

Practical Experience of Public Participation: Evidence from Methodological Experiments

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ABSTRACT

This paper discusses the general principles underlying the real and active participation of the public in decisions which affect a community. I begin with a brief consideration of the philosophical and political rationale for including the public in these decisions. Then I will explain what is needed in a public participation process in order to ensure that it is fair, helpful and cost-effective for all people involved. Then I will describe two examples where we set up some experiments in public participation to test these principles. Finally I will consider the application of these outcomes in other circumstances. Thus the paper will discuss the processes of public participation and deliberation, the potential for decision-making processes in general and the problems associated with these approaches.

Philosophical and political context for public participation in decision processes

The main current thrust in Europe for the participation of the public in government decisions has been based on the Aarhus Convention 1998. The objective of the Aarhus Convention is "to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being" (Article 1). Parties to the convention agree "to guarantee the rights of access to information, public participation in decision-making processes and access to justice in environmental processes" (Article 1). For the purposes of this paper, the main elements of the Convention are contained within Articles 6, 7 and 8, which relate to public participation in decisions (Article 6), plans, programmes and policies (Article 7) and executive regulations and normative instruments (Article 8). However, other articles in the Convention are also important for these processes because, for example, they seek to guarantee access to the information that is vital in order that the participation guaranteed by Articles 6, 7 and 8 should be real and effective.

In the present context we are concerned with applications of the Convention to activities defined in Paragraph 8 of Annex I of the Convention:

- (a) Construction of lines for long-distance railway traffic and of airports with a basic runway length of 2,100 m or more;
- (b) Construction of motorways and express roads;
- (c) Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road, or realigned and/or widened section of road, would be 10 km or more in a continuous length.

The Aarhus Convention backs up the process of Environmental Impact Assessments (EIA) required by Directive 85/337/EEC (the "EIA Directive", EC (1985)) which requires an EIA for all projects described above and, in addition, for any project involving the construction of roads, harbours and airfields Annex II(10(d)) and, if a Member State so requires, "tramways elevated and underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport" Annex II(10(g)).

The EIA Directive is in the process of being amended in order to bring it more into line with the Aarhus Convention. At the time of writing, the amendment process is not completed, but it is interesting to note that the debate is moving towards specifying not only that the public is entitled to participate in decision-making processes, but to be clear about when the opportunity for such participation should be made available. For example, the Amended Proposal (CEC 2001) from the Commission suggests that the amended Directive should state that "the public are entitled to express comments and opinions when all options are open before decisions on plans and programmes are made" (*ibid* para 3.2). We can therefore assume that the general move in terms of European policy is towards further compliance with the position expressed in the Aarhus Convention: public participation is here to stay and decision-making bodies must learn how to ensure that their decision-making processes explicitly incorporate the public's views and comments.

In the case of the UK, local governments are required to involve the public in the development of local transport plans and central government requires evidence of public participation in the development of scheme proposals as part of any submission for funding. In addition, the organisational and decision-making structure of local authorities is being substantially changed by the Local Government Act 2000 and subsequent regulations. Local area committees, constituted under s 18 of the Act, will play an increasingly important role in deciding planning applications rather

than specialised sub-committees, and will include opportunities for local, oral, representation by third parties. According to a councillor reported in one local paper, "In many ways [local area committee meetings] will be more like public meetings than committee meetings. It will mean the public having clear and easy input into the decision-making process." . This is not always greeted with enthusiasm by the planning professionals: the same report quotes the concerns of a planning officer, "The great fear is that local opinion is going to have too much sway with councillors. It will be too easy to refuse applications, with the view of locals kicking up a fuss, always outweighing whatever the planning merits are." (Oxford Times, Oct. 12 2001, "The end of our Town Hall as we know it?"). These structural changes will operate against the Government's Green Paper on planning with new proposals to speed up major planning decisions (DTLR 2001), coupled with the initiation of a debate about more wide-ranging general reforms to the planning system - according to a major speech by the Secretary of State, Rt Hon Stephen Byers, on 26 July 2001, "I am seeking a new approach that frees up the planning system to do what it should be doing - shaping our communities for the better".

It is difficult to resolve the conundrum of how to speed up the process while seeking to include more direct involvement of the public. The Green paper advocates an approach in which planning applications include a statement of community involvement. This is envisaged as a two-handed approach. On the one hand the idea is to streamline the process for developers while on the other to provide support for individuals and community groups to have the capacity to add comprehensive and meaningful contributions to the proposals (DTLR 2001, para 5.57).

Another strand of policy pressure for public participation is given in the European Convention on Human Rights (ECHR), where Article 8(2) states that "there shall be no interference by a public authority with the exercise of [the right to respect for private and family life] except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others". This is backed up by Article 6 which gives the right to a fair trial. In the UK at least, for these purposes, "trial" is seen as any quasi-judicial process including, for example, the planning process.

In summary then, we have a situation where certain defined categories of transport development will be required by law (as opposed to "intended" under an agreed Convention) to involve public participation in the decision process and that this needs to ensure that the due process is completed properly in order for a decision to be compatible with the ECHR. At a more local level, public participation is being required by government in other, smaller-scale, processes in order to secure supportive funding. As suggested above, the UK Government is moving towards more local

participation by the public (as opposed to local politicians) in decisions which concern their interests, coupled with slimmer planning processes for developers. It is the difficulty of balancing these objectives that seems to cause the consternation noted above amongst professional planners and some politicians, who see their role of protecting the public interest being eroded by the expression by local people of their ownership of the local interest.

In all this discussion, as in documents such as the Aarhus Convention, there is no outright definition of what is actually meant by “public participation”. What is it, exactly, that we should all actually be doing? Clearly, it is important to address this issue before proceeding any further.

The implication following from the requirements as described above is that the public should be given the opportunity to participate in a decision process by means of being able to “express comments and opinions” (CEC 2001) on the plans and programmes “when all options are open” and “before decisions ... are made” (*ibid*). Other provisions seek to ensure that the public has access to the information necessary to be able to form opinions and make comments. However, it is valid to ask if this is really what “public participation” actually means. I argue that this is actually better described as “public consultation” and that public participation has a deeper meaning, with due impacts on the way in which it is conducted and the effects it has.

Public consultation is a process in which the public is asked for their opinions and comments on a proposal – e.g. a proposed transport development – during the course of the process by which a decision is made about whether or not the proposed development should be allowed to proceed. Typically, the proposal is displayed to the public, possibly with alternatives for consideration, and their views are invited. Having considered the comments and opinions expressed by the public, the planning authority then takes its decision about the proposal on the basis of all the evidence available to it at the time from all parties. The planning body has the authority to make this decision and carries both the consequent ownership of, and the responsibility for, the decision. As a result, the planning body implements the decision and then (hopefully) monitors and evaluates its performance against targets. This process is illustrated in Figure 1, where the opportunity for public input is highlighted. The various stages in the process are shown against a time line. As can be seen in Figure 1, the process is mainly sequential and public input is finished before the decision is taken by the planning body. Of course, there is often a possibility for the public to object to the decision. If this occurs, it happens between the decision and implementation. As a result it tends to consume a large amount of resources, either in terms of time and effort spent in responding to the objections or dealing with less formal direct action by the public (as has been seen in the UK in the case of some recent new road developments).

The public's involvement has been to supply some of the evidence to be considered in reaching the decision, but they have no authority to decide, neither can they take ownership of, or responsibility for, the decision. The result of this approach is that in many cases, the public feel bemused by the process. Once a decision has been announced, it is not unusual to find that the public feel that, for example, their views had not been considered properly, that they had not had sufficient resources to produce evidence to support their case, or that the process was biased against them. Their "participation" in the process was merely to ensure that the decision could be taken within the law and abiding by the relevant Conventions. In fact, the public had been "consulted" but their participation did not amount to sharing a part of actually making the decision and thus sharing the associated ownership and responsibility. The result is that the public feels alienated from the planning process.

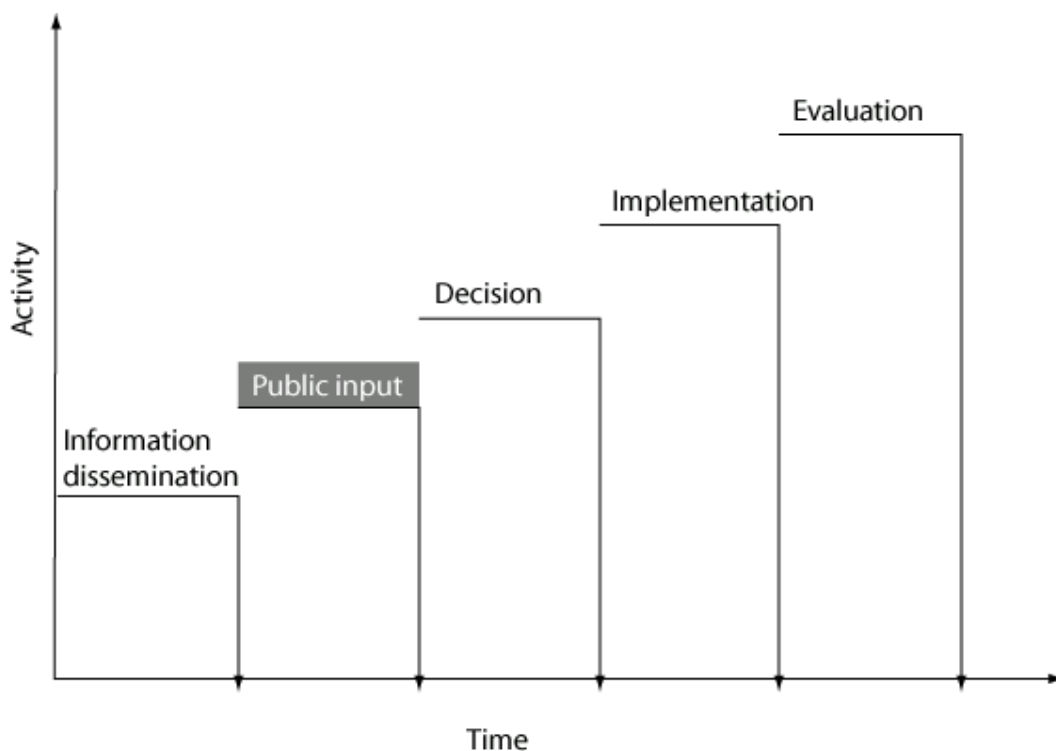


Figure 1 Public consultation activities

For the public to participate in a process, they should be able to have a direct involvement in the making of the decision. This means that they take a share in the ownership of the decision and also the associated responsibility. Public participation is therefore a process whereby the public is approached at a point where the options are open and before any decision is made. Consultation involves presenting a proposal – the thinking has, by and large, been done on producing the proposal and the public is simply being asked to decide between options which differ in more or less detail. Participation is quite different. As we shall see in the examples below, the public are presented, not with an option, but with a

range of potential outcomes that accord with the implementation of a policy. For example, the design of a bus stop is placed in the context of the local authority's policy about accessible transport and the public invited to comment on the various possibilities for that implementation. It is highly important that no decisions have been taken at this point in the process – but it is equally important that the public understands the detailed constraints involved in coming to a decision. Once their views have been made known, the designers can then produce detailed drawings of the options suggested by the public, who can then vote on which they prefer in each case.

Figure 2 shows the public participation process in the same way as we saw the consultation process in Figure 1. The activities are shown against a time line and the public involvement is highlighted. In this case, the public's involvement takes place in different stages of the project. As with the consultation process, the public is provided with information and their comments and opinions are sought. However, in this case, the result of that activity is not the decision, but the design of options based on the public's perception of the problem and issues. These designs are then brought back to the public, at which time a suitable procedure is invoked to enable the public to choose which option(s) they wish to see implemented. The result of the public's choice goes forward to the decision, acting as their direct contribution to the decision.

We can thus imagine a process in which a decision is constructed: an idea is conceived, based on a principle (whether, for example, seeking a profit, improving a community's resources, or attempting to build a fairer and more just society). Placing the relevant information in front of the public allows the community to make a decision about how that principle should be implemented in a way that is fairest for the community as a whole. This leads to the consideration (and detailed design work in many cases) of various options for carrying out the decision. Once the favoured option is chosen, the decision is made and implementation can commence.

Ownership of the decision is thus shared between the proposer, the planning body and the public. With this ownership comes responsibility: the public must also be involved in the monitoring and evaluation of the performance of the project (and thus into the determination of any improvements or changes that might be needed in the future. This process is suggested in Figure 2.

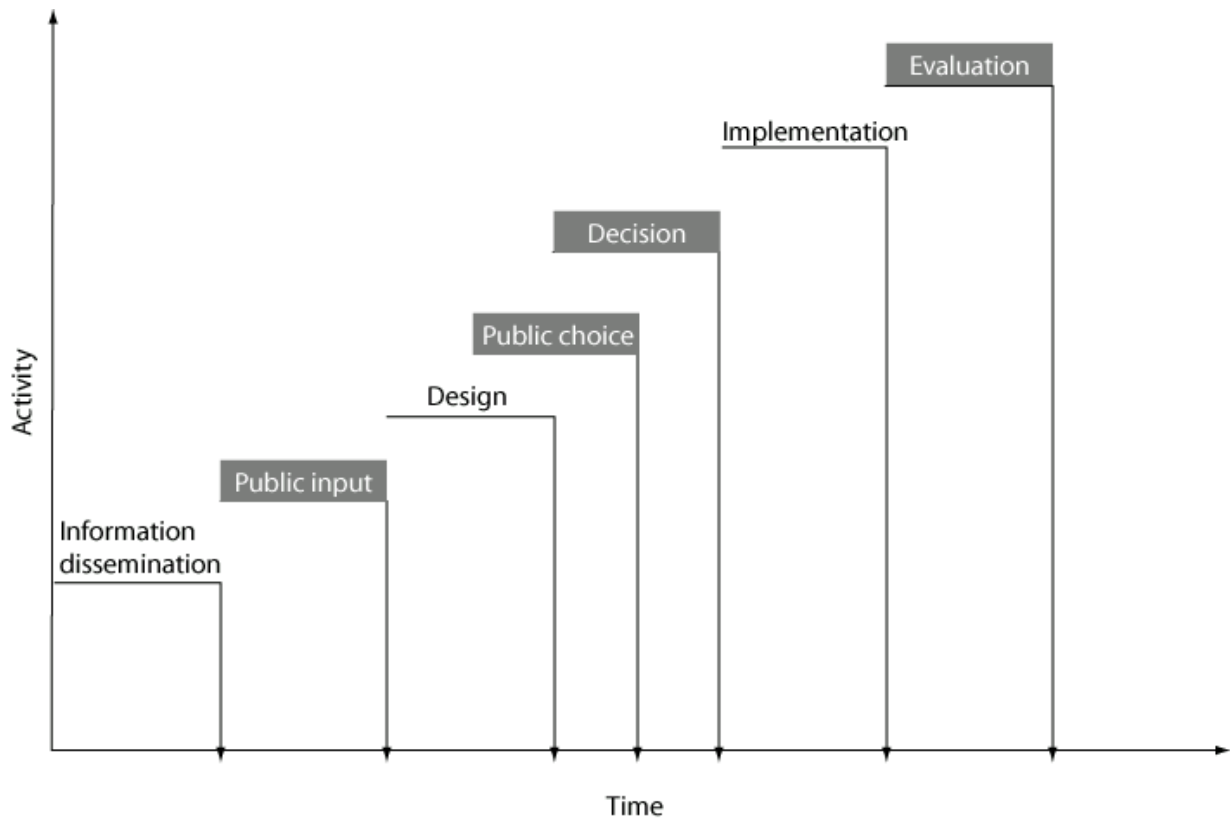


Figure 2 Public participation activities

One of the effects of the public participation process is that objections to the project tend to be raised during the various public input stages rather than during the period between the decision and implementation stages. This means that the cost of dealing with unplanned interruptions to the implementation process is reduced and the project can proceed more smoothly and without delays.

The public participation process changes the role of the local authority from being merely the guardian of the public's interest in the subject to being the technical expert who informs the public about the possibilities and then produces the technical work that will enable the public to come to a sensible decision about the particular set of compromises they wish to live with. The authority for making the decision often has to rest with the local authority for legal reasons, but the ownership of the decision can be shared with the local public as is the responsibility for choosing one option over another.

The public takes on a different role as well. Instead of allowing the decision to be made for them, albeit possibly following consultation to obtain their views, they are now required to be more actively involved. This means they have to learn what the important issues are that will affect the decision and they will have to be prepared to make the time and effort to make the decisions. They will also have to take their share of the responsibility for the resulting decision. Involvement in the societal

process has therefore increased to a much more participatory level, bringing with it the chances of decisions which are sensitive to local needs and desires, but also the due call on time and effort involved.

It is important that the process does not allow other, higher, principles to be avoided. For example, if the public's preference were to make a decision based on unlawful discrimination, e.g. on the grounds of race, sex or disability, it would be a clear role of the local authority to state that they do not have the authority to act in an unlawful way. However, how should the local authority react if the proposed action were distasteful rather than illegal? The answer to this has to lie in the definition and statement of the policy framework within which the decision is to be taken. This places a clear responsibility on the local authority to make plain how the decision fits into the previously expressed policy environment and thus where the boundaries for the decision lie.

In summary then, the public participation process includes not only seeking and considering the public's views and comments (i.e. public consultation), but also involving the public in making the actual decisions. Thus the public shares both the associated ownership and responsibility for the decisions with the local authority. This means that the authority held by the local government is much stronger because it is founded on the active support provided by the public's involvement in the whole decision-making process. This view is supported, for example, by the UK Government in its consultation paper "Modernising Local Government – Local Democracy and Community Leadership" (DTLR 1998), where the potential benefits of enhanced public participation were seen as:

- (a) a closer match between the needs and aspirations of communities and local services
- (b) better quality local services
- (c) greater democratic legitimacy for local government
- (d) a new brand of involved and responsible local citizenship.

The movement in the UK is towards greater involvement by the public in local decision making, including providing opinions and comments but also taking part in the determination of future policy as well as responding to specific options or proposals, scrutinising the activities of local councillors and officers and inclusion in council committees and decisions devolved to a more local level.

How can the public participation process be made to work?

The public participation process

Lowndes *et al.* (1998) distinguished 19 different methods of public participation in operation in local authorities in the UK. Figure 3 shows how many of the local authorities in the UK used each method in 1997 and how many proposed to use each method in 1998. Interesting features of these data include the intention to move away from public meetings and consultation documents towards more innovative methods such as interactive web sites and citizens' juries. However, these data should be seen in the context of the public's reaction in the same research to the distinction between different participation methods. Only eight types of participation method were identified by the public and most people's knowledge of participation methods was restricted to just one: public meetings (although voting was also mentioned). This suggests a disparity between what the local authorities think they are doing about public participation and what the public think is being done. An indication of this can be found in the public's responses to questions about the eight methods they identified, as seen in Table 1.

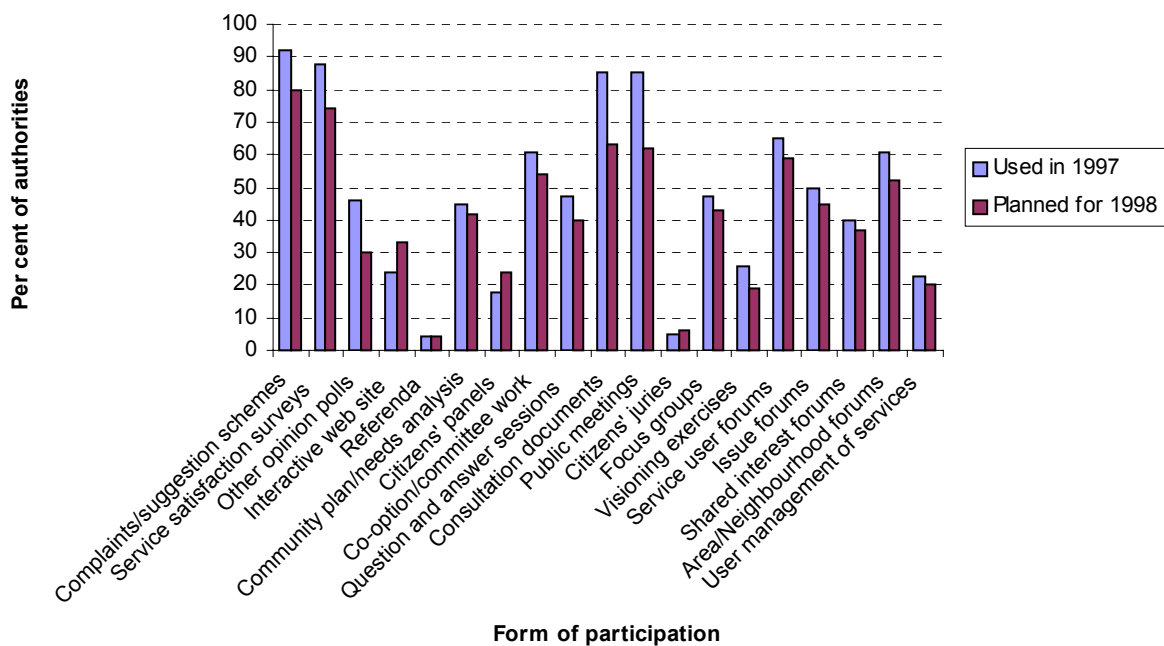


Figure 3 Current and planned use of forms of public participation. *Source Lowndes et al. (1998)*

One of the problems in the consideration of public participation methods is the difference in the perception of the process by each party. The local authority organises a local meeting which nobody attends, but the public still feels left out of the decision process. In some cases, people attend the public meeting, but still feel left out of the process, for example because it becomes clear that the relevant decision had already been made before the meeting had started.

| Public Participation Method | Comments |
|---|---|
| Public Meetings | People would attend on "issues that mattered" or protests against particular proposals. There was a feeling that the council's mind had already been made up. |
| Questionnaires | People were sceptical: there needs to have been evidence of previous outcomes before people are confident about the value of a questionnaire. |
| On-going forums (e.g. Youth Councils) | These were felt to be valuable. |
| One-off deliberate exercise (e.g. Citizens' Jury) | Good for complex issues, such as local authority finance where understanding was required. |
| Small group discussions (including focus groups) | People felt that they were more likely to be heard than in a big public meeting. |
| Citizen education (concerted programme to show people how local decision-making systems work) | Good for increasing understanding |
| Direct Action | Some young people in an inner city area felt that the only way to be noticed was to make a noise, know their rights and protest outside the council offices. |

Table 1 Public perception of public participation methods and comments (source Lowndes *et al.* 1998)

One of the outcomes from the work undertaken by Lowndes *et al.* is that when the public had been involved in a meaningful participation process, they felt included and the associated decision process benefited as a result.

Involving the public directly in the decision process brings a cost, both in time and money, which would otherwise not be incurred. It essential that

the process delivers a worthwhile benefit to all sides of the issue. For those members of the public who are involved in the process, the cost is mostly – but not only – time. This has the effect that some people are excluded simply because they do not have enough time available. Maybe they are working or have to care for young children. Elderly people often find it difficult to attend evening meetings and working people find it difficult to attend meetings held during the day. Obtaining information is also time-consuming and possibly expensive. It is therefore hardly surprising that Lowndes *et al.* found that the people who felt most strongly for public participation were people who had been involved in a meaningful exercise. These people had been able to obtain the benefit resulting from their investment. For those people who can only see an excessive time commitment with no benefit, it is not a particularly attractive activity. The key to successful public participation is therefore meaningful outcomes.

As far as the local authority is concerned, the cost is financial. Officers' time is taken up with preparing documents for meetings, dealing with enquiries from the public and attending the public meetings. Each of these activities therefore costs money and there is a natural reluctance to set up such a process when it is not strictly necessary. However, little account is taken of the cost of dealing with objections later in the planning process, for example, when other activities have to be stopped in order to address an enquiry from a local councillor on behalf of an aggrieved member of the public. Such an intervention could delay the process considerably, especially if it occurs when construction is about to start (or has already started). Nevertheless, as with the public, local authority officers who have been involved in a meaningful process are enthusiastic about the effects. They find decisions receive support, the public understands the issues involved and the need to make compromises. In some cases the result is a decision which is quite different from the expected outcome and in others the outcome is the same. The difference is that the outcome is supported and understood by the public.

Taking the principles raised in the previous section with the need to keep time and financial requirements to an appropriate level, it is interesting to formulate a general framework for the conduct of a public participation process.

The public participation process includes three elements. The subject matter, the involvement process and the administration of the process.

The subject matter includes the information being provided about it, its presentation and timing. In principle any public decision should be open to involvement by the public. The Aarhus Convention suggests that certain issues (e.g. relating to national security) should be excluded from the process. However, the burden of justification for exclusion should be such that matters are generally open to the process unless a *prima facie* case can be made for their exclusion. All available information should be made

available to the public (as is indeed required by the Convention) and clear information should be made available to indicate where this information is and how it may be obtained. The method of presenting the information is very important. Even where the issues are technical in nature, the information can be presented in a way that enables the public to understand them. If they are couched in technical jargon, the public will be suspicious about the honesty with which the process is being pursued. This is not to say that presentation should not be scientific where necessary. The key is to ensure that it is understandable by members of the general public. Possible methods of presentation include printed material, films, web-based material, presentations and visits to important sites or centres of expertise. The important issue is to inform the public as well as possible about all the issues involved. For example, there is little point in expressing noise as a figure in decibels: it really should be presented as a noise so that people can hear what is meant, what sort of noise it is and what it might be like to have to live with it. This is especially important for schemes involving heavy goods traffic, trains or aircraft. For example, when dealing with the problem of wheel squeal and rumble from an elevated train line, the public could be presented with options of different sound absorbing methods. A film/sound recording of the train could be used to show what each noise suppression option would do to the basic noise. Thus people could have a feel for the implications of the various options available to the authority. The quality of the information and its presentation is extremely important as it will influence the quality of the process. Poor and badly presented information can effectively destroy the decision process and thus the credibility of any outcome that is achieved.

Another essential point for the subject matter is the timing of the process. The information should be made available to the public as soon as possible. There are many reasons for this, but one is that early intervention will help to eliminate schemes that are unacceptable before large investment is made in their promotion. Also, the earlier that the public is brought into the process, the better they will understand the problems and constraints as well as the opportunities associated with the project. This will also enable them to bring their concerns to the decision making process at an early stage, thus avoiding more contentious problems later on in the process.

The involvement process includes:

- (a) input by members of the public
- (b) the encouragement and facilitation of people to make informed judgements
- (c) the understanding and acceptance of appropriate compromise
- (d) the shared ownership in the resulting decision

- (e) the appropriate distribution of power and responsibility to include both the controlling authority and the local people
- (f) the use of votes to obtain equal and appropriate representation of all parties so as to ensure a fair outcome, and
- (g) evaluation of the effectiveness of the detailed project and the involvement process itself.

All potential users should be involved in decisions which are likely to affect them and the process should also ensure that the whole range of users is given the opportunity to provide inputs to the decisions if they wish. This means that a concerted effort has to be made to contact people from all potential groups as the project proposals are being developed, but at least as soon as the project itself starts. Talking to representative groups is necessary, but not sufficient. The process should ensure that everyone, no matter whether they are confident or diffident can have their say and be taken seriously in the expression of their concerns in the matter. This could mean setting up ancillary groups to enable some people to discuss the issue and come to a collective view before discussion the issues in public. This would be appropriate where specific interest groups are involved, but where they might have conflicting interests. Disabled people have many different and sometimes conflicting interests and it is important that they can come to a collective view about the issue at hand so that they can present a unified approach to the wider discussion. Otherwise it is too easy for other more single-minded groups to argue against them.

People should be encouraged to make judgements and to have them taken seriously – even if the majority disagree. With more involvement, personal judgements will become more informed and, in combination with better understanding of the issues, more directed to the problem at hand.

Understanding and acceptance of appropriate compromise means that principles and policies, technical matters and design issues must all be explained in plain accessible languages so that everyone can understand enough to make a sensible decision about the proposal. Again, continual reference to the public will make this much easier but it is time that we all (including university researchers!) make our knowledge plain to the public we are attempting to serve. Hiding behind jargon is not an option any more.

A key element of public involvement has to be the ownership of the resulting decision. Decisions should not be made by one group and imposed on another: they should be made by all parties and understood by everyone (whether or not they are agreed by everyone). With the shared ownership of the decision comes a shared responsibility, both over

the decision itself and of its implementation. In the scenario of public involvement, decisions are not isolated events that can be forgotten, but are ongoing processes that need to be monitored and evaluated so that improvements can be made and mistakes rectified in good time. The sharing of ownership of and responsibility for decisions puts power in the hands of the community in which they are applied.

A fair system for establishing the public's attitudes and choice is needed. However this is achieved, it must be seen to be just and fair so that it can be a credible support for the outcome. In short, the involvement process needs to feel real as well as inclusive.

All decision processes should have an independent evaluation element to check that the decision outcome is working and that the effects are as desired. The most common way of achieving this is to have follow-up meetings. If the project is ongoing (e.g. the operation of a bus service), there will be a need for these meetings to be held routinely as long as the service is in operation. If the project is more of a single event (e.g. the construction of a bridge), it may be necessary only to have a single meeting after the event. In either case the objective of this meeting is to evaluate what actually happened and whether the project as a whole (i.e. including the decision process) has been successful and how it could be improved in the future. Evaluation processes are no different from decision processes insofar as public participation is concerned, except that the outcomes of such evaluation should be more explicit and more widely available to the public than is currently often the case.

The involvement process should continue beyond the end of the project so that benefits are not lost simply because the particular project that brought them changed its funding regime or stopped altogether. Apart from changes in funding, the world changes and public participation is a good way of making sure that a project keeps up to date with progress (e.g. more general availability of accessible buses may alter the way in which other resources could be used).

It is important to have a schedule of meetings so that everyone knows when there will be an opportunity to re-evaluate problems and their solutions. The existence of a schedule provides the necessary power for the user to keep the pressure on the technical and political partners in the decision process. This prevents the meetings from becoming a superficial talking shop from which no practical solution ever emerges. It is extremely important that the schedule is reasonable. On the one hand, offering meetings too far into the future suggests an unwillingness to encourage involvement. On the other hand, meetings which are held too close together will be unable to report sufficient progress since the previous meeting and will discourage attendance. The right frequency of meetings will depend on the project and may change during the course of the project as different issues come up for consideration.

Decision-makers also need to come to a view about the difference between wishing to include the public – including disabled people, young and elderly people and other typically excluded groups – and the practicality of doing so. Inevitably, involvement means setting up procedures so that these groups – typically very difficult to reach – are included in a way that makes their involvement real. This suggests the organisation of discussion groups, focus groups, public meetings and other diverse techniques to ensure that the involvement happens and is genuine. It is a very different world from the usual decision making domain, where control is wholly in the hands of providers rather than the users of services.

If the process is to be taken seriously by all people involved in the decision, it must be properly administered. This is in part to ensure that the process is complete and in part so that everyone knows what is – and what should be – happening, and what will happen in succeeding stages.

The process needs to be formal. The approach adopted in one of the examples discussed below resulted in a community company. This company takes responsibility for certain local decisions and, being a community company, this makes it a lot easier for local decisions to be taken in a context of referral to the local community. Involvement needs to be incorporated formally into every process so that the public (whether they are users of the scheme or not) are included as a norm at the centre of the process and not just in a series of meetings at the periphery: participation is not a favour that can be dispensed or withdrawn at will by anyone, whether they are a member of a community company or a local authority. A central issue is the placing of control over spending. This is often retained by the spending authority on the basis of its legal responsibility for the proper use of public money. Public involvement means that some of this control must pass to the community. This issue has already been addressed in the management of some social housing estates.

As long as the administration process is correct and the public is involved as a stakeholder in the process, there is no reason to suppose that their involvement is any less “proper” than an approach which does not involve them. In fact, we would argue that a process that does not include members of the public at such a level is not a “proper” process at all: “proper” use of public money is surely to ensure that it is being spent wisely and to the greatest benefit of the potential user groups. Sharing responsibility for spending of public money in the Social Services area has already been started in the UK: the direct payments approach to funding a user’s social services needs delegates the decisions about how the money is spent to the user even though the local authority has the legal responsibility for the resources. Involving users in the decision process as suggested here would work on a similar basis. Proper spending decisions

have to involve the users and their inclusion in the decision process is a necessary condition to enable such decisions to be made.

So what is this formal public participation process, and how is it possible to make sure that the public have a real opportunity to contribute to the way in which their community will develop in the future? First, we have to decide who needs to be involved in the process.

To be credible, the public participation process needs to include as wide a representation of the public as possible. This means ensuring that people who live or work near to the proposed project as well as people who will use it. On the whole, these groups are fairly easy to identify so invitations to become involved can be distributed without too much problem. Other groups are also important and may be less easy to include in the process. Disabled people must be included because the impacts of a failure to include accessibility enhancements in a project will have severely excluding impacts on them. It is important that all information is provided in multiple formats – large print, braille, audible and tactile formats – so that everyone can understand what is being proposed. This applies whether or not disabled people are local residents, local workers or direct users of the project. Elderly people are also often reluctant to become involved in such processes, yet they are often affected a lot by new projects. The availability of a variety of formats for information will generally help them as well. It is very easy to forget young people in the participation process. Often it is necessary to deal with them directly, for example by visiting schools to explain the proposals and to obtain their feedback. This can often be incorporated in their educational work, for example as a topic for a class activity or project. People who are generally excluded from wider participation in society because they are poor, ill or disenfranchised for other reasons should also be included in the process, even though identifying them can be very difficult.

On the “official” side of the process, we must ensure that the right officials are included. Sometimes this means ensuring that different departments of the same local authority talk to each other, or that different authorities set up and maintain contacts with each other. The actual involvement in any particular exercise depends on the nature of the issues at stake, but one would expect to see groups such as local medical practitioners, police, teachers, social workers and local politicians invited to take part. They can decide if they have concerns about the proposal. The media should be involved as well because it can help to make sure that dissemination about the proposal and the participation process is as correct and as wide as possible.

Figure 4 shows a set of groups involved in a proposal to redesign bus stops, and the communications paths that need to be set up to ensure that participation takes place and is inclusive. For simplicity, the public has been divided into “users” and “non-users”, and particular distinctions

between groups of people (e.g. disabled, young or elderly people) are assumed to be included in these groups. Similarly, groups such as medical practitioners and the police are included in the terms "general planners" and "highway engineers" respectively. Figure 4 gives a simple indication of the comprehensive approach that is needed to enable the public to participate. Although it looks complicated, the reality is that most of these groups are easily identifiable. The most important point is that these groups can be identified as having particular needs of a bus stop and its design. The proposer of any project would need to identify, contact and include the groups who might be expected to have needs arising from the project.

Having identified the groups to be involved in the process, the next matter to consider is the participation process. As indicated in Figures 1 and 2, public involvement needs to start before any decisions are taken and while options are still open for consideration. Therefore it is important that the participation process starts as early as possible. The information dissemination stage can start with a discussion about the policy which the planning body is seeking to implement. This sets the context for later, more detailed, discussions about how the implementation might be done.

The public and other identified groups are then invited to attend a public meeting at which the issues are to be discussed. It seems that there is little alternative to public meetings for this purpose. Questionnaires and other types of survey can only really deal with simple matters. The public needs to be able to understand the context in which the project is to take place, to be able to raise questions and receive answers about their concerns. It is unlikely (although not impossible) that the public will have detailed experience and knowledge about implementation constraints for the project, but they should be made aware of these so that they know what may or may not be possible. Illustrative suggestions could be put forward as a means of illustrating the points being made and as a focus of the discussion. However, it is essential that these suggestions are not seen by anyone as being proposals. The outcome of the public meeting should be a set of options that could be designed and costed. It is important that the public is happy that these options represent their conclusions at the end of the meeting and that a date for their review of the designs is set.

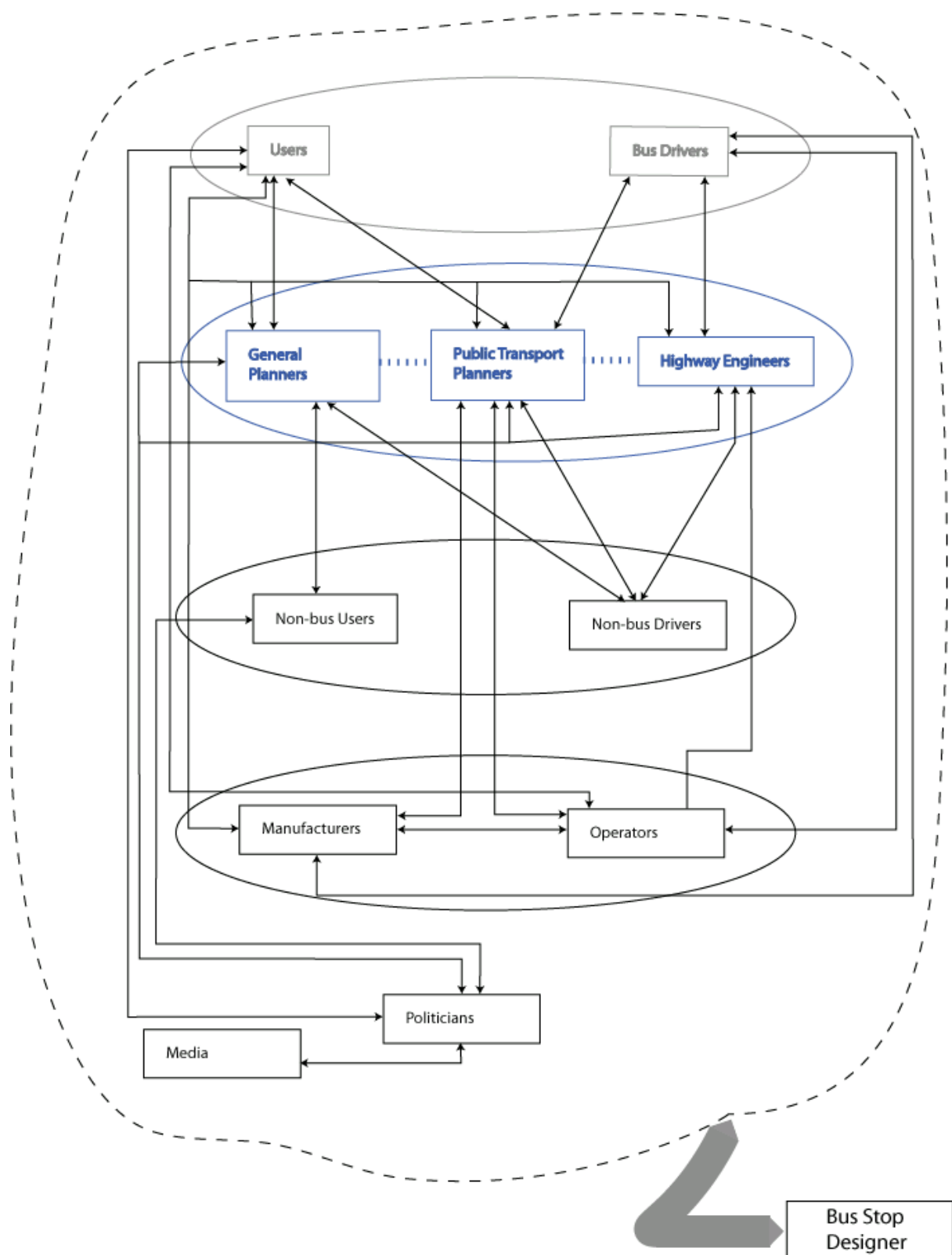


Figure 4 Participative approach to the bus stop design process. Source Caiafa *et al.* (2002).

The designers then have the task of producing the detailed designs for the project for presentation to the public at the review meeting. This meeting will be the occasion at which the public will select the option(s) for implementation. The means for doing this vary, depending in part on the

nature of the project and in part on the resources available. A formal decision needs to be taken. Depending on the nature of the project, it might be possible to make this decision at the meeting or it might be necessary for a formal decision to be taken by the appropriate political forum. In any case, the public's choice should not be ignored or refused without explicit and fully-explained reasons and the opportunity for feedback. In this way ownership and responsibility are shared between the formal bodies and the public.

Once the project has been implemented, there is a need to ensure that it is working as intended. Involving the public in this is a matter of good sense. Users of a facility are well-placed to know if it is working, as are people who see it every day. They will have a clear picture of its effectiveness which cannot be reflected by officials and engineers alone. Therefore participation should continue in the form of keeping communication channels open for comments and feedback. This could be in the form of general or specific meetings, or dialogues through web sites or the more traditional media.

So, these are the principles and general methods for involving the public in decisions. What happens in practice? I will now describe briefly two different examples of public participation experiments conducted as part of our research into public participation in public transport decisions. More details of these projects are available in Tyler *et al.* (2002).

Examples of public involvement in decision processes

The first example concerns the design and implementation of a bus service in a remote rural area in the north of England. In this case, we wished to put an accessible bus service into operation to see how people in a remote area would use such a facility. The area involved has an electoral roll of 3,227, of which about 1,407 live in the market town and the remainder in 12 small local villages. We invited the local people to attend some public meetings at which the route and schedule would be discussed. Once we had all the information from the local people, we implemented the bus service more or less as they requested: every three hours, six days per week, using an bus which had been designed specifically for this project and which was accessible to people in wheelchairs, and generally user-friendly. After about a year of successful operation, in which use of the bus rose to about 300 trips per week, we needed to discuss with the local people the means by which the service might be secured into the future.

We discussed the issue initially with local politicians because of the inevitable financial consequences of a decision to continue the bus service beyond the funding period. As a result of these meetings, we held a public meeting which was well-attended by people from all the villages and the market town. At this meeting, we explained the financial issues and set out a number of different options for future management of the bus

service. The meeting decided that one of these options should be pursued. Accordingly, a working group of local people was set up to investigate the possibility of starting a local community company¹ which could manage the bus service. They would contract a professional bus operator to operate the service (as the university had done for its project). The local Parish Councils would be invited to contribute about 10% of the operating costs and it was expected that fares would account for a further 10% of the operating costs. In the event, the university secured further funding for the balance, as part of another research project. As a result, the bus service would be secured for a further three years.

The management company is now in the throes of consulting with the public about changes to the route and schedule, to try to enable it to meet the local needs more closely. They are also seeking funding to support the service beyond the university's current research funding period. In addition, they monitor the operator's performance on a day-to-day basis, thus ensuring that the service maintains its high standards.

The interesting thing about this model is that the control of the bus service has been obtained by the local community through its management company. This is quite different from any other bus service in the UK because it is neither controlled by a local authority nor by a commercial operator. The service should therefore be much more responsive to local needs than is normally the case. The contractual arrangement with the operator means that the operation is under the company's control, but with the responsibility for maintenance and fulfilling all legal compliances lying with a professional operator. The result is that the public are participating in the operation of their own bus service at a level that they can manage without needing to become professional bus operators. It is clearly a key requirement of this model that the community company keeps close contact with the community from which it has sprung, otherwise the effect would be to add a layer of bureaucracy and control to the public transport provision with no positive effect.

Using a community company in this way provides a formal structure to the participation process. The company can enter into contracts, members of the public can become members of the company and its formal constitution means that its directors are elected annually from and by the members (each director serves for two years before seeking re-election). Thus everyone in the area knows the company and its officers and can seek to influence its actions in relation to the bus service.

The second example relates to a small city on the south coast of England. In this case the local Council wished to redesign all the bus stops in the city to make them more accessible to people who are elderly, disabled,

¹ A community company is a special form of company in the UK. The company is limited by guarantee, where liability is limited to £1 per member of the company and all financial surpluses and assets must be returned to the community.

supervising children or carrying shopping. The techniques available to do this mean alterations to the bus stops which carry implications for the general public in terms of, for example, parking restrictions, use of the footways, and potential for changes to the traffic congestion near the bus stops. After the first phase of the project, a review showed that some people living or working near to the bus stops felt that they did not understand why the bus stops had been changed, had not been informed about the changes, and some would have objected to the changes had they known about them. Accordingly the Council set up another project called PUPPIT (Public Participation Process in Transport) with UCL to develop a public participation process for transport projects.

The first part of this project was to set up an experiment for one pair of bus stops. We arranged a pair of meetings to discuss the options for the bus stops with the public. The reason for having a pair of meetings was that we felt that some people would be unable to attend such a meeting during the day and others would be resistant to attending in the evening. Interestingly, in both cases the opening stance of the public was one of anger. People had chosen to attend the meeting "to put a stop to the changes at the bus stop" and saw it as an opportunity to complain at the council.

However, we introduced the meeting by explaining why the Council wanted to redesign the bus stops, what the technical requirements were and what these implied for the physical design of bus stops in general. We then opened the meeting to discussion to ensure that everyone had understood these points. As a result, by the time that the discussion turned to the specific bus stops, the discussion was focused on the effects of different bus stop designs on traffic and parking and the use of the footway. Accordingly, the Council was asked to make three designs for the bus stops, to be discussed with the public at a future meeting.

The second meeting was also held twice in order to accommodate the time constraints of the different groups who had attended the first meetings. In this case, the designs were presented and discussed and a preferred option was identified. The only problem was that each meeting chose a different option. As a result, a third meeting was held to which both groups were invited, and a vote decided which design would be implemented.

The resource costs in both time and money of arranging three meetings to discuss one pair of bus stops meant that an exercise on this scale was not repeatable. In any case, the purpose of this experiment was to determine what was needed, what could – and could not – be done and to enable us to work out how a more general process should be conducted.

As a result, we devised a different strategy for deciding on the bus stop design problem. In this strategy, one meeting is held at which the

principles are explained as before, but the issues are related to a larger number of bus stops – a recent meeting considered 26 bus stops. The Council is then asked to draw up designs for these bus stops on the basis of the public's reactions and comments. These are then put on public display, together with a team of council officers and designers to answer any questions about the design options. The public is then invited to vote for the option they wish to see implemented in each case. This approach reduces the cost considerably and keeps the process 'open' for longer so that more of the public can participate. Although the meeting and the display session are each held in the early evening (i.e. no pairs of meetings), the notice of the time and place of each meeting is publicised well in advance and arrangements can be made to help people to attend (e.g. help would be available with transport). Attendance at this event was better than for the meetings in the pilot example described above. In part this was because more bus stops were being discussed, but it was helped by better and more focused publicity

As with the rural bus service case, it is interesting to see how the public responds to being given some authority on the basis of good information. The associated responsibility does not seem to be a problem as yet, although if difficulties were to emerge it could be more onerous. For example, if future funding for the bus service were not to become available, the company would have to take some tough decisions about what could – and could not – be achieved.

A key point is that the public can only really take part in these decisions if they are given the capacity to do so. This means that they need educating about the issues, constraints and opportunities available. In the rural bus service example, this has to some extent been reduced by engaging a professional operator to run the service, but even so, the company has had to learn a lot about bus operation and management in order to control the service. In the bus stop example, the decisions could not be made at all if the public had not been made aware of the technical design problems, the extent to which design could accommodate these and the resulting impacts on other users of the street space. It is not difficult to provide this capacity-building material, but it is all too easy to miss its importance. In the end, most decisions are not about choosing the ideal option. Most are about choosing one set of compromises which has advantages and disadvantages over another set with different impacts. What was done in each of these examples was that the effects of these compromises were explained in detail to the public, who were then invited to choose which suboptimal choice they felt would perform better in terms of achieving the overall policy objectives. Having been given the information and responses to questions about the issues, the public is quite capable of making quite sophisticated decisions about their transport options in a fully participative manner.

Conclusions

We are concerned that the legal, quasi-legal and administrative procedures involved with planning miss a large proportion of the public because it is too difficult to understand or engage in the process. Often, the process appears fine on paper, but the reality is that the only people able to have any influence on the process are often the developers who have the financial incentive and resources to enter into the process. There is therefore an absence of access to justice in the process. This results in an imbalance in which the local people tend to lose out because they do not have the knowledge, experience or resources to enter the debate on a sufficiently robust level. The public participation processes examined in this research show that such capacity-building is possible: in both cases the public were actively involved in what are normally considered to be high-level technical aspects of the decision, traditionally the domain of planners and engineers.

It is important that participation cannot be manipulated by economically stronger groups in the community. Public participation processes need to ensure that everyone has an equal opportunity for their view to be included in the decision. In general, the wider the base from which the public is drawn into the process, the better will be the fairness of inclusion. This is in part a matter of when the participation is required and in part the subject matter involved. For example, consider a technical meeting about a mathematical formula to evaluate acceptable traffic levels. This would be unlikely to inspire many members of the general public to attend, even though the outcome could affect the outcome of any subsequent decision. On the other hand, it might be of great interest to property developers who could manipulate the methodology to their commercial advantage. We mentioned above that the information being delivered to the public should be free of jargon and understandable and this example is a case in point. The formula and its effects need to be explained to the public – after all, they will have to live with the results – but this must be done in an understandable and inclusive way or the whole process will be devalued.

The local authority needs to make sure that it has involved all its relevant departments, to ensure that they have a full and clear picture of the problem at hand. This includes not only engineering departments but also other departments with involvement with the community (e.g. social services and education). It is a mistake for a local authority to expose the problem to the public if there is no coherence within the organisation about the issues to be discussed.

Following discussion of these practical examples, the paper draws some conclusions from these examples:

- Public participation is a practical possibility when well-designed and incorporated properly in the decision process.

- Public participation has to take place before final decisions are taken so that the process can be seen to affect what happens.
- Public participation does not mean that the decision will necessarily do everything that the public wants: an important element of the process is to explain why some wishes are not possible.
- Public participation needs to share ownership of the decisions and the subsequent responsibility for them. The implications of this need to be learnt by both planners and the public.
- Currently, the default position for all sides seems to be that of non-involvement and this view has to be resisted at all times to ensure that real and active involvement takes place.
- There is a potential for cost-saving as a result of public participation because it can reduce the number and complexity of late objections to proposals. It also provides a rational answer to most queries because the decisions arising from the process have been made with the active support of the public.
- Public participation has to take into account that however global the originating policy, plan or operation, the impacts on the “public” are essentially local. They must therefore be addressed at the local level: conflicts and contentions between different people and localities have to be resolved at this stage.

It is very easy for a local authority to lose control of the process. A public meeting can easily be hijacked by local concerns which are not relevant to the main subject of the decision. The PUPPIT project showed that the use of an independent facilitator to manage the meeting was a good way of ensuring that the discussion stayed on course.

Following the procedures described in this paper, or at least following the identified principles, provides a good way of implementing the Aarhus Convention in real local transport issues. It is also likely that such procedures will be necessary once the EIA Directive is amended to take the Aarhus Convention into account. Public participation in planning decisions is therefore high on the agenda wherever decisions are being taken about environment and transport developments.

References

AARHUS CONVENTION (1998) *Convention on access to information, public participation in decision-making and access to justice in environmental matters*. Aarhus, Denmark: Fourth Ministerial Conference “Environment for Europe”.

Caiafa M., N. Tyler, I. Brown (2002) Bus stop infrastructure. in Tyler N. (ed) 2002: *Accessibility and the bus system*. London: Thomas Telford

DTLR (1998) *Modernising Local Government: local democracy and community leadership*. London: Department of Transport, Local Government and the Regions.

DTLR (2001) *Delivering a fundamental change*. London: Department of Transport, Local Government and the Regions.

European Commission (1985) *Directive 85/337/EEC: Assessment of the effects of certain public and private projects on the environment*. Official Journal L 175, 05/07/1985 P 0040-0048.

Commission of the European Communities (2001) COM(2001) 779 final: *Amended Proposal for a Directive of the European Parliament and of the Council: Providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending Council Directives 85/337/EEC and 96/61/EC*. Brussels: Commission of the European Communities.

Lowndes V., G. Stoker, L. Pratchett, D Wilson, S. Leach, M. Wingfield (1998) *Enhancing Public Participation in Local Government*. London: Department of the Environment, Transport and the Regions.

Tyler N., M. Caiafa, I. Brown (2002) Involving the Public. in Tyler N. (ed) 2002: *Accessibility and the bus system*. London: Thomas Telford