

CHAPTER 4

The difficulties of public participation

The benefits of public participation have been discussed in Chapter 2. However, public participation can also create difficulties and it is important to be aware of them.

4.1 IT DOES NOT AUTOMATICALLY LEAD TO CONSENSUS

It is important to remember that public participation does not always lead to everyone agreeing about the decision. With a proper public participation exercise, the problem can be presented and a consensus attempted. Identifying all the people with an interest and consulting them is the best way of trying to get them to agree but it is not always possible.

Public participation does not mean that the authority cannot make a decision that is unpopular. The role of public participation is to allow the public to express their opinions and for the authority to consider them in making the decision. Sometimes, the authority must make a decision that is in the interests of the wider community but that is unpopular with the local community.

Public participation can also open up disputes that are outside the scope of the decision. Authorities need to be aware that participants will have different points of view and keep the exercise focused on the decision in question.

4.2 PEOPLE AND PUBLIC AUTHORITIES CAN BE CYNICAL ABOUT THE VALUE OF PARTICIPATION

Where public participation is new, even authorities can be unconvinced of the need for public participation. Initiatives such as the Aarhus Convention and this handbook demonstrate that public participation is a vital part of decision-making.

Officials in local authorities may feel threatened by public participation since their decisions will be open to public scrutiny for the first time. There can also be reservations about decisions informed by the public's opinions since the public's comments are 'unprofessional'. However, these are not reasons to avoid public participation. Public authorities undertake activities on behalf of the public and it is vital that the public's views are known and understood.

4.3 PEOPLE MAY ONLY PARTICIPATE IF THEY THINK THEIR INTERESTS ARE THREATENED

There is usually a lot of public involvement when people are concerned about or oppose the proposal. It can be much harder to interest people in plans and programmes where there may not be an immediate threat or problem. To overcome this lack of interest, a variety of techniques can be used to make the participation exercises interesting and relevant to the public (see Chapters 5, 6 and 7).

4.4 IT CAN RAISE UNREALISTIC EXPECTATIONS OF WHAT CAN BE ACHIEVED

Public participation can give people the impression that everything will be changed very quickly. When it is not, the public can become frustrated and lose trust in the authority and the process.

To avoid misleading people in this way, it is important to be honest and clear about the nature of the exercise, the possible outcomes and the timescales.

4.5 IT MAY SLOW DOWN THE DECISION

Public participation can slow down decision-making but the long-term benefits outweigh the longer decision-making stage. A balance needs to be reached between the need to make a decision quickly and the need to involve the public in making that decision. Public participation should not prevent a decision being taken within a reasonable period of time.

4.6 IT COSTS MONEY, AND WE DON'T HAVE ANY!

Public participation does use more resources in the short term but the long-term benefits are much greater. There are participation techniques that do not use a lot of resources. See sections 5.1.8, 5.1.11, 6.1.4, 6.1.8, 7.1, 7.1.3, 7.1.4 and Chapter 8.

CHAPTER 5

Public participation in decisions on specific activities

Article 6 of the Convention deals with public participation in making decisions on whether to allow specific activities. According to Article 6, public participation should be undertaken on:

*'...decisions on whether to permit proposed activities listed in annex I.'*²

*'...decisions on proposed activities not listed in annex I which may have a significant effect on the environment.'*³

It should also be undertaken:

*'...when a public authority reconsiders or updates the operating conditions for an activity referred to ...[above]... mutatis mutandis, and where appropriate.'*⁴

It need not be done:

*'...on a case-by-case basis if so provided under national law ...[for]... proposed activities serving national defence purposes, if ... such application would have an adverse effect on these purposes.'*⁵

Article 6 contains many detailed requirements for the public participation process. However, it is still possible to identify examples of good practice from the case studies that go beyond these minimum requirements.

5.1 Creating a participation strategy for an Article 6 activity

As discussed in section 3.1, the most obvious starting point when preparing a participation strategy is the existing legal framework. This is particularly the case for Article 6 exercises as many of the activities listed in Annex I of the Convention are already subject to legislative control. Failure to follow these legal requirements can lead to legal challenges which dramatically slow the process and cause the public to lose trust in the authority as appears to have happened in the Olomouc case study (CZ-04).

² Article 6(1(a))

³ Article 6(1(b))

⁴ Article 6(10)

⁵ Article 6(1(c))

The Garé case study (HO-02) is an example of the kinds of legislative controls that may be in place. In this case, the notification, the method of publicising the proposal and the length of the consultation period were specified in law.

Authorities might find it useful to work with the applicant to develop their participation strategy. For example, in the South-Bohemian woodlands case study (CZ-01), the applicant ran an extensive information campaign to complement the authority's public notices. However, authorities need to work closely with the applicant to ensure that the additional stages are appropriate and balanced.

Making a plan of the steps that the process will go through can help ensure that it will meet all of the legal requirements. Publicising such a plan will also help the public understand the process.

In the Tychy case study (PO-06), the authority went through the following stages:

- identifying who in the authority needed to participate;
- identifying the public concerned;
- presenting the concept of the proposed activity to the public;
- informing the public of the issues;
- presenting the detailed proposal to the public;
- collecting the public's opinions;
- revising the detailed proposal;
- collecting the public's opinions on the revisions;
- making the decision;
- informing the public of the decision; and
- continuing to keep the public informed.

A simpler example is the Garé case study (HO-02), where the steps were:

- notifying the public of the proposal;
- recording the public's comments;
- producing detailed EIS using initial public comments;
- holding a public hearing;
- making the decision; and
- informing the public of the decision.

It is important that authorities are prepared to amend the participation plan as they go along. Being flexible and responsive to the public is good practice. In the Gdansk example (Aleksandra Dijkiewicz), a formal participation plan was not developed at the start of the process. Instead, it was developed in stages, from one meeting to the next. In this case, this was felt to be beneficial since it allowed the process to adapt to the needs of the participants.

5.1.1 WHAT IS THE PURPOSE OF THE EXERCISE?

The main purpose of an Article 6 exercise will be to make sure that the public's opinions are taken into account when the decision on the proposed activity is made.

The key aims are:

- to inform the public of the proposal;
- to help them form considered opinions on the proposal;
- to collect their opinions; and
- to take account of their opinions when making the decision.

Two questions it may be helpful to ask are: what is the proposal? and what is the public being asked to do?

What is the proposal?

It is important to have a clear understanding of the proposal. Authorities need to encourage the public to consider all the relevant issues while keeping them focused on the decision being made. For example:

- In some cases, the public may only consider the local impact of the proposal when the regional or global issues are also relevant. In these cases, authorities may need to make extra efforts to help local people understand these wider issues. In the Hampshire example (Darren Mephram), the authority had to make extra efforts to inform the public of the global impact of the different alternatives.
- Where the proposal follows on from a previous strategic decision (see section 3.1.4) the authority will need to make clear what is being decided now and what has already been decided. Authorities should also explain the grounds for the previous decision and why it is not being reconsidered.

What are the public being asked to do?

As discussed in section 3.1.1 authorities need to be clear about what choices they are giving the public. For Article 6 exercises, this may be limited to asking for their views for or against the proposal. However, where possible the public should be given a more involved role. For example:

- They can be asked to consider **alternatives**. In the Kjustendil case study (BG-03), the authority consulted the public on four routes for a main road.
- They can be asked to suggest **changes**. In the Shell pipeline example (Shona Falconer), the company set out the preferred route for the pipeline but suggestions for alternative routes were considered. The route of the pipeline was altered in some cases in response to the suggestions.
- They can be asked to suggest **conditions** that would make the proposal acceptable. In the Tychy case study (PO-06), local people said they would be happy for the new landfill to be built only if several conditions could be met. The authority considered these and undertook measures to meet some of them, for example, reducing the number of rats on the old site.

5.1.2 WHO SHOULD PARTICIPATE IN THE EXERCISE?

Article 6 of the Convention requires that the 'the public concerned' participate in the decision.

*“The public concerned” means the public affected or likely to be affected by, or having an interest in, the environmental decision-making; for the purposes of this definition, non-governmental organizations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest.*⁶

*“The public” means one or more natural or legal persons, and, in accordance with national legislation or practice, their associations, organizations or groups.*⁷

The best way to make an exercise open to the public concerned is to make it open to everyone. As discussed in section 2.1, involving everyone affected by the proposed activity in the decision-making process should lead to a better decision.

A good example of this is the Gdansk case study (PO-03). In this case, only the residents whose properties were next to the proposed site had a legal right to take part in the decision-making process. Despite this, the authority accepted comments from residents whose properties were further away. As a result, the authority was able to find out what could be done to minimise the negative effects on these residents and included some of the suggestions in the decision.

However, simply making the process open to everyone may not be enough (see section 3.1.2). The best exercises actively seek out the people and organisations likely to be affected by the decision. For example, in the Cone Pill case study (UK-02) the authority used extra resources to visit key members of the public to find out their views on the proposal.

Authorities should also aim to involve groups who do not normally participate. In the Romania case study (Violeta Dragu), older citizens did not get involved. To overcome this, the authority used personal contacts in places used by older people to ask them for their opinions.

The Convention concentrates on the need to involve the public. However, for an exercise to be effective, all interested parties need to be involved, including the applicant. The Havlickuv Brod case study (CZ-03) is a good example of how wide the range of interested people can be. In this case it includes the:

- town authority;
- District Hygienic Station;
- traffic and regional development sections of the district authority;
- Agency for the Protection of Nature and Landscape;
- public information company;
- author of the EIA documents; and
- compiler of the independent expert opinion on the EIA documents.

⁶ Article 2(5)

⁷ Article 2(4)

Other examples include the Dobrich (BG-01) and Fife (UK-06) case studies.

Using representative groups

Where the public's opinions are needed at several stages of a long process, it may be better to use a representative group of the public concerned. If the public is asked to comment too often they may stop responding. Using a representative group reduces the number of times the general public needs to be asked to comment on a proposal. Representative groups can also develop a better understanding of the proposal, as they will have been involved in every stage.

In the Hampshire waste strategy example (Darren Mepham), a representative group was created to collect opinions on various stages of the process. The group members were selected by:

- a community appraisal (6 months) to find out what the group should reflect;
- identifying the key groups from the appraisal; and
- sampling specific people by questionnaire (2-3 months) to see if they would make good group members.

Using a representative group for some stage of the process does not mean that authorities can avoid consulting all of the public concerned at key stages in the process.

5.1.3 WHEN SHOULD THEY PARTICIPATE?

Article 6 requires authorities to inform the public concerned:

*'...early in an environmental decision-making procedure...'*⁸

*'...when all options are open and effective public participation can take place.'*⁹

It is good practice for authorities to involve the public as early as possible. For Article 6 exercises, this may not be until the applicant provides the information required for public notification (see section 5.1.5). In these cases, it is good practice to involve the public as soon the information has been received. In the Havlickuv Brod case study (CZ-03), the notification was published one day after the information was received from the applicant.

Article 6 also requires authorities to:

*'...where appropriate, encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit.'*¹⁰

⁸ Article 6(2)

⁹ Article 6(4)

¹⁰ Article 6(5)

Where the authority is the applicant, it will be good practice for them to involve the public at this early stage. In the Tychy case study (PO-06), the authority involved the public twelve months before a location or specification for the new landfill was proposed. Most of this time was spent explaining the idea of the new landfill to the public and discussing the issues with them.

Even where it is not the authority's proposal, the applicant can still be encouraged to involve the public early. In the Dobrich case study (BG-01), the company consulted the public on its plans to restructure its production from the outset. It did this by involving them in the development of its Environmental Management System.

Failure to involve the public early in the process can lead to distrust of the authority. In the Olomouc case study (CZ-04), citizens did not have the chance to comment on the first stage of the process (approval of the change to the urban plan). Consequently, by the time they were involved, the public had the feeling that the decision had already been made.

Early public involvement can save time and resources. In the Garé case study (HO-02), the authority notified the public as soon as the application for a permit was received. As a result, the applicant was able to reply to the public's initial comments within the detailed Environmental Impact Statement. This contrasts with the Gorna Oriahovitza case study (BG-02) where the public were consulted after Environmental Impact Statement was completed. Unfortunately, the report failed to answer all of the public's concerns and a second report had to be produced, delaying the decision.

5.1.4 HOW DO YOU GET THE PUBLIC TO PARTICIPATE?

From the case studies it is clear that the public's willingness to participate in Article 6 exercises varies greatly. Several authorities have found that the public only participate when they feel that the proposal will affect them negatively (e.g. in the Decin (CZ-02) and Gdansk case studies, (PO-03)). The public should be encouraged to participate in all exercises.

One obvious way to raise the profile of an Article 6 exercise is through the local media. Items on local TV and radio, and in local newspapers can help increase public interest. In the Gorna Oriahovitza case study (BG-02), the authority achieved this by officially inviting representatives of the media to take part in the public hearings.

The best way to get the public involved is to approach them directly. For example:

- In the Cone Pill case study (UK-02), the authority visited farmers in their homes and used an informal verbal questionnaire to find out their views. The farmers were grateful for the personal contact and the authority obtained an accurate assessment of their opinions.
- In the South-Bohemian woodlands case study (CZ-01), local NGOs used a one-to-one survey to map and analyse the public's comments. The survey helped inform the public of the proposal and allowed the NGOs to gather the comments of 1,050 citizens.
- In Turkey (Gulay Eskikaya), researchers have found that teahouses are a good venue for getting opinions but these tend to be men's opinions as teahouses are not traditionally used by women. Women's opinions need to be collected in another way.

Even where resources are limited, key members of the public can still be approached directly. One easy way to do this is through personal invitations. These can be sent to individuals, businesses or organisations. In the Dobrich case study (BG-01), the association representing the developers identified local environmental NGO's and invited them by telephone.

Authorities need to make it easy for the public to get involved. For example, several of the case studies show that the closer a meeting is to the public concerned the more people participate. In the Kjustendil case study (BG-03), the authority held a second public meeting in the village most likely to be affected by the proposal. Whilst only 3 public statements were made at the first meeting, 17 were made at the second meeting in the local village.

The process also needs to be interesting. The public can find formal meetings very boring. Presenting information in a variety of ways can help overcome this. In the Gdansk case study (PO-03), one of the meetings included a film showing how a development similar to the proposal worked.

Feedback at different stages encourages the public to participate. It demonstrates openness and keeps the public interested in the procedure. In Kjustendil (BG-03), minutes of the meetings were made and circulated to the people who attended. The media can play an important role here too.

5.1.5 WHAT INFORMATION DO THEY NEED TO PARTICIPATE?

The Convention sets minimum requirements for information. This relates to publicity and information on the project itself.

Publicity

Article 6 states that the public concerned must be:

*'...informed, either by public notice or individually as appropriate... in an adequate, timely and effective manner...'*¹¹

Local laws will often set minimum requirements for the advertising of Article 6 applications. For example, they may need to be placed on municipal notice boards or published in local newspapers. It is good practice to aim to notify the public in a way that will reach as many of those concerned as possible. The case studies contain some good examples of this:

- In the South-Bohemian woodlands case study (CZ-01), there was an extensive information campaign organised by the developer as well as public notices by the authority on municipal notice boards and in local newspapers.

¹¹ Article 6(2)

- In the Dunaujvaros case study (HO-08), the notification was:
 - placed on municipal notice board;
 - published twice in two local papers including a regional advertising paper that is sent to every home in the area free of charge;
 - put on the text service on the television (teletext) for 1 month;
 - announced at the authority’s meetings and mentioned in its bulletin; and
 - announced on television and reported in the press.

Article 6 specifies that the publicity or notification must contain information on:

- ‘(a) *The proposed activity and the application on which a decision will be taken;*
- (b) *The nature of possible decisions or the draft decision;*
- (c) *The public authority responsible for making the decision;*
- (d) *The envisaged procedure, including, as and when this information can be provided:*
 - (i) *The commencement of the procedure;*
 - (ii) *The opportunities for the public to participate;*
 - (iii) *The time and venue of any envisaged public hearing;*
 - (iv) *An indication of the public authority from which relevant information can be obtained and where the relevant information has been deposited for examination by the public;*
 - (v) *An indication of the relevant public authority or any other official body to which comments or questions can be submitted and of the time schedule for transmittal of comments or questions; and*
 - (vi) *An indication of what environmental information relevant to the proposed activity is available; and*
- (e) *The fact that the activity is subject to a national or transboundary environmental impact assessment procedure.*¹²

Information on the proposal

Article 6 requires authorities to give the public concerned:

‘... access for examination, upon request where so required under national law, free of charge and as soon as it becomes available, to all information relevant to the decision-making ... that is available at the time of the public participation procedure, without prejudice to the right of Parties to refuse to disclose certain information in accordance with article 4, paragraphs 3 and 4.’¹³

¹² Article 6(2)(a)-(e))

¹³ Article 6(6)

It also requires that:

‘The relevant information shall include at least, and without prejudice to the provisions of article 4:

- (a) A description of the site and the physical and technical characteristics of the proposed activity, including an estimate of the expected residues and emissions;*
- (b) A description of the significant effects of the proposed activity on the environment;*
- (c) A description of the measures envisaged to prevent and/or reduce the effects, including emissions;*
- (d) A non-technical summary of the above;*
- (e) An outline of the main alternatives studied by the applicant; and*
- (f) In accordance with national legislation, the main reports and advice issued to the public authority at the time when the public concerned shall be informed in accordance with paragraph 2 above.’¹⁴*

So, in most cases authorities are required to provide all the available information relevant to the decision, which will at least include (a) to (f) above.

It will be good practice to provide information on all the aspects of the proposal that might concern the public. In the Garé case study (HO-02), the information covered the social consequences since these were of particular concern to local people. In the Tychy case study (PO-06), the authority provided information about what would happen to the old site as the public were concerned about this.

The information that is provided needs to be easy to understand and Article 6 requires a non-technical summary of much of the information to be produced. All of the information should be presented clearly. Two good examples of ways to make information easier to understand are:

- The Garé case study (HO-02), where the information was broken down into small accessible sections on issues such as ‘The need for the incinerator’ and the ‘Environmental effects’.
- The Cone Pill case study (UK-02), where simple coloured plans were used to explain the various options.

Providing information in several different ways can also allow more people to understand it. For example, in the Havlickuv Brod case study (CZ-03) the Environmental Impact Assessment information was presented through graphs and maps as well as text. However, the public can find some forms of information confusing. In the Pärnu case study (EE-01), a detailed plan of the proposal was prepared in electronic format. Though this may have been helpful to the public in some areas, it was not used in this case as the local people were not used to using electronic communications.

¹⁴ Article 6 (6(a)-(f))

It is good practice to give the public the chance to ask questions. This should include questions about things not discussed in the official documents. For example, in the Kjustendil case study (BG-03) many of the questions the authority answered were about the opportunities for compensation.

Quite a few of the case studies used contact points to allow the public to ask questions. In the Havlickuv Brod case study (CZ-03), members of the public requesting information were met by an official who could answer any questions. Copies of all or part of the information could be taken free of charge. In the Kjustendil case study (BG-03), a telephone line was used to co-ordinate the work and provide more information to citizens and journalists on request.

When answering questions it is important to give clear and objective answers. A good example of this is the Tychy case study (PO-06) where the authority provided factual answers and the related research data. It is good practice to use people who are friendly and receptive to answer the public's questions (Cone Pill case study, UK-02).

Authorities also need to make sure information is accessible to all members of the public concerned. Questions that might need to be asked are:

- What languages does it need to be in?
- Where will people be able to see it?
- At what times will people have access to it?

The answers to these questions need to take account of the local situation. For example, in Lithuania, Environmental Impact Statements are put on the Internet in two languages but in practice, this is of limited value as few people have access to the Internet. It is not good practice to rely on the Internet alone.

5.1.6 HOW LONG SHOULD BE ALLOCATED TO THE PUBLIC PARTICIPATION STAGE?

According to Article 6, public participation procedures:

*'... shall include reasonable time-frames for the different phases, allowing sufficient time for informing the public...'*¹⁵

It does not say how long is 'reasonable'. This is not surprising as circumstances differ and the time required will vary from case to case. The case studies suggest that the minimum period that the public needs to comment on a proposal is about three to four weeks. More complex proposals might need longer. In many cases a minimum period will be set in local law.

In the Tychy case study (PO-06), the authority used a long participation exercise to reassure the public about the proposal to construct a landfill. The authority spent about a year presenting the concept of the new landfill and informing the public of the issues and then over 6 months consulting on a proposed location and specification. Despite early opposition, the authority got the public's consent to build the landfill and private owners sold the land needed.

¹⁵ Article 6(3)

Good practice is to be flexible about the time needed while respecting the needs of business for a prompt decision. In the Kjustendil case study (BG-03), on the suggestion of an NGO, the authority held a second public meeting in the village most likely to be affected by the proposal. This prolonged the exercise by 40 days but was worthwhile as many more comments were given at the second meeting than at the first.

5.1.7 WHAT TRAINING, SKILLS AND FACILITATION ARE NEEDED TO ENABLE THE PUBLIC TO PARTICIPATE?

For an Article 6 exercise to work well everyone involved needs to be able to take part effectively. This includes the public, the officials, the decision-makers and the applicant. Authorities might need to provide appropriate training and facilitation for the participants.

Helping the public participate in the longer term is discussed in Chapter 7. However, there are some good examples of the sorts of things that can be done as part of an Article 6 exercise in the case studies:

- In Tychy (PO-06), the authority undertook various educational activities to help local people understand the environmental problems. These included a campaign presenting environmental problems to the local community and schools.
- In Gorna Oriahovitza (BG-02), the authority provided EIA experts to present the detailed information on the proposal and answer questions from the public.
- In Monok (HO-04), the authority had a meeting with the applicant and the opponents which was managed by experts in participation techniques.
- In the Fife (UK-06) and Gdansk (PO-03) case studies the public were given the chance to visit existing sites to see how the proposed activities would work.

The officials running the exercise may benefit from training. In the Hampshire waste example (Darren Mepham), the second phase of the public participation exercise was run by experts in public participation techniques, not by experts in incinerators or waste. Public participation exercises can benefit from being managed by trained people.

The decision-makers may also need guidance about what they can take into account when making the decision (i.e. what is legal and what is not). In Hampshire, the decision-makers received training in the need to be objective during the public participation process.

5.1.8 WHAT RESOURCES ARE AVAILABLE?

As discussed in section 3.1.9, authorities need to match the participation techniques they use to the resources available. These may be money, staff time, facilities or expertise. Article 6 does not say who should provide these resources, but it will be the authority's responsibility to ensure that they are made available.

In many cases, the applicant pays for the participation exercise through an application fee. In addition to this, the applicant can pay for additional participation stages. In the Cone Pill example (UK-02), the authority has found that on average public participation accounts for 5% of the total project cost although it varies from 2% to 7%.

Where resources are more limited, the case studies give several good examples of low cost techniques. For example:

- In Dunaujvaros (HO-08), the authority sent the notification to every home in the area by publishing it in a regional advertising paper that is already sent to every household free of charge.
- In Havlickuv Brod (CZ-03), rather than providing people with printed copies of all the information available, the authority let people copy the sections of the information that they were interested in.
- In Üveghuta (HO-05), local NGOs ran publicity campaigns for and against the proposal. Between them, they informed a large proportion of the public concerned about the issue. In similar cases, authorities will need to treat both sides fairly.
- In the South Bohemian woodlands case study (CZ-01), the local business led (and paid for) a publicity campaign.
- Many of the case studies use meetings to inform the public about the proposal and to allow them to both ask questions and give their opinions (e.g. Tychy (PO-06), Havlickuv Brod (CZ-03) and Kjustendil (BG-03)). Meetings allow a few officials to inform a large number of people in a short amount of time (see Chapter 8).

5.1.9 HOW WILL THE COMMENTS BE HANDLED?

According to Article 6, procedures for public participation:

*'...shall allow the public to submit, in writing or, as appropriate, at a public hearing or inquiry with the applicant, any comments, information, analyses or opinions that it considers relevant to the proposed activity.'*¹⁶

*'...shall ensure that in the decision due account is taken of the outcome of the public participation.'*¹⁷

It is good practice to be open about how comments will be handled. The public needs to be able to see that the authority is acting fairly. If the authority is not open in this way, the public can lose trust in them. For example, in the Decin case study (CZ-02) the public appears to have been dissatisfied with the manner in which their comments were handled, rather than the outcome of the decision.

Authorities will need to record the public's comments so they can be taken into account by the decision-makers. In the Presov case study (SK-01), the comments made at public meetings were collected so they could be taken into account when the decision was made. They were also included in the report of the public proceedings.

¹⁶ Article 6(7)

¹⁷ Article 6(8)

Decision-makers are required to take due account of the public's comments. This may mean amending the proposal or imposing conditions. For example in the Tychy (PO-06), Gdansk (PO-03) and Havlickuy Brod (CZ-03) case studies, conditions were imposed in response to the public's comments. In the Kecskemet case study (HO-07), public concern was such that the authority negotiated with the company to change the location. Where public opposition is substantial, authorities may have to refuse permission.

In all cases it will be good practice for authorities to demonstrate how they have taken account of the public's comments. A good example of this is the Dunaujvaros case study (HO-08). Here, all comments were recorded and made available to the public and the text of the decision explicitly mentioned which comments had been accepted and why.

5.1.10 WHAT NEEDS TO BE DONE ONCE THE DECISION HAS BEEN MADE?

According to Article 6, authorities must ensure that:

*'...when the decision has been taken by the public authority, the public is promptly informed of the decision...'*¹⁸

They must also:

*'...make accessible to the public the text of the decision along with the reasons and considerations on which the decision is based.'*¹⁸

It is good practice to aim to inform all of the public concerned of the decision and authorities should be prepared to answer any questions that the public may have.

It is also good practice to maintain a dialogue with the public after consent has been given. For example:

- In the Fife case study (UK-06), one of the conditions of the consent was the establishment of a Community and Safety Liaison Committee. The operators of the development (Shell Expro) report to the committee, which is made up of representatives of the local community. The committee has allowed the operator to develop a better understanding of the local community's concerns about the plant and as a result the operator has implemented a number of measures to address these.
- In the Tychy case study (PO-06), the authority has continued to listen to the public's comments since the construction permit was issued. As a result, the public is in effect monitoring the development for the authority.

5.1.11 WAS THE PROCESS A SUCCESS?

It is important that authorities assess the success of each participation exercise. Only by assessing what went well and what went badly will improvements be possible in future exercises. Some key questions that authorities need to ask are:

¹⁸ Article 6(9)

- Did the all of the public concerned find out about the proposal?
- Did they all have the chance to comment?
- Do they feel their opinions have been taken into account?
- Do they understand the decision-maker's reasons for making the decision that they did?

Where the answer to any of these questions is 'no' authorities will need to consider what more could have been done or what could have been done differently.

Authorities may find it helpful to share experience of conducting Article 6 exercises. In the Shell UK example (Shona Falconer), the company prepares case studies of their public participation exercises and circulates them around the company so that other members of staff can learn from these experiences. All authorities can build experience in this way at a low cost.

CHAPTER 6

Public participation in the preparation of plans and programmes

Article 7 of the Convention requires authorities to:

'...make appropriate practical and/or other provisions for the public to participate during the preparation of plans and programmes relating to the environment...[and] To the extent appropriate...[to] endeavour to provide opportunities for public participation in the preparation of policies relating to the environment...'

Though this handbook only deals with the preparation of plans and programmes, many of the elements of good practice set out in this chapter can also be applied when preparing policies.

A wide variety of plans and programmes are covered by Article 7. The case studies include activities as diverse as:

- a biodiversity action plan to protect and enhance wildlife (UK-03);
- a municipal hazardous waste management strategy (BG-04);
- a water supply strategy for a city (EE-02);
- a national environmental health action plan (UA-01);
- local land-use plans (HO-03, PO-04); and
- a tourism management plan (UK-13).

This variety means that the nature and scale of the public participation processes will be very different. The case studies therefore contain a wide range of strategies for involving the public.

6.1 Creating a participation strategy for an Article 7 activity

Article 7 requires that public participation be undertaken within:

‘...a transparent and fair framework...’

Unlike Article 6, it does not specify the steps that should be taken. This allows authorities to use the steps that are appropriate to each activity and to be flexible.

As the Convention does not specify a structure for Article 7 exercises, the preparation phase is very important. Authorities need to be able to demonstrate that the process will be transparent and fair from the start. In order to do this they will need a clear strategy.

As discussed in section 3.1, existing local laws might set a minimum framework for participation exercises. For example in the Jurmala case study (LV-01), public participation had to follow the national planning regulation’s procedures. Authorities must make sure that their strategy meets these legal requirements and it will be good practice to go beyond them (see section 5.1).

Article 7 participation strategies need to be developed to suit the kind of plan or programme being prepared and the local conditions. What works well in one area might not work well in another and it is good practice to find out what is required.

Two good examples of this are:

- the Newcastle Biodiversity Action Plan (UK-03), where the authority used focus groups and a questionnaire to find out how much the public knew about biodiversity; and
- the Kladno case study (CZ-05), where the authority used socio-environmental research to find out the public’s knowledge of environmental issues in general and their willingness to participate in the decision-making process.

Authorities may need to consider how their strategy fits in with earlier stages. For example in the Newcastle Northern Development Area (UK-05), the public did not accept a previous decision. As a result, many members of public did not take part in the new exercise and the authority had to identify different ways of involving these people.

In some cases, it may be helpful to develop a strategy in partnership with another organisation. For example in the Dobrich case study (BG-01), the authority worked with an NGO representing the local furniture producers to involve the public in the production of an Environmental Management System for the region’s furniture production industry. Other examples of this include the Surrey (UK-12), Shurmashk (TJ-01) and Ukraine NEHAP (UA-01) case studies.

There are many good examples of Article 7 strategies in the case studies. For example, the Ostrowiec Swietokrzyski (PO-04), Bratislava (SK-02) and Newcastle Biodiversity Action Plan (UK-03) case studies clearly set out the steps the authority went through.

Key steps in preparing a plan or programme



In many cases the public can be involved in all of these stages, not just those dedicated to public participation.

As with Article 6 exercises, being flexible and responsive to the public is good practice. It is important that authorities take advantage of opportunities as they arise. For instance, in the Croydon case study (UK-14), two of the methods the authority used to encourage the public to participate (a publicity video produced by the public and the use of local people to manage parts of the process) came from discussions with people in the community. They were not part of the original strategy.

6.1.1 WHAT IS THE PURPOSE OF THE EXERCISE?

The main purpose of an Article 7 public participation exercise will be to make sure the public's opinions are taken into account in the final plan or programme. The key aims will be to:

- inform the public that the plan/programme is being prepared;
- help them form considered opinions on the relevant issues;
- collect their opinions and ideas; and
- prepare a plan/programme that takes account of their opinions.

As in the Newcastle City Centre Action Plan (UK-04), it will be good practice to prepare a draft plan based on the public's opinions rather than to present the authority's solutions for comment. The draft plan can then be subject to a further phase of public participation.

Article 7 public participation exercises can have additional purposes. In several of the case studies, the authority used the process to involve the public in achieving other objectives. For example:

- in the Shurmashk case study (TJ-01), one of the aims was to involve local people in nature protection and tourism;
- in the Surrey case study (UK-12), one of the aims was to enable organisations with different interests, values and resources to build mutual understanding; and
- in the Sequoia furniture company example (BG-01), one of the aims was to increase the sales of local companies by improving their image to consumers.

In all cases, authorities need be clear what the process is trying to achieve before it starts (see section 3.1.1). If the authority is not clear, the public will not be able to participate effectively. For example, in the Ostrowiec Swietokrzyski case study (PO-04), the authority were not clear about what they were asking the public to comment on. As a result, the public's comments were mostly about making changes for private reasons rather than to improve the overall plan.

6.1.2 WHO SHOULD PARTICIPATE IN THE EXERCISE?

The Article 7 requires that:

‘The public which may participate shall be identified by the relevant public authority...’

As discussed in section 3.1.2, it will be good practice for the decision-making process to be open to everyone so that anyone affected by the decision can participate. This should include those who oppose the authority's ideas. For example, in the Durham case study (UK-01), local people who actively opposed the proposal were invited to join the process. This means that everyone is genuinely involved and no one feels alienated.

It is good practice to involve all of the local organisations affected as well as individual members of the public. The Durham case study (UK-01) provides a good example of the range of groups that can be involved. In this case, it included:

- schools;
- local authorities and statutory bodies;
- community groups;
- residents' organisations;
- business and industry;
- women's organisations; and
- NGOs and voluntary agencies.

Other examples include the Veles case study (MK-01), where the authority involved the media and central government; and the Bratislava case study (SK-02), where experts from universities and research institutions were invited to participate.

Authorities should be aware that those most willing to participate in the decision-making process, including NGOs, may not be representative of the public's views. It is therefore important to involve ordinary people as well as specialist groups and to actively seek out all the people and organisations likely to be affected by the decision (see section 3.1.2). For example, in the Washington case study (UK-09) the authority made special efforts to involve groups such as young people, single parents, the illiterate and the disabled since these people might not normally participate.

The decision-makers and the authority's officials should also be involved in the public participation process. In the Kladno case study (CZ-05), the involvement of officials was very important as it allowed the public to see that they could be equal partners with the authority. Where these staff are not directly involved, they can feel detached from the process, as was the case for the Authority's technical staff in the Surrey case study (UK-12).

6.1.3 WHEN SHOULD THEY PARTICIPATE?

The Convention requires authorities to:

*'...provide for early public participation, when all options are open and effective public participation can take place.'*²⁰

It is good practice to involve the public as early as possible. In most cases, it is possible to involve the public from the beginning. For example, in the Kladno case study (CZ-05), the authority interviewed a representative sample of the public before developing their participation strategy.

Involving the public early can help the authority develop a better strategy and lead to greater public involvement. For example, in the Newcastle Biodiversity Action Plan (UK-03), involving the public from the beginning allowed the authority to:

- understand the public's perception of the issues;
- identify the public's priorities;
- raise awareness of the issues; and
- encourage community ownership of the plan.

Several of the case studies involve the public in designing the participation process. In the Chelm case study (PO-02), to ensure that the public participation was as broad and active as possible, a committee of 36 volunteers was formed to guide the process. In the Newcastle Biodiversity Action Plan (UK-03), the authority worked with representative groups of the public to design the consultation documents.

It is good practice to involve the public throughout the decision-making process. In the Kladno case study (CZ-05), the authority established continuous public participation and in the Chelm case study (PO-02), the authority involved the public at several different stages.

²⁰ Article 6(4)

6.1.4 HOW DO YOU GET THE PUBLIC TO PARTICIPATE?

It is good practice for authorities to actively encourage the public to participate. Many of the case studies use publicity campaigns to do this. For example, in the Croydon case study (UK-14) the authority used a range of methods:

- writing to hundreds of local organisations offering workshops;
- holding public meetings with videos;
- publishing information in local newspapers;
- sending information to local schools; and
- putting on public exhibitions in libraries and at local events.

The best way to get the public to participate is to approach them face to face (see section 5.1.4). For example:

- In the Kladno case study (CZ-05), the authority asked a local NGO to interview members of public in their homes. Around 85% of the citizens questioned responded. This contrasts with the Jurmala case study (LV-01) where questionnaires were sent to local people who were asked to complete and return them by post. There, only 0.1% of citizens responded.
- In the Mjölby case study (SW-01), the authority approached people at work and in popular locations to inform them of the issues and to discuss how they influenced their daily life. This allowed them to collect the detailed opinions of 3,500 people.

Involving interested people in managing and running parts of the process can encourage other local people to participate. For example, in the Lake Peipsi case study (EE-04), local co-ordinators were used to maintain close contact with the community. One way they did this was by running workshops for active citizens to help them develop ideas. In the Mjölby case study (SW-01), interested members of the public were invited to become representatives.

Using public committees or groups is another good way of involving people in the process. In the Győr case study (HO-01), the authority used the Environment Protection Club to involve the public. Citizens were invited to attend the club to discuss environment and health issues. The club was advertised through brochures, publications and local papers. The authority used the sessions to gather suggestions for inclusion in the plan. Using existing groups in this way is a low cost approach.

The case studies give many other good examples of how the public can be encouraged to participate, such as the Mjölby case study (SW-01) where the authority used competitions. Authorities need to be creative and flexible so they can take advantage of opportunities as they arise. The Croydon case study (UK-14), where two methods suggested by the public were used, is a good example of this.

6.1.5 WHAT INFORMATION DO THEY NEED TO PARTICIPATE?

Article 7 requires authorities to provide:

‘...the necessary information to the public.’

There are two kinds of information authorities will need to provide: information on the participation process; and information on the plan or programme being prepared.

Publicity

To participate effectively, people need to know that the process is happening. They also need to know how it will work and how they can get involved. Authorities need to think of ways to inform the public that will reach as many of the people who may be affected as possible. For example:

- In the Sequoia Furniture Company example (BG-01), the company placed advertisements in the local press and broadcast announcements over local radio. These explained what the process was so that people could see their role and the need for the public to participate.
- In the Kladno case study (CZ-05), the authority worked with local NGOs to encourage people to participate. The main aim of the campaign was to inform citizens about the chance to take part in the decision-making processes. A range of methods were used including:
 - meetings to discuss the different ways that the public could participate;
 - national and local newspapers;
 - the local radio station;
 - posters at bus stops, in doctors’ surgeries, in supermarkets etc.;
 - the authority’s information material and notice boards;
 - letters to people who were involved in the earlier public opinion research;
 - letters to key organisations and groups (e.g. businesses and schools); and
 - the authority’s internet web pages.

The public also need to be kept informed about the process: what has happened so far and what will happen next. In the Newcastle Northern Development Area (UK-05), the authority used a bulletin to ensure everyone in the affected area was kept up to date with progress on the plan. This was distributed every three months. Each bulletin referred readers to fuller information at the authority’s offices and at the local public library. In the Kladno case study (CZ-05), information about progress in developing the strategy was published in papers and on the Internet.

Information on the plan or programme

The information about the plan or programme should tell the public what it is about and what the possible outcomes might be. For the public to participate effectively, the information needs to be complete, easy to understand and accessible (see section 3.1.6).

Authorities need to provide information on all the aspects of the plan or programme that might concern the public. For example in the Paide case study (EE-02), the authority presented all the different options and their costs to the public, not just the ones that they favoured. By doing this, the authority was able to find out all the positive and negative aspects of each option.

The information should explain the possible environmental impacts of the different options. For example, in the Naissaar Island case study (EE-03), a Strategic Environmental Assessment was conducted and the report made available to the public. This covered possible impacts and mitigation measures.

Failure to provide all the information can result in public distrust of the process and the authority. In the Newcastle Northern Development Area case study (UK-05), the developers would not release the draft legal agreement associated with the new plan. This frustrated many members of the public who felt the developer must have something to hide.

Authorities need to ensure that the information they provide is factual and objective. For example, in the Bratislava case study (SK-02) the authority made sure public meetings had a good balance of presentations from all sides. All presentations had the same time limit and every participant had the chance to make a presentation.

It is important that the information is presented in a form that the public can understand. It is good practice to seek the public's views on how the information should be provided. For example in the Newcastle Biodiversity Action Plan (UK-03), the authority used focus groups to find out how much the public knew about biodiversity. It is also good practice to allow the public to ask questions (see section 5.1.5).

An important way of making the information easier to understand is to provide a non-technical summary. In the Hadrian's Wall case study (UK-13), a four-page summary was made widely available with an option to have the full document. Similarly, in the Sopot case study (PO-05), the authority produced a three-page report summarising the work so far. Again, all the relevant documents were also available.

It is good practice to make the information available to as many people as possible. The same sorts of questions need to be asked here as for Article 6 exercises:

- What languages does it need to be in?
- Where will people be able to see it?
- At what times will people have access to it?

A good example of what can be done to make information available is the Newcastle Northern Development Area case study (UK-05). Here the authority managed to present the information to many hundreds of residents by making it into a mobile exhibition and touring it around the affected area. Another good example is the Ukrainian NEHAP case study (UA-01), where in order to allow people from all over the county to participate, seminars were held in five different regions.

In some cases, the use of the internet can be a good way of making information available to people. However, in many areas people will not have access to the Internet or the skills to use it. To help overcome this, the Lake Peipsi case study (EE-04) provided Internet connections and training free of charge in local community centres.

6.1.6 HOW LONG SHOULD BE ALLOCATED TO THE PUBLIC PARTICIPATION STAGE?

The Convention requires that:

*'...public participation procedures shall include reasonable time-frames for the different phases, allowing sufficient time for informing the public... and for the public to prepare and participate effectively...'*²¹

It does not set a minimum period, as the length of time the public will need will differ from case to case. In some cases minimum periods will be set in local law.

Given that it is good practice to involve the public throughout the process of preparing the plan or programme (see section 6.1.3), the overall time period for the whole process can be quite long. For example, in the Newcastle City Centre Action Plan (UK-04) the whole process took 12 months and in the Mjölby case study (SW-01), it took 1½ years. In both of these examples, the authority involved the public continuously.

Many of the case studies involve the public in several participation stages (e.g. Ostrowiec Swietokrzyski (PO-04), and Bratislava (SK-02)). As discussed in section 5.1.6, the Article 6 case studies suggest that the minimum period the public will need to comment on each stage of a process will be about three to four weeks.

6.1.7 WHAT TRAINING, SKILLS AND FACILITATION ARE NEEDED TO ENABLE THE PUBLIC TO PARTICIPATE?

For a public participation process to work well, everyone involved needs to be able to take part effectively. It will therefore be good practice for authorities to provide appropriate training and facilitation for all participants.

Those running the participation process and those who make the decisions might need training. In the Surrey case study (UK-12), the authority used trained experts in public participation techniques to run the public meetings and the authority's officials were provided with training on the objective of the process.

In the Chelm case study (PO-02), one of the main aims was to inform the public of environmental problems and raise their awareness of these issues. Other examples of this include the Kladno (CZ-05), Lake Peipsi (EE-04), Shurmashk (TJ-01), Durham (UK-01) and Washington (UK-09) case studies. Helping the public to participate in the longer-term is discussed in more detail in Chapter 7.

6.1.8 WHAT RESOURCES ARE AVAILABLE?

It is the authority's responsibility to ensure there will be sufficient resources available for the public participation process. As resources are always limited, authorities need to match the participation techniques they use to the resources available (see section 3.1.9). For example in the Newcastle Biodiversity Action Plan (UK-03), the restriction of finances and other resources influenced the level of consultation.

²¹ Article 6(3)

Working in partnership with other organisations is a good way to increase the resources available. In several of the case studies, the authorities worked with NGOs. For example:

- In the Veles case study (MK-01), the authority was assisted by a local NGO, Vila Zora. The NGO assisted with both the preparation of the participation strategy and the running of the public awareness phase.
- In the Stara Zargora case study (BG-04), meetings were arranged with the support of local NGOs.
- In the Ukraine NEHAP case study (UA-01), the authority worked in partnership with a co-ordination council made up of 5 NGOs. These were chosen for their long-term experience in access to information, public advocacy and their positive attitude to the partnership.

However, in all cases the authority must retain accountability for the public participation process and the final plan or programme.

Members of the public can also be a useful resource. For example several of the case studies used committees or steering groups made up of interested members of the public to help guide the public participation procedure (e.g. Chelm (PO-02), Sopot (PO-05), Kladno (CZ-05)).

By being flexible authorities will be able to take best advantage of the resources available to them. For example in the Chelm case study, a survey of environmental awareness was conducted with help from the students at a secondary school.

6.1.9 HOW WILL THE COMMENTS BE HANDLED?

The convention requires authorities to ensure:

‘... due account is taken of the outcome of the public participation.’²²

It is good practice to be open about how this will be done. Authorities need to make clear to the public how they can submit comments and how those comments will be handled. There are several good examples of how comments can be handled in the case studies, for example:

- In the Ostrowiec Swietokrzyski case study (PO-04), all comments were handed over to the plan designer and written responses were sent back to the public.
- In the Naissaar island case study (EE-03), the public’s comments were recorded using a matrix analysis. This uses a table to illustrate the outcome of the public participation. Comments were plotted against specific environmental problems with an indication of whether they were positive or negative, and how significant they were.

Publishing a summary of the public’s comments can help people understand the different issues and can help to build consensus. In the Newcastle Biodiversity Action Plan case study (UK-03), a detailed report of the results of the public questionnaire was displayed in libraries and on the Internet. In the Bratislava case study (SK-02), the conclusions of the public discussion were sent to all participants and were available to those who expressed interest.

²² Article 6(8)

It is good practice for authorities to check they have understood the public's comments. Several of the case studies do this by producing a draft plan or programme based on the public's comments as in the Newcastle City Centre Action Plan (UK-04). In the Ostrowiec Swietokrzyski case study (PO-04), the authority held a public meeting at the end of the main public participation stage to make corrections and fill in any gaps in the plan.

Where there is a delay in making the decision it is good practice to explain this to the public. For example, in the Ukrainian NEHAP case study (UA-01), when the decision was delayed a letter was sent to all participants explaining the status of the plan.

Authorities are required to take account of the public's comments when finalising the plan or programme. Even in cases where the authority has to make a decision that goes against public opinion, the public's comments should still be taken into account. For example, in the Newcastle Northern Development Area case study (UK-05), many participants wanted to stop the scheme. Though the scheme was not stopped, the objections to the scheme were taken into account. For example, the new plan has addressed concerns about the possible increase in traffic levels caused by the development.

6.1.10 WHAT NEEDS TO BE DONE ONCE THE PLAN OR PROGRAMME HAS BEEN FINALISED?

It is good practice to inform the public about the final plan or programme as soon as possible after the decision has been made. Authorities should aim to inform as many of those affected as possible. In the Bratislava case study (SK-02), the authority published the full text in two newspapers.

It will also be good practice to explain how the plan or programme will be implemented. Involving the public in the implementation process can be helpful. For example in the Croydon case study (UK-14), the strategy is being implemented and monitored under the guidance of a public committee (the Croydon Local Agenda 21 Partnership).

Continuing to involve the public in the work of the authority is good practice. Maintaining established links with the public can also be helpful for future participation exercises and builds relationships. In the Chelm case study (PO-02), the authority has continued to involve the public by setting up an association open to everyone continuing the common work for the environment.

The public can also be involved in reviews of the plan or programme. In the Surrey case study (UK-12), there is a limited review of each plan every year and a full review, involving full public participation, every five years.

6.1.11 WAS THE PROCESS A SUCCESS?

Once the participation process is over it is good practice to review how successful the process was. For example, in the Newcastle City Centre case study (UK-04) the authority intends to set up user panels to obtain comments.

Some of the key questions authorities need to ask when judging the success of the process are:

- Did all of the public affected find out that the plan/programme was being prepared?
- Were they able to participate in its preparation?
- Do they feel their opinions have been taken into account?
- Do they understand the decision-makers' reasons for making the plan/programme that they did?

If the answer to any of these questions is 'no', then authorities will need to consider what could have been done differently or what more could have been done.

CHAPTER 7

Helping people to participate

Public participation processes should be accessible to everyone affected by the decision. Authorities need to ensure that anyone interested in a decision is able to understand how it will affect them so that they can form and give an opinion on the proposal. Achieving these requirements for Article 6 and 7 exercises is discussed in Chapters 5 and 6 respectively.

However, for a number of reasons, the public does not always take advantage of participation processes, even when the procedures are excellent. This chapter deals with how authorities can encourage the public to participate in the longer-term. This is often known as ‘capacity building’.

The Convention requires Parties to:

‘...promote environmental education and environmental awareness among the public, especially on how to...participate in decision-making...in environmental matters.’²³

It also says that authorities should:

‘...assist and provide guidance to the public... in facilitating participation in decision-making...in environmental matters.’²⁴

It is good practice for authorities to adopt a long-term strategy to assist and provide guidance to the public. This can encourage them to take part in making decisions and also help them to develop the skills and knowledge that will make it easier for them to do so.

Providing the public with this sort of assistance should lead to them having a greater interest in the decisions, a better understanding of their effects and better considered opinions. As discussed in section 2.1, this in turn should lead to better decisions, as more of the public will be able to give the decision-makers a better understanding of the impacts of different options. Section 2.2 sets out how working with the public to build trust and confidence in the authority can help improve democracy. It shows people that they are valued and that their views are important. In addition to these wider benefits, it can also have advantages for the authority as it can reduce the time and resources needed to help the public participate in specific exercises.

The case studies include a wide range of things that can be done to help the public participate. For example:

- In the Shurmashk case study (TJ-01), the authority used the setting up of small businesses to help people take part in the work of the authorities and the protection of their environment.

²³ Article 3(3)

²⁴ Article 3(2)

- In the Fife case study (UK-06), the authority worked with a large company (Shell Expro) to help people understand the relationship between industry and their environment and to help the company understand the needs of the public.
- In the Washington case study (UK-09), the authority helped local people set up networks through which they could develop their understanding of local problems and become involved in the work of the authority.
- In the Tbilisi case study (GO-01), media coverage of an environment week was used to help people understand environmental issues and to demonstrate that they could make a practical difference by getting involved.

7.1 Creating a strategy to help people participate

It is important that authorities prepare a clear strategy since there are many different ways to help the public. Though there is no single framework for authorities to follow the case studies provide some good examples.

Before developing a strategy, authorities need to know what the barriers to participation are in their area. They need to understand why the public is not participating in the decisions. Part of the reason may be that the participation exercises for individual decisions are not using best practice. Chapters 5 and 6 offer advice on these aspects. However, the reason may also be a lack of interest or knowledge about the issues and it is only by undertaking some research that authorities will know why. Good examples of this are:

- The Kladno case study (CZ-05), where the authority surveyed a representative sample of local people to find out about their attitudes to environmental issues and their views on public participation.
- The Yerevan case study (AM-01), where a survey was carried out to find out the needs of local NGOs. In this case, the results highlighted the need for training, financial resources, dialogue and partnership between different organisations.

Once authorities have an idea of the public's needs, they can consider how the resources available to them can be used to meet those needs. These might include money, staff time, meeting rooms, equipment or the expertise of the authority's staff.

Involving members of the public in the development and management of a strategy can also be useful. For example in the Washington case study (UK-09), the authority worked with a steering group made up of members of the local community. Not only can this lead to a better process but it also allows the people who are involved to develop skills and knowledge which they can then pass on to other members of the community. It can also reduce cost as the community can do some of the work for the authority.

It can also be helpful to involve local organisations and businesses in preparing a strategy. For example:

- In the Shurmashk case study (TJ-01), the authority worked with a local NGO 'Youth Eco Centre'. Amongst other things, the NGO was able to provide information on similar exercise elsewhere.
- In the Fife case study (UK-06), the authority worked with the management of a local installation to help the public develop a better understanding of its processes and the products.

7.1.1 WHO SHOULD BE INVOLVED?

Everyone can benefit from a strategy that helps them become more effective participants. This includes the public, authority officials, businesses and NGOs. For example:

- in the Tychy case study (PO-06), the aim was to stimulate local people's interest in environmental issues and local decision-making processes;
- in the Surrey case study (UK-11), officials from authorities were trained in participation skills so that they would be better able to help the public participate;
- in the Yerevan case study (AM-01), the aim was to help NGO's participate more effectively; and
- in the Washington case study (UK-09), seminars were used to help local businesses understand environmental issues.

Special efforts may be needed to involve those who are least likely to take part. For example in the Washington case study (UK-09), special emphasis was placed on helping key groups who did not normally participate such as the young, the illiterate and the disabled.

Helping people to participate can take four broad approaches. These are:

- helping people get involved;
- helping people understand the issues;
- helping people develop skills; and
- helping people build networks.

7.1.2 HELPING PEOPLE GET INVOLVED

It can often be difficult to involve people in public participation processes, even when the procedures are excellent. In order to get people involved authorities need to get them interested. They also need to help them understand how they can get involved and what the advantages might be for them.

Overcoming the reasons why people do not participate, even when the procedures are excellent, can often be the most important part of helping people participate.

In the Kladno case study (CZ-05), the initial survey revealed that some people did not see why they should take part in making decisions. The first meeting was therefore spent persuading citizens that participating in decision-making processes was an effective and useful way to influence the life of the city. Similarly, in the Lake Peipsi case study (EE-04), a lot of time and energy was put into explaining the democratic basis for people to take part.

The public is more likely to stay interested in an issue if they have an active role and if they can see positive results. In the Chelm case study (PO-02), people lost interest in the process because the first few meetings took the form of lectures. They were more interested in the later meetings where they played a more active role, drawing conclusions and making recommendations.

If authorities are to encourage people to keep participating, they need to maintain a good relationship with the public. In the Durham case study (UK-01), the authority has developed a good relationship with the public by admitting mistakes and problems, and openly discussing their solutions.

Involving people is an on-going process and continual efforts need to be made to encourage as many people as possible to participate (Kladno (CZ-05)). Over time, authorities can involve a large number of people in this way. In the CEED case study (UK-10), hundreds of people have participated ranging from volunteers working for several years to those involved in only one or two events.

It can sometimes be effective to join with other objectives. For example in the Shurmashk case study (TJ-01), the authority used the setting up of small businesses to involve local people in the protection of their environment. This made it very relevant to local people, as there was high unemployment in the area. Equally, in the Fife case study (UK-06), the process was made interesting by using a charity fund raising day to involve local people.

7.1.3 HELPING PEOPLE UNDERSTAND THE ISSUES

Helping people understand the issues is an important part of helping them participate. Only if they understand the issues will they be able to see how future decisions will affect them and then form opinions on what the decision should be.

In several of the case studies, the authorities main aim was to help people develop a wider understanding of environmental issues:

- In the Tychy case study (PO-06), various educational activities were undertaken including a campaign, which informed the local people about environmental problems.
- In the Nottingham case study (UK-08), a series of themed environmental campaigns were targeted at householders. These covered topics such as water, travel, energy, food and waste and encouraged householders to make small changes to their lifestyle.

Using the media can be a very effective way of informing the public of key issues. For example, in the Tbilisi case study (GO-01), television reports were used to raise the public's awareness of environmental issues and to demonstrate that people could make a practical difference. In the Nottingham case study (UK-08), the authority worked closely with local newspapers, television and radio stations which had reports and programmes explaining the issues and showing local good practice.

Leaflets and newsletters delivered to peoples homes or made available in public places (e.g. libraries or local shops) can also be a good way of providing the public with information on important issues. In the Shell UK case study (UK-07), a catalogue of over 150 information sheets is available for NGOs to use which provide a simple briefing on key issues.

However, any kind of publicity campaign needs to be part of a wider strategy. Newspaper, radio and TV will only give a small part of the information and authorities need to ensure that articles include information on easy ways to find out more. In the Tychy case study (PO-06), articles included a telephone number that residents could call to get answers to their questions. Other options include linking media coverage to the Internet or including information on meetings that people can attend.

It is also important to give people the opportunity to discuss issues so they can develop a fuller understanding of them. For example, in the Kladno case study (CZ-05), a working group is used to inform the public of the issues and to allow people to discuss them with experts and other citizens. The working group, which meets regularly, is open to everyone and information about its activities is published in the local press and on the Internet. Another good example is the Durham case study (UK-01), where the authority holds regular seminars and conferences on many different topics.

Sometimes, a reluctance to participate is based on a fear or misunderstanding. Activities which develop trust and show that there is nothing to hide, such as guided tours of local installations (UK-06), can help in these cases.

The best strategies use a mixture of methods to help people understand the issues. Several of the case studies use themed days or weeks to inform people of the issues. These use a wide range of methods to inform the public over a short period of time. This is a good way to give issues a high profile with limited resources. Examples of this include the Washington case study (UK-09) where the authority used an Environment Action Week and the Romanian example where the Environmental Protection Agency held a series of open days on different environmental issues (Violeta Dragu).

Radio Station Phone-Ins

One way to increase the public's knowledge of environmental issues is through local radio station discussions. These have the advantage of reaching a wide range of people in their own home and allowing them to participate in the discussion by phone. They are also popular with radio stations because they are cheap, popular and easily arranged. They can also give the station a good image.

Going to a radio station with a list of topics and speakers (including experts, politicians/officials and NGO's) and the offer of definite phone calls from one or two concerned citizens is almost certain to get a positive reaction. Speakers will need to be well prepared, with short statements, and alternative solutions to the problems presented.

7.1.4 HELPING PEOPLE DEVELOP SKILLS

Many skills can be useful to people when taking part in public participation processes. Providing people with the opportunity to develop those skills is therefore an important part of helping them participate.

The Lake Peipsi case study (EE-04) is a good example of the kinds of things that can be done to help the public develop skills that will make it easier for them to participate. In this case, the authority worked with an NGO to develop a training programme that was open to all members of the public. This included courses on:

- business development;
- project writing;
- learning foreign languages; and
- using e-mail and the Internet.

The programme was organised with help from local experts and the courses were free of charge to the public as they were supported by the United Nations Development Programme.

As discussed in section 7.1, involving the public in the development and management of the authority's strategy is an important way to help people develop skills. In the Chelm case study (PO-02), the authority did this through a programme committee. Those involved gain valuable experience of:

- working with people;
- presenting their ideas and opinions;
- identifying problems;
- setting priorities; and
- developing solutions.

In the Washington case study (UK-09), the authority worked with expert trainers to train local people in how to help other people take part. These people then ran meetings and working groups in the local villages. The NGO 'Eco-Accord' has found that this approach of training enthusiastic members of the public first works well, since they can then pass information and skills on to others (Olga Ponizova).

Organisations and businesses can also benefit from help in developing skills. For example, in the Yerevan case study (AM-01) the exercise was aimed at providing NGOs with training and support.

Helping the authority's officials develop skills can also help the public take part. For example in the Surrey case study (UK-11), an independent organisation trained officials from a number of authorities. The training gave the officials the skills needed to help members of the public discuss the issues, present their opinions and agree on solutions. As a result, rather than paying for experts on public participation, the authorities are now able to use their own staff at no extra cost.

7.1.5 HELPING PEOPLE BUILD NETWORKS

As mentioned above, providing members of the public with the opportunity to work with others is an important part of helping them participate. It helps them understand the issues and how they affect others and can also help people develop useful skills.

Authorities can encourage people to work together by helping them set up local groups and by building links between different members of the community. For example:

- In the Lake Peipsi case study (EE-04), the authority worked with an NGO to help local people set-up groups to help them develop ideas for improving their communities. The groups met monthly to discuss social, environmental and economic problems in the area. They consisted of 15-20 people and were run by local co-ordinators.
- In the Durham case study (UK-01), the authority set up eight groups covering different issues to help different members of the community work together. Each group included representatives of community groups, companies, and voluntary organisations. All of the meetings were publicised widely and were open to everyone interested in taking part.
- In the Shell UK case study (UK-07), the aim was to form links between local groups, which would allow them to share ideas and experiences. This included:
 - producing a magazine of examples, news about funding and articles written by network members which is circulated to all network members five times a year.
 - funding projects aimed at bringing organisations together to work on sustainability issues at the community level.
 - offering small grants to enable network members to learn from each other's experiences.

7.1.6 WHAT HAPPENS NEXT?

Authorities need to regularly assess whether their strategy is helping the public take part. One obvious measure of this is whether more people are participating in decision-making processes. However, there are many methods. For example, in the Nottingham case study (UK-08) the authority used the telephone to contact people to ask them whether they knew about the campaign and whether they had changed their lifestyle as a result. This monitoring after each campaign enabled the authority to find out how effective each one had been.

In all cases, even once the longer-term strategy has been completed, authorities need to keep listening to the public.

CHAPTER 8

Participation techniques used in case studies

The case studies discussed at the workshop and set out in the Appendices use a wide range of different ways to encourage the public to participate in the decision-making process. This handbook cannot discuss them in any depth and many other publications set out them out in detail¹.

The key message from section 3.1.1 is to think about how you will ask the public to participate and what the likely outcome of each approach will be. For instance, although public meetings are a relatively cheap way of informing a large number of people about a proposal, they can be dull or become confrontational if the proposal is controversial. It can also be very difficult to collect any feedback from such a meeting. A better way of collecting opinions might be an exhibition with one to one meetings with experts, particularly if the proposal is controversial.

The table below sets out some of the techniques used in the case studies to obtain opinions.

• Focus Groups (small representative groups of the public)	• Exhibitions in public places (markets, sports centre)
• Public meetings	• Media involvement to raise awareness
• An information office with trained staff to explain proposals to the public	• Education programmes on environmental issues to help the public form an opinion
• Visits to similar sites or installations	• Leaflets to distribute in public places
• Sending out summary documents in simple language	• Participating in local events such as carnivals and parties by having an exhibition
• Using community groups	• One to one meetings
• Send a questionnaire to interest groups	• Going to local places (e.g. tea houses)
• 'Brainstorming' sessions with the public (ideas are shouted out one by one and analysed more slowly afterwards)	• Prepare brochures with questions in the back that the public can send by post to the authority
• Write up case studies in newsletters to encourage best practice	• Use independent experts to offer advice to the public so that they can form an opinion
• Use people trained in public participation techniques	• Internet websites to provide information and allow comments to be made
• Special theme days (e.g. ozone day) to raise awareness	• Hold a slide show with questions and answers afterwards
• Open Parliamentary meetings to generate trust	• Use games to encourage public participation
• Hold introductory talks about the proposal	• Use workshops to get opinions
• Competitions with prizes to raise interest (e.g. think of a name for the strategy)	• Use local people to get the public's opinions to overcome a lack of trust in the authority

¹ One good example is the Community Planning Handbook (By Nick Wates, Earthscan, London, 2000). This provides advice on a wide range of techniques that can be used to help people participate and provides useful examples from around the world. It also includes a guide to other relevant publications and a list of useful international contacts. Further information is available on the Internet at www.earthscan.co.uk.

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APPENDIX 2

Summary of Public Participation Case Studies

Note: A '**' means that the case study was provided by the Regional Environmental Center for Eastern and Central Europe as part of the research commissioned by the United Kingdom for the Newcastle workshop. Contact details for the Center can be found in Appendix 2 under 'International Organisations'.

ARTICLE 6 CASE STUDIES

Country	Description of Procedure	Code
Bulgaria	Environmental management system for a furniture production company, Dobrich	BG-01*
	Pilot galvanic slime treatment installation, Gorna Oriahovitza	BG-02*
	Consideration of the 4 proposed routes for a road crossing of the Derwent pass, Kjustendil	BG-03*
Czech Republic	NGO led procedure on an alternative Environmental Impact Assessment procedure for a recreation park in the south Bohemian woodlands	CZ-01*
	Large shopping centre within Decin old town centre	CZ-02*
	A section of ring road around Havlickuv Brod	CZ-03*
	Large Tesco supermarket, Horni Lan, Olomouc	CZ-04*
Estonia	Expansion of the Port of Parnu	EE-01*
Hungary	Hazardous waste incinerator, Gare	HO-02*
	Land use plan and new industrial facility, Csepreg	HO-03*
	Car battery dismantling facility, Monok	HO-04*
	NGO led procedure concerning an underground nuclear waste storage facility, Uveghuta	HO-05*
	NGO led procedure concerning a hazardous waste incinerator, Kengyel	HO-06*
	Hazardous waste disposal site, Kecskemet	HO-07*
Poland	Permanent hazardous waste storage facility, Dunaujvaros	HO-08*
	Wholesale agricultural/ food storage centre, Gdansk	PO-03*
Slovakia	New landfill for municipal waste, Tychy	PO-06*
	Environmental impact assessment for highway between Presov and Hybe	SK-01*
Ukraine	Extension of motorway, Nitra	SK-03*
	NGO led procedure concerning illegal landfill construction, Kharkiv	UA-02*
United Kingdom	NGO led procedure to oppose a section of the Berlin – Kiev highway	UA-03*
	Flood defence scheme, Cone Pill and Environment Agency's standard model for public participation procedures for EIA	UK-02
	Natural liquid gas installation and port installation, Fife	UK-06

ARTICLE 7 CASE STUDIES

Country	Description	Code
Bulgaria	Environmental management system for a furniture production company 'Sequoia', Dobrich	BG-01*
	Hazardous waste management system for pesticides, Hrishteni	BG-04*
Czech Republic	Local Agenda 21 strategy for Kladno	CZ-05
Estonia	Long-term water supply to Paide	EE-02*
	Strategic Environmental Assessment of Naissaar Island development plan	EE-03*
	Initiative to create local sustainable development projects, Lake Peipsi	EE-04
Hungary	Preparation of a local and national environment and health action plan (NEHAP, LEHAP), Gyor	HO-01*
	Land use plan and new industrial facility, Csepreg	HO-03*
Lithuania	Local Agenda 21 strategy for Kaunas	LT-01*
Latvia	Strategic environmental assessment for Jurmala town development plan	LV-01*
FYR Macedonia	Local environmental action plan (LEAP), Veles	MK-01*
Poland	Environmental protection strategy and management plan for Bytom	PO-01*
	Environmental protection programme for City of Chelm	PO-02*
	Sustainable land use plan for City of Ostrowic Swietokrzyski	PO-04*
	Strategic plan for the City of Sopot	PO-05*
Slovakia	Strategic environmental assessment of national energy policy	SK-02*
Slovenia	Strategic environmental assessment of major transport routes in Slovenia	SL-01*
Sweden	Local Agenda 21 programme for Mjolby	SW-01
Tajikistan	Nature protection and sustainable tourism plan, Shurmashk, Fanski Mountains	TJ-01
Ukraine	National environment and health action plan (NEHAP)	UA-01*
	NGO led procedure to oppose a section of the Berlin – Kiev highway	UA-03*
United Kingdom	Local Agenda 21 for the City of Durham	UK-01
	Biodiversity Action Plan (BAP) for Newcastle City	UK-03
	Newcastle City Centre Action Plan to regenerate the town centre	UK-04
	Newcastle Northern Development Area, Expansion of Newcastle City	UK-05
	Washington New Town sustainable development action plan (Local Agenda 21)	UK-09
	Facilitated discussions ('stakeholder dialogue') in the preparation of Local Environment Agency Plans (LEAPs), Surrey	UK-12
	Hadrian's Wall World Heritage Site Management Plan	UK-13
	Local Agenda 21 in Croydon	UK-14

CASE STUDIES OF HELPING PEOPLE TO PARTICIPATE

Country	Description	Code
Armenia	Training programme for environmental NGOs	AM-01
Czech Republic	Local Agenda 21 strategy for Kladno	CZ-05
Estonia	Initiative to create local sustainable development projects, Lake Peipsi	EE-04
Georgia	Arranging television coverage of Georgian Environment Week, Tbilisi	GO-01
Poland	Environmental protection programme for City of Chelm	PO-02*
	New landfill for municipal waste, Tychy	PO-06*
Tajikistan	Nature protection and sustainable tourism plan, Shumashk, Fanski Mountains	TJ-01
United Kingdom	Local Agenda 21 for the City of Durham	UK-01
	Natural liquid gas installation and port installation, Fife	UK-06
	Shell Better Britain Campaign – supports 25,000 local UK environmental NGOs	UK-07
	Environmental Awareness Campaign using the media – ‘Turning the Tide’, Nottingham	UK-08
	Washington New Town sustainable development action plan (Local Agenda 21)	UK-09
	Setting up an NGO – creation of the NGO ‘Community Environmental Educational Development’ (CEED), Sunderland	UK-10
	Low cost training programme for people to manage public participation procedures – ‘Surrey Consensus Building Network’	UK-11

APPENDIX 3

Public Participation Case Studies