1.0. Introduction

Public participation practice is a growing part of environmental decision-making. This study looks at its genesis in the latter half of the 20th century. It emerged from an increasing awareness of the fragility of the biosphere in which we all live, coupled with a growing desire to get involved in its protection.

Emerging from the Earth Summit in 1992, Principle 10 and Agenda 21 both called for increased public participation in environmental decision-making (EDM) and led to the adoption in Europe of the Aarhus Convention, to which Ireland is a signatory. The legislation resulting from Aarhus is discussed along with its implications.

The pertinent legislation is the backdrop, but many other factors affect the development and effectiveness of participatory processes. These factors along with the costs and benefits are outlined.

Taking all the relevant factors into account, it is clear that effective participatory processes in EDM require good planning. The setting of objectives, process planning, selecting the relevant public, and choosing the appropriate methods or tools to use at each stage of a process, are all part of that planning. These are all described together with methods for assessing their effectiveness.

In order to see how the methods explored might be applied to a particular process, Environmental Impact Assessment (EIA) is looked at in some detail. International best practice in public participation in EIA is also examined.

Methods for assessing the state of public participation on a national level are considered, and a preliminary look is taken at Ireland's status, in the light of all of these.

Finally, a survey of Local Authorities, Industry, Environmental Awareness Officers and the Public looks at; attitudes to, experiences of, capacity to deliver, and capacity building measures for, public participation in EDM.

The overall aim of the study was to create a picture of public participation in EDM, as practiced world wide, and to look at what is possible in an Irish context. In order to fulfill the promise of Principle 10 in Ireland, it is necessary to develop effective, creative and worthwhile public participation practice in EDM. This treatise attempts to provide a starting point for the necessary debate required to bring about that promise.

2.0 Public Participation in Environmental Decision Making

The title of this study, poses several questions: What is the 'public'? What is 'participation'? What are the 'decisions' to which it refers?

Starting with the last and working backwards, EDM refers to any process of decision-making where consequent significant environmental impacts are a possibility. This includes law making, planning, strategic planning, resource management planning, licensing of industry e.g. IPPC, environmental assessment (EIA), spatial planning etc. A summary of the major relevant legislation is given in Appendix 1.

EDM can be even more complex than decision-making on other public issues. First, environmental impacts do not respect property, jurisdiction or boundaries. Second, EDM can involve government agencies as both manager and regulator. Thirdly, environmental issues can provide especially heated value conflicts that require value trade offs (126 p.9).

Public participation, also know in the literature as Public Involvement, means different things to different people, as discussed in detail in Section 5.1.1. The level at which the public is involved varies with the relevant legislation, and the attitude of the other stakeholders. Often it just means informing the public of a previously made decision and asking for comments, which may or may not be heeded. Sometimes it means informed consultation. Here there is exchange of information prior to the relevant authority's reasoned decision making, and all inputs are included and seen to be included. An example of this being the River Basin Management process under Article 14 of the Water Framework Directive as described by Judith Cuff (Cuff, J. 2001). Another example would be the Bantry Bay Coastal Zone Charter. Public participation, at its apex, could also mean that the public itself, in consultation with the relevant bodies, makes the final decision itself. Examples of this can be found under the auspices of Local Agenda 21.

For public participation to be effective at any level, it requires the public to be well informed and kept aware of the possibility of participation. This requires a pro-active approach from industry and the relevant public bodies.

What then is 'the public'? The public is often treated as a unitary body, whereas in reality it is a collection of numerous continually shifting interests and alliances (Ortolano), which may be in conflict with each other. The term is used as a "catch-all to describe those with an interest in a

decision, other than a proponent, operator, or responsible authority". (Petts and Leach). The individuals making up a public may be involved as individuals or as members of organisations. They may become involved due to their proximity, economics, social or environmental issues, values, etc. There is further discussion on this in Section 5.

By contrast, stakeholders, of which the public is one, are literally those with a stake in an issue and may include non-governmental organizations (NGO's), government or its agents, industry, individuals, communities etc. Stakeholders do not always want to be involved in an EDM process, but they have the right to know if their interests are affected. They may want to become involved at a different stake of the EDM process.

The EPA (Ireland) in Section 4 of its new 'Advice Notes on the Information to be contained in an Environmental Impact Statement', has a list of over one hundred potential stakeholders.

3.0 Benefits, Costs and the Forces Affecting Public Participation in EDM

Public participation in EDM is playing an increasingly important role in the protection of the environment. The forces driving the increased use of participatory practice, the benefits accruing from same, as will as the costs and potential problems are described below.

3.1 Forces Driving Stakeholder Processes.

Many different forces are at work, prior to, and throughout, a public participation programme. Some of these, contained in the development of the legal framework, are described in section 4.0. However, the following factors have also moved the participation debate forward.

People generally resist change, especially when they do not understand or agree with the goals, the methods, the sponsor or the timing of the proposed change. So, keeping the public in the dark is often a recipe for disaster. (Connor, D.M. 2003). Citizens are also increasingly reluctant to defer to 'expert' government agency opinions, and are unwilling to act as sounding boards for bodies that have already made decisions, particularly when they affect their local communities (Breggin, L., and Hallman, H. 1999). Both of these tendencies lead to a lack of public confidence and trust, unless the relevant authorities take note of them.

There are growing social expectations for environmental equality resulting in part from the high media profile given to environmental issues. Findings, that minority and low income groups in the USA had been disproportionately affected by pollution and downgraded environments, resulted in the issuing of Executive Order 12898 by President Clinton. A far-reaching programme ensued, based on meaningful involvement and fair treatment for all races, cultures and incomes in environmental decision-making.

"The transmittance of 'experience', rather than knowledge, is the critical neglected dimension of decision-making, particularly as it pertains to our national decision-making"(Barkenbus, J. 1998, p.9). For example development planning in Dublin City requires largely the same expertise as rural development planning, but the experience, vision and values of the rural population may be very different to that of their city cousins. The further the EDM process is from central government, the more pertinent becomes the public participation in same, and in this context, face-to-face meetings are critical to producing real learning and trust.

Previously, with the exception of Development Plans and Waste Management Plans, public involvement in EDM in Ireland was largely restricted to the minimal fulfillment of the two "rules of national and constitutional justice, and in particular 'audi alteram partem' (hear both sides)" (Scannell, Y., Cannon, R., Clarke, M., and Doyle, O. 1999). In practice this meant that firstly a decision was made and this was then presented to the public for comment, a process also known as 'report and comment'. So, both sides have been heard, but one has the power, and can choose to ignore the input of the other.

Changes driven by the Aarhus Declaration and Principal 10 will affect many areas of environmental regulation and planning, opening them up to far greater public participation. Alongside this is the increasing transparency of regulatory processes. The directive on Freedom of Access to Information on the Environment (Directive 90/313/EC) SI.125 of 1998 and The Freedom of Information Act, 1997 have opened up the EDM processes to closer scrutiny by the public. By compelling the relevant authorities to release documents on request, the inner workings of government have been opened up for closer examination, and relevant information freed up to enable more effective public participation in environmental governance. There is also a growing diffusion of information. The many portals of information available on the internet, together with the traditional media, libraries and the excellent work, in Ireland, of ENFO, all increase awareness of environmental issues.

Since the Aarhus Convention, which agreed to recognise and support the crucial role played by ENGO's in articulating opinions of an environmentally concerned public, European funding has been given to support their activities (Jeffrey, D.W. 2001). €4.62 million was distributed in Europe in 2003. In Ireland, the Department of the Environment and Local Government allocated €132,000 in 2001, and €133,000 in 2002 to build capacity in 23 ENGOs with a national remit. This was done via a limited company known as Environmental (Ecological) Core Funding Ltd. (Morrisey, P. 2003). It was estimated in 1999 that there were some 500 International ENGOs (Environmental NGOs) world-wide that operated in three or more countries.

Apart from the rapid growth of the ENGOs, there is clearly expanded interest in participation. Public unrest at the prospect of development, without formal opportunity for participation in decision-making, is increasingly responsible for expensive delays. In the UK, policing of anti-road protests has alone cost millions of pounds (Treweek, J.1999).

The Shell Oil Company, in the UK, was eventually forced to adopt a major consultation programme on the fate of the Brent Spar, North Sea oil exploration rig, as a result of the international reaction to the campaign waged by Greenpeace. (Acland, A. 2002, 4-1).

Hampshire County Council, in England, with a population of some 2,000,000, had to scrap its waste management plan, following much public unrest, and start from scratch, with a well planned and successful public participation programme. A waste plan was then adopted which had broad support, and is being put into action. (Acland, A. 2002, 4-2).

Many industry organizations are realizing that for their good image, public safety, and the long-term financial well-being of their members, responsible partnership with host communities is essential. There is some evidence that corporations which build sound, responsive relationships with all their stakeholders tend to be longer lived and more successful as businesses in the long term than other corporations (Wheeler and Sillanpaa, 1997). Olson, M. and Toyne, P.(2000) also report a study which suggests a direct correlation between increased public involvement of the public in corporate affairs, and increased profits. The Chemical Manufacturers Association in the U.S.A. (representing 90% of all chemical production) set up the Responsible Care Initiative, which sets codes of practice. There are six areas covered by these codes viz: Community Awareness and Emergency Response (CAER); The Pollution Code; The Process Safety Code; The Distribution Code; The Employee Health and Safety Code; and The Product Stewardship Code. In relation to all of these, the guiding principles exhort their members "to recognize and respond to community concerns about chemicals and our operations, and to work with others to solve problems created by past handling and disposal of hazardous substances."

The adoption, by some industries, of environmental management systems, such as I.S.O. 14001, and E.M.A.S (Eco-Management and Audit Systems) shows their belief that a transparent and responsive industry is also more likely to be a viable one. E.M.A.S. requires public reporting of environmental management and auditing.

Internationally, trends towards decentralization in many countries, increases in the numbers of countries with representative democratic forms of government, and conditions laid down by donor agencies on development loans, e.g. The World Bank, are some of the international forces bringing increased public involvement in EDM.

Whilst it is not the intention of the author to go into detail on risk assessment and disaster management., it is worth noting that public participation should, under Council Directive 96/82/EC (Seveso Π) and the Council Decision 1999/847/EC, play an important part in both of these important areas. Wates, N. (2000) gives guidelines for organizing community risk assessment and disaster management programmes, whilst the "UK Guidelines for Risk Assessment and Management" (Defra UK. 2002) give a good introductory insight into the social

aspects of risk, and in particular the factors influencing risk perceptions. These factors are listed here and are also relevant to other areas of EDM.

- Risks which are involuntarily imposed (e.g. pollution from an incinerator) tend to be seen as less acceptable than voluntary ones (e.g. bonfires)
- Unfamiliar risks (e.g. GMO's) tend to cause concern especially when it appears that they are poorly understood by science.
- Activities associated with a dreaded form of death (e.g. cancer) are viewed with alarm.
- Man-made or technological risks (e.g. nuclear power) are less acceptable than natural ones (e.g. Radon).
- A risk involving a single large-scale consequence (e.g. civil aviation accident) causes more concern than risks which result in numerous small scale consequences (e.g. car accidents).
- Alarm may be caused by risks when the consequences of exposure are delayed and cause hidden or irreversible damage (e.g. ionizing radiations).
- Inequitable distribution of risks and benefits as a result of a particular activity is likely to make the risk less acceptable. An example here might be the remaining operative Chernobyl nuclear power stations. Employees, knowing the risks involved but needing to earn a living, would have a different view of risk to others living in the vicinity, and different again to those living 100 kms away, and relying on the electricity to heat their homes in temperatures of -30˚C.
- Activities posing a threat to certain groups such as children or future generations are generally more worrying.
- Risks which are the subject of controversy and contradictory information generally cause concern.

3.2. Benefits of Public Participation.

The protection and enhancement of the environment is the main aim of most EDM processes, and public participation can improve the quality of both the process and the end decision. The participation process is also a learning one for all the stakeholders involved, especially if there is a free flow of information between the parties. For the public it can often be the first experience of taking an active part in the democratic process.

EDM processes benefit from the direct and immediate knowledge held by citizens and business, concerning environmental conditions in their communities and industries. Encouraging the public and other stakeholders to share their knowledge, with the regulatory authorities, fosters better-informed decisions and decreases the likelihood of environmental harm, whilst increasing project viability. Of 25 overseas projects sponsored and evaluated by the World Bank, 13 failed mainly through lack of local input (E.L.I. Research Report, 1997) (Technical Document 1, 1996).

It should be realized that "wisdom is not limited to scientific specialists and government officials," (120 p.6) and that "rational analysis, carried on in ignorance of political reality, may well end up so divorced form social reality, as to be of little use to anyone." (Barkenbus, J. 1998, p.2) (Acland, A. 2002).

Public participation gives broader perspectives on a particular process, and early involvement gives: added time to study issues and develop the process; enhanced credibility of the decision making process; early identification of the diverse perspectives on the issues of concern; and the generation of solution options (E.L.I. Research Report, 1997). Better-designed projects, which avoid costly delays in appraisal and implementation, can also result from early and planned consultations and public participation (Bisset, R., 2000) (Acland, A. 2002, 4-1 to 4-5). For the proponent, early participation can have the added benefit of diffusing opposition to a project. If a broad based consensus is built, it can also lead to a public sense of 'ownership' (Acland, A. 2002, 4-2).

The public's enthusiasm is potentially a powerful motivating force for the EDM process. Public input can also supplement scarce government monitoring, inspection, and enforcement, resources (Bisset, R. 2000).

Involvement in EDM is a learning experience giving the public insight into the governance process. If the experience is good, it powers the way for future co-operation. The converse can also be true! Experience has also shown that environmental issues are powerful catalysts of civic

participation and serve as a good incentive for citizens' action and responsible democracy (Technical Document 1, 1996).

Executive Order 12898 introduced by President Clinton is a far-reaching programme, based on meaningful involvement and fair treatment for all races, cultures and incomes in environmental decision-making. It has done much to prevent the dumping of dirty industry on the marginalized members of the USA citizenry. The order requires state agencies, and in particular the EPA, to pro-actively seek out the disenfranchised members of communities likely to be affected by developments, or already living in depleted environments, and encourage them to become involved in the relevant EDM processes.

3.3 Costs of Public Participation

There is limited information on the relative costs of using the different methods of participation practice, although some attempt is made to quantify these in the section 5.4. which describes each method.

Actual costings for specific processes are given in a number of studies (Petts, J. and Leach, B. 2000) (Cuff, J. 2001. pps 85, 89 and 97). Clearly deliberative processes, which are used to engage relevant stakeholders in debate, discussion and deliberation, could only be done as part of a major project. Expenses range from €20-40,000 (for a citizen jury with 16 participants for 5 days), to €200- 300,000 (for 3 community advisory groups of 16 people over 6 months). (Petts, J. and Leach, B. 2000, P. 41).

However, extensive use of participatory processes in the 'Wise Use of Flood Plains' project showed costs of about 10% of the above. Most of this funding was used to employ facilitators (Cuff, J. 2001). The costs to members of the public in time and money, as well as emotional stress in situations where access to EDM is limited, do not appear to have been estimated previously. An attempt is made to gather some facts about the first two in this study. The intensity of the stakeholder process, including commitments of time, energy and money, and the often, uncertain results, has led to a burnout phenomenon amongst many participants, and from all stakeholder groups. (Yosie, T.F. and Herbst, T.D. 1998) Excessive raised expectations about participation can lead to frustration and anger with a breakdown in trust. It is essential then to be clear with all participants as to the limits of influence of the process.

Where an infrastructure project crosses planning jurisdiction boundaries or where more than one regulator is involved, the costs to the public, state and proponents are multiplied.

The increased time scale and expense involved in public participation is of particular significance in projects with a small capital funding. An international example of this would be the AIJ projects (Activities Implemented Jointly under the Climate Change Convention). These projects already require appraisal by two governments and then there is the extra of public participations costs. After this they must compete with traditional energy supply systems, where often no regulatory costs are involved.

3.4 Problems encountered in Public Participation Practice

The main areas of difficulty affecting public participation are attitudinal, lack of capacity to deliver programmes, lack of clarity about what outcomes are possible and the lack of a legislative framework. Some aspects of these issues are addressed below.

The difference between success and failure is not always clear. If the public participation process delivers a clear decision, which is then overruled by the legislature, is this a success? (E.L.I. Research Report 1997 p. 13). A good example here is the Bantry Bay Integrated Coastal Zone Management (ICZM) Project, funded for three years under the EU Life Programme. After three years of intense community activity and the drawing up and enactment of a text-book public participation plan, the Bantry Bay Coastal Zone Charter was created. At this point, no further funding was available, and the Project was closed down. Clearly the process was a success, but the result not.

There is a general lack of experience of participatory processes in Ireland, and very few stakeholders have experienced planned participation processes. There may be suspicion, cynicism, or enthusiasm, but there is unlikely to be previous training. Suspicion about participation could be from politicians, who may feel their power is being diluted, or from ENGOs that have very specific and fixed viewpoints. Cynicism could be from previous public participation processes which were poorly managed, leaving participants reluctant to try again (E.L.I. Research Report, 1997). Citizens are frustrated when they are treated as adversaries, rather than welcome participants in the EDM process…….. they feel they have been invited too late in the process. Public 'hearings' often do not include 'listening'. Citizens efforts and ideas are not included in proposals and no reason given. The resources available to proponents and government are overwhelming. Litigation and direct action at least get a reaction" (C.E.Q. 1997. p.18). Similarly, public hearings are criticised for: being held at times inconvenient for the public, establishing an atmosphere that inhibits dialogue, and conducting proceedings that intimidate the public (Lein, K.L. 2003, p.56).

The lack of a clearly defined purpose can also means that the role of the public is sometimes unclear not only to the public but to those delivering the process, with the consequence that the participation process chosen is often unsuitable for the particular EDM process (Breggin, L and Hallman, H. 1999. p.44).

The making available of the necessary resources for a worthwhile public participation process, whether by the proponent or the regulator, by the commitment of personnel and finances, is essential. The implications for project proponents, of not having a properly planned and funded participatory EDM process, may prove much more costly, than dealing with the backlash. In many circumstances, the choice increasingly is not whether to involve the public, but how to get the best value from the chosen process (Petts, J. and Leach, B. 2000).

To avoid hearing from only the activist or the powerful elite, and in order to get the widest sweep of opinion and information, authorities must reach out into the community (Canter, L.W. 1996. p.592). In this regard some activities are best avoided, for example public meetings. In the absence of trained facilitators these can often come down to 'he who shouts loudest wins!'

Lack of technical support for the public, and difficulties in getting access to information can diminish the ability of the public to play a meaningful part in EDM processes. Public access to independent expertise in a particular technical/scientific field can prove difficult, particularly where the proponent of a project is a monopoly employer in the industry in the state. Faced with five weeks to object to a planning proposal, for example, this is a major hurdle. Added to this, it is the experience of the author that stakeholders with no technical/scientific background find it problematic to access, comprehend or evaluate data and information, especially under these short time constraints.

The feelings of powerlessness engendered by these hurdles, add to public perceptions of a lack of influence at both lower and higher levels of national and European government. "Consultations of interested parties…. can only ever supplement, and never replace, procedures and decisions of legislative bodies which possess democratic legitimacy" (COM (2002) 704. final p.4). This sense of powerlessness may be part of the reason why, even in cases where considerable energy and resources are expended, to identify individuals and groups, only a small proportion of the public ever attend participation programmes (Petts, J. and Leach, B. 2000. p.18).

Public involvement may actually result in an increased level of conflict (134.p18). Becoming involved in a consultative process where the decision has already been made, or where the possible outcomes are not made clear at the outset, can lead to a great deal of frustration. Anger may follow when the input of the public is ignored, especially following prolonged constructive engagement with an EDM process.

Conflict can also occur between professionals. One source of such disagreements could evolve from the different emphases of 'scientific peer review' and 'social peer review'. The scientific peer review process is well established, and is essential to assess the technical information provided to policy makers. The parallel social peer review, designed to obtain societal acceptance and legitimacy for the decisions rendered, by contrast, does not have a set of recognised professional standards. (E.L.I. Research Report. 1997. p.14). It should also be remembered that whilst science may strive for the 'truth', the opinions of scientists are coloured by their values and beliefs.

Scientists, engineers and other 'experts' should show respect in the face of 'emotional', cultural and traditional forms of wisdom. The perceptions created by a technocratic philosophy encourage NIMBY activism and further polarise communities. The resulting deadlock frustrates the ability of planners to achieve consensus on initial issues and contributes to anti-participation attitudes. Therefore, rather than define 'NIMBY'attitudes as an irrational response to problems ordinary citizens cannot grasp, the solution is to encourage more participation not less (Lein, K.L. 2003. p.56). The misconception that the public are overly emotional, ill-informed and solely motivated by selfish interests, in their obstruction of facilities for the common good, leads to an information-based strategy. The assumption being that, 'if only the public knew the truth!' This assumes the existence of an objective truth to know (Petts, J. and Leach, B. 2000. p.9).

The conflict that arises from having different bodies making decisions on different parts of the same EDM process can often confuse the public understanding and increase frustrations. For example the executive split of planning and environmental matters in some aspects of development between the Local Authority and the EPA. Public involvement in these circumstances must deal with two different agencies (Canter, L.W. 1996. p.592) (Gray, A.J. et al 2002. p.6).

Organisations resist change, and communication blocks within organisations can prevent them from making timely responses to their publics. The established routines and organizational systems of many bodies seek to promote the 'status quo'. Organisational structures which support sustainability, and therefore public participation, are a threat to 'command and control' style management systems. Managers, who have risen to power in this style of structure, frequently resist the transition to alternative structures, which embrace public consultation (Griffiths, A. 2000).

Many opportunities for public participation are laid down in the environmental legal framework, as shown in Appendix 1. Where legislation does not specify early public involvement, then it is at the discretion of the relevant authority, and dependent on the opinion of the relevant public servant. For example, in the development planning process, the Manager's reporting of the consultative process clearly includes the names and nature of all submissions together with his response to them (Section 11 of the Planning and Development Act 2000), whereas in making an Air Quality Management Plan (under Section 48 of the Air Pollution Act, 1987 and Section 102 of the Environmental Protection Agency Act 1982) there is no legal compulsion to show how any submission might have affected the final decision.The recent use by Cork City Council of Article 81 of The Planning and Development Act, Regulations, 2001, to enter into a public/private partnership with a company previously refused planning permission to develop the same site (TP 02/26234), leaves the public only minimal scope for comment and no route to appeal any decision made.Under section 19 of the Protection Of The Environment Act, 2003, the making, variation or replacement of a Waste Management Plan, has been made an Executive Function. This has removed the immediate political accountability of the decision-making, and so removed another route for public input.

4.0 The Historical Perspective

General provisions for public access to information, participation and justice go back 14 centuries in Islamic Law, as recognized in many countries of North Africa, The Middle East and Asia. (Ahmad, A., 2002) but the International Boundary Waters Treaty, 1909, was the first global treaty to include strong provisions for public access to information and participation (Bruch, c. and Filbey, M., 2002).

Broad international recognition of public involvement including provisions for transparency, participation and justice dates back 55 years. The Universal Declaration of Human Rights in 1948 provided the kernels for generalized access to information (Article 19) and Justice (Articles 8 and 10) as well as the right to associate (Article 20).

In the West widespread public awareness of changes in the balance between human life and the environment emerged in the1960's, with the publication of Silent Spring (Carson, R. 1962), The Population Bomb (Ehrlick, P.R.,1968) and Small is Beautiful (Schumacher, E.F., 1973). The immediacy of television portrayals of such disasters as the Torrey Canyon and "acid rain" (Jeffrey, D.W., 2001) made an even greater impact.

In the USA as in much of the West, the 1960's and 1970's were marked by a participation movement (Breggin, L. and Hallman, H., 1999) which led to legislative changes. The Freedom of Information Act, 1966 gave access to data and information held by government agencies. The National Environmental Policy Act, (NEPA) 1969 amongst its measures required public review of Environmental Impact Statements (EIS). Previously the Administrative Procedures Act of 1946, directed government agencies to introduce a notice and comment stage into rule making procedures and to keep registers. This Act also allowed for the right of appeal to federal courts (Ortolano, L., 1997)

So together these three pieces of legislation provided the foundation for the involvement of the public in environmental protection in the USA, and NEPA has largely been the basis on which environmental impact assessment world-wide has been based.

The voice of environmental concern was internationalized at the Stockholm Conference, 1972 (United National Conference on the Human Environment), drawing together both developed and developing nations, but in the absence of the Soviet Unions and most of its allies. For the first time environmental non-government organizations (ENGO's) played a important part in the deliberations.

Stockholm was the event that turned the environment into a major issue at the international level, declaring the right of people to live "in an environment of a quality that permits a life of dignity and well being". (GEO-3. UNEP., 2002) Amongst its impacts were:

- Some 50 governments together with the Organisation for African Unity (OAU) have recognized the environment as a fundamental right.
- During 1971-1975, 31 major national environment laws were passed in OECD countries, compared with 32 in the previous 15 years.
- By 1982 the number of countries with environment ministries rose from 10 in 1972 to 100.

Although the link between environment and development was made in Stockholm, it was the 1983 World Commission on Environment and Development (WCED) also known as the Bruntland Commission that first developed the idea of Sustainable Development, in its broadest sense. The WCED report in 1987 resulted from consultations at all levels of the global society, and attempted to balance the needs of future generations with those of our own. In essence it tried to promote both the inter and intra generational equity (GeO-3 UNEP., 2002).

However, in its concluding statement, the commission stated that "existing decision making structures could not cope with the demands of sustainable development" (WCED.1987).

The UN Conference on Environment and Development (UNCED or "The Earth Summit") held in Rio De Janeiro, Brazil, saw 176 government, 100 heads of state, 10,000 delegates, 1400 NGO's and 9,000 journalists gather in what is still the largest event of its kind ever (GEO-3.UNEP., 2002). The summit was preceded by global consultations with hundreds of thousands of groups and individuals.

Amongst its many achievements, the two most relevant here are,

Agenda 21, and

Principle 10 (P.10), of the 'Rio Declaration on Environment and Development'.

Agenda 21, in its 40 chapters, lays a solid foundation for the promotion of sustainable development. Chapter 8, Section 1, calls on governments to seek broader public participation in policy making and decision making for sustainable development. Section 3 is devoted to the strengthening of the roles played by the principal social groups: women, children and young people, indigenous populations; NGOs; local government; workers associations and unions; business and industry; and the scientific and technological community (NCEDR, 2003) (Agenda 21, Chapter 8.).

Chapter 40 establishes two programme areas to ensure that decision making is based on sound information: namely, bridging the gap in availability, quality, coherence, standardization and accessibility that exists between developed and developing countries; and improving availability of information.

Principle 10 states:

> "Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided".

It would be difficult to overstate the significance of Principal 10 in providing a mandate to regional and international governance development in the decade following the Rio Declaration, as well as to an underlying commitment motivating national law making.

Since 1992 a raft of regional and international treaties have incorporated P.10, whilst addressing such issues as Desertification, Bio-Diversity and Clean Development Mechanisms. International organizations such as the World Bank, and to a much lesser degree the World Trade Organisation, have made steps towards making public consultation and involvement an integral constituent of their development loans.

In the context of this study and from an Irish and European perspective, the most important initiative evolving from P.10 is the 1998 UN/ECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental matters. The ECE (Economic Commission for Europe) is a regional body of the United Nations and includes 55 countries. The European Community plus 39 other nations have signed the convention (also known as the Aarhus Convention), which it was ratified in 2001. The Aarhus Convention is based on the three pillars, ensconced in P.10 and elaborated in Agenda 21. The pillars are; access to information; public participation in decision-making; and access to justice.

4.1 The Aarhus Convention.

The Aarhus Convention sets out to put a shape on the aspirations of Principle 10 (P.10). It encapsulates the three main pillars of P.10, access to information, public participation in decision- making, and access to justice, and sets the basic tenets for all European legislation on EDM.

Pillar I – Access to Information.

Article 4 of Aarhus sets out the general right of persons to gain access to existing information, on request.

Pillar II – Public Participation in Decision-Making.

Article 6 covers public participation (PP) in decisions on specific activities, e.g. on the proposed locating, construction and operation of large facilities.

Article 7 deals with PP in the development of plans programmes and policies relating to the environment, which includes sectional or land use plans, environmental action plans, and environmental policies at all levels.

Article 8, covers public involvement in the preparation by public authorities of laws and regulations.

In each of the Articles, 6, 7 and 8, early involvement of the public is encouraged. Articles 7 and 8 are less precise than Article 6. Article 6 provides for a high level of involvement adequately guaranteed by law (Stec, S. and Casey-Lefkowitz, S., 2000. p.86).

Article 6 can apply to spatial planning decisions, development consents, operating permits, discharge permits, or any particular proposed activity where the decision making may have a potentially significant impact on the environment. Article 6 is not limited then, to activities where an EIA is required or to those activities listed in Annex 1 of the Convention.

Pillar III – Access to Justice.

Article 9 allows the public to challenge "acts and omissions" by either public authorities or private persons, as applied to articles 4 and 6, as well as allowing them a review of violations of domestic environmental laws. In relation to Article 6, members of the public must have a significant interest {Article 9 (Section 2(a)} or maintain impairment of a right (Article 9 section 2 (b)).

A level of standing is given to both individuals and NGO's. The provisions of an expeditious, free or very cheap, alternative review mechanism established by the courts is to be made available. Publicity about these procedures and removal of barriers to access are also stressed.

It is clear that in order for Pillar II to operate, Pillars I and III must also be well established, i.e. access to decision making cannot be effective without good information resources and the possibility of enforcement through access to justice.

It should be noted that Article 3 reminds the parties that the provisions of the convention are only minimum requirements.

4.2 The Implementation of Aarhus.

The implications for environmental governance under European environmental law and consequently that of the Republic of Ireland are far reaching as will be seen below.

Pillar I – Access to Information.

National Level.

The Freedom of Information Act, 1997, (FOIA) gives access to all information held by the state, including information on the environment, other than the exceptions listed in the Act. ENGOs, however have told the author that they see S.I.125 of 1998 as a more effective tool.

Directive 90/313/EC (on public access to information on the environment), implemented in Ireland as S.I. 125, of 1998, (The Access To Information On The Environment, Regulations, 1998.) has already been repealed by the European Commission and replaced by Directive 2003/4/EC, which must be brought into Irish law by 14th February 2005. The resultant changes include:

- Persons or bodies which perform functions by arrangement with a public authority and which effect the environment are themselves deemed to be public authorities for the purposes of the Directive (Article2, Section 2(c)), and so should make available environmental information held by or for them on request.
- Applicants for information do not have to state an interest.
- Information should be made available in the format requested (Article 3, Section 4).
- "Course of Justice" exceptions refer to information that may adversely affect the course of justice (Article 4, section2 (c)) rather than the previous "sub-judice" exceptions.
- Definite response times and appeals procedures are laid down.

EC Institute Level.

Regulation (EC) 1049/2001 grants European citizens and residents a right of access to documents of the European Parliament, Council and Commissions. Applicants receive an acknowledgement of receipt, and within 15 days provide the item(s) requested or give reasons why not. The applicant is entitled to complain to the Ombudsman or institute Court proceedings if a negative reply is received. 20 pages of A4 text will be photocopied free of charge and any extra charged at cost.

Pillar II. Access to Participation.

National Level.

The proposal for a Directive of the European Parliament and Council providing for
Public Participation in respect of drawing up of Certain Plans and Programmes relating to the Environment, and Amending Directives 85/337/EC as implemented in Ireland by S.I. 349of 1989 (and amended by Directive 97/11/EC), and 96/61/EC.
These two refer to "Environmental Impact Assessment" and "Integrated Pollution Prevention and Control", respectively.
The new directive will make changes in PP procedures required by these directives as well as creating a requirement to consult the public in drawing up of plans or programmes in seven other directives viz:

- The 1975 Framework Waste Directive (75/442)
- The 1991 Batteries Directive (91.157)
- The 1991 Agricultural Nitrate Directive (91/676)
- The 1991 Hazardous Waste Directive
- The 1994 Packaging Directive (94/62)
- The 1996 Ambient Air Quality Directive (96/62)
- The 1999 Waste Landfill Directive (99/31)

Honouring the subsidiarity principle, the proposed directive sets out the minimum requirement for effective public participation, in fulfillment of the objectives laid down by the EC Treaty in the field of the environment, leaving the detailed arrangements to the member states.
The proposed directive requires member states to take the necessary measures, to ensure that the public are given early and effective opportunities to participate in the preparation (and review) of the plans and programmes listed above. For this purpose, "the public" has the same meaning as in Article 2(4) of the Aarhus Convention.
To that end, Member States are required to ensure that:

- the public are informed (by public notices or other appropriate means) about any proposals for such for such plans or programmes and that relevant information about such proposals is made available to the public.

- the public are entitled to express comments and opinions before decisions on the plans and programmes are made;
- and that in making those decisions, due account is required to be taken of the results of the public participation.

Taking the EIA directive 85/337/EC as an example, the following changes are proposed.

The Aarhus Convention definitions of "the public", and of the "public concerned" are inserted into 85/337/EC. The public concerned will be defined as the public affected by or likely to be affected by, or having an interest in, the development consent procedure.

A new Article 6(2) requires Member States to take steps to ensure early and effective opportunities to participate.

The new Article 6(3) will lay down requirements for informing the public based on Article 6(2) of the convention. This requires the disclosure of all pertinent documents and opinions expressed by relevant public authorities.

The new Article 6(4) requires Member States to provide proper opportunities to express comment and opinions as early as possible, but definitely before a decision is taken. Reasonable time frames for the stages of participation should also be provided.

Changes to Article 7 of the EIA Directive regarding Transboundary EIA are discussed in Paragraph 4.3.

The IPPC Directive will have amendments similar to those of the EIA Directive, with the addition of a new Annex V in which detailed provisions for public participation will be set out.

Both the Water Framework Directive (2000/60/EC) and the proposed Directive 2001/42 on "the assessment of the affects of certain plans and programmes on the environment (SEA Proposal), already include provisions which are consistent with Article 7 of the Aarhus Convention (Banfield, N., 2003.).

EC Institute Level

Although no legislative proposal exists at present, COM 2002/704 Final, entitled, "Towards a reinforced culture of consultation and dialogue – General principles and minimum standards for consultation of interested parties by the Commission", provides good insight into the governance practice being developed within EC structures.

By fulfilling its duty to consult (Protocol No.7 annexed to the Amsterdam Treaty), "the Commission will help to improve the quality of policy outcome and at the same time, enhance

the involvement of interested parties and the public at large". (COM.2002.p.5). The commission has underlined its intention to "reduce the risk of the policy makers just listening to one side of the argument or of particular groups getting privileged access" (COM.2002 p.5).
These minimum standards laid down in the communication were themselves the result of a European wide consultative process.

Pillar III Access To Justice.

National Level.

Both Directive 2003/4/EC and the proposed Directive 2000/0331(COD) amending 85/337/EC and 96/61/EC, contain provisions for access to justice in line with the Aarhus Convention. Changes to the other directives listed are given in Annex 1 of the proposed directive 2000/0331(COD).
However, shortcomings in the enforcement of environmental law throughout Europe, as outlined in the Sixth Environment Action Programme (6EAP), (Com (2002) 31, Final), will be the subject of a new Directive being worked on by the commission at present (Banfield, N.,2002).. All of these measures will become part of Irish Law in due course, when transposed by the Dail.
In 6EAP it is recognized that better access to courts for NGO's and individuals would have a number of helpful effects in relation the implementation of community law.

EC Institution Level.

Rules on access to justice with regard to community institutions are laid down in the Treaty of Rome. The Aarhus Convention will have to be ratified by a legislative instrument, taking account of existing provisions, in order to ensure compliance at Community Institution level.
In Johannesburg, South Africa 2002, a new initiative called Partnership for Principle 10 (PP.10) was launched by governments, donor groups and NGO's, as one of the outcomes of the World Summit on Sustainable Development (WSSD) (WRI Press release, 2002).
In UN parlance this is a Type 2 outcome, meaning it involves non-governmental stakeholders, whilst being linked to inter governmental commitments, in this instance Principle 10, (P.10) and paragraph 111 of WSSD Plan of Action.
In PP.10 each partner makes specific commitments based on the promotion of P.10 at national and international level, by identifying implementation gaps, by capacity building, and by

improving and implementing relevant legislation. Each partner is held accountable for fulfilling its commitments.

PP.10 strategy is to support independent assessment by NGO's of their countries performances based on a common framework.

Independent assessment by NGO's using systems such as The Access Initiative (Petkora, E., Maurer, C., Henninger, N. and Irwin, F.,2002.) are to be received by government agencies and other stakeholders and priorities for action identified. The European Commission has committed itself to PP10.

4.3 Transboundary Environmental Impacts

The Convention on Environmental Impact Assessment in a Transboundary Context (the ESP00 Convention), was signed by the European Community in 1991. This initiated changes incorporated into the EIA Directive 97/11/EC and the IPPC Directive 96/61/EC, creating provision for cross border public consultation.

Article 7 of the EIA Directive requires member states to send information 'as soon as possible' and not later than when its own public is informed.

The affected state must be sent a designation of the project together with any available information on its possible transboundary impact, as well as information concerning the nature of the decision to be taken. If the affected state wishes to participate in the assessment process, it must also be sent the application submitted by the developer under Article 5, together with the information relevant to the assessment procedure.

All the above information must be made available to the public in the affected State, should the latter decide to participate in the assessment process. Within a reasonable time scale, submissions must then be accepted by the competent authority in the Member State, in which the development is proposed. The notifying Member State under Article 8 must take the transboundary consultations into account in making a decision, and under Article 9 must inform the Member States consulted under Article 7 of the decision made. With regard to the decision there is no compulsion to notify the public in the affected member states, even if they make submissions to the transboundary EIA process. (Macrory, R, and Turner, S., 2001).

Article 17 of the IPPC Directive, drafted in parallel with the 97/11 Directive is less explicit with regard to the provision concerning cross border public consultations and it is proposed to amend both to bring them in line with the Aarhus Convention .

With regard to transboundary EIA, these proposed amendments will ensure equal rights of consultation for the public whether they live in the notifying or affected Member States. However, in the case of the IPPC permitting process, the public of the affected state will remain entitled only to access the IPPC application itself (Macrory, R. and Turner, S. p.14).

The Water Framework Directive is still the only measure that includes not just transboundary consultations but also power sharing (Article 14(i).)

Regardless of the above, it would appear that Ireland had failed to implement fully the 1985 and 1997 EIA Directives with regard to Transboundary consultations, as ruled by the European Court (Case c-392/96 (1999) CMLR 727). The Planning and Development Act 2000 whilst it empowers the Minister for the Environment to make regulations regarding transboundary EIA, it

does not give rights of consultations for the Irish public nor that of other Member States (Macrory, R. and Turner, S. p.17).

As can be seen from the above, there is a great lack of clarity on the issue of consultation with regard to transboundary environmental issues.

5.0 Public Participation Practice.

Programmes to encourage the public in EDM processes often have multiple purposes, and no simple formula exists for success. In each case a programme has to be designed to fit the particular combination of process, proponent and public. A number of case studies are given by Acland, A. (2002. pps 25-30), Ortolano (2997, pps.409-417) and the European Commission (COM (2002) 704 final. pps 62-72) and are illustrative of this point. The proponent of an EDM process be it a public agency or private enterprise must be clear as to their aim in involving the public.There may also be different aims at different stages of a process, for example within the EIA process from the elicitation of values relevant to site selection at the project design stage, to the optimisation of trust and credibility at the monitoring stage (Petts, J. and Leach, B. 2000. p.20). In order to put together the aims with the methods it is necessary to have a plan:

5.1 Planning For Public Participation.

In order to make a coherent plan it is necessary for the practitioner to establish the objectives of the process, based on the overall aims. It is then important to identify which public(s) the participatory process is trying to include.

5.2 Objective Setting.

Clear objectives in planning a public participation process are essential, and ideally they are delineated by consultation with a representative group of stakeholders. A community assessment process, involving community interviews (Marxen, J. 2001. 6-4), would provide a good basis for a plan. The California Department of toxic Substance Control, in its 'remediation and permit procedures' involves a public participation specialist to review the findings of such interviews (Marxen, J. 2001. 6-20). It is equally essential that all those involved, both active and non-active participants understand the objectives, as well as the limitations on what can be achieved. The connection between process and outcome must be clear to all. Ongoing process evaluation is essential to keep a clear focus on the objectives (Cuff, J. 2001. p.75).

The two basic reasons for identifying and classifying objectives are; that objectives change over the various stages of a process, and that some participation techniques are better than others for achieving particular objectives (Canter, L.W. 1996. p.593).

5.3 Important Factors in Objective Setting.

Apart from the above, there are a number of specific factors that underlie the setting of objectives, that will need to be considered at the outset, and will be present throughout the EDM process.

Environmental Protection

The main purpose of EDM, and thus the main purpose of public participation in EDM is to achieve protection, conservation, and wise management of the environment. This can only be achieved if the proponent properly collects (and acts upon) evidence, opinions and perspectives from all the interested or affected stakeholders, who are to be fully involved in the EDM process, and from the earliest opportunity.

Legal Requirements

Appendix 1 shows the major current legislation relating to public participation in EDM in Ireland. Opportunities to participate are present throughout the process of making a Development Plan, a Waste Management Plan and a River Basin Management Plan, however, most of the other processes are of the 'report and comment' type where the public's reaction is sought to an already drafted document. As discussed elsewhere, this situation is changing with the Directives that are emanating from Europe implementing the Aarhus convention.
The legal processes, their limitations and the concomitant responsibilities should be made clear to all the participants at the outset.

Proponent Objectives vs Public Objectives.

The various stakeholders in an EDM process can have very different expectations of that process. The proponent may be only conducting a public relations exercise or fulfilling a legal requirement, having a final decision already made. The participants may want an influential voice in the EDM process and expect their input to be valued and included.

The proponent, seeking a mandate for a particular project, may seek to defuse opposition through consensus building. Conversely, the individuals or groups involved may be largely uncompromising on their expected outcomes.
The proponent may be restricted by time and/or money, whereas the public participants may be highly motivated by value judgments made on a particular issue, and prepared to commit much personal time and energy to it.
Participation can then be viewed as a tool that the public and the project proponent or plan-making agency can use for their own purposes.

Two Way Communication.

The development of a two-way process of communication between the regulatory authority and the public is essential in order to identify public concerns and values; inform citizens of authority's plans; and inform the authority about alternatives and impacts.

Experts vs. Public.

Accepting that the role of regulatory authorities is to serve the public interest, the challenge is to integrate technocratic and democratic contributions, when addressing complex issues (Lein, K.L. 2003. p.57).
Dearing and Rogers (1996) state bluntly that, "scientific research results do not play a role in the agenda setting process". The social construction of reality is what gives issues their importance, such that the building of a waste incinerator creates much stronger reactions and media attention that regular back yard burning of waste, regardless of the relative levels of dioxin release.

Levels of Participation.

The setting of objectives is constrained by the level of participation being allowed in any one process. It is useful to look at "Arnstein's ladder" (Ortolano, L. 1997. p.417) /and for the agency or proponent to analyse its motivations in establishing the process.

Figure 1. Arnstein's Ladder. As adapted by Cuff, J.(2001)

Degrees of Citizen Power	Full delegation of all decision-making and action.	8. Citizen Control
	Some power is delegated.	7. Delegated Power
	People negotiate with traditional power holders, agreeing rules, roles, responsibilities and levels of control.	6. Partnership
Degrees of Tokenism	People's views have a small influence on decisions made by traditional power holders.	5. Placation
	People have a voice, but no power.	4. Consultation
	People are told what is about to happen, what is happening now, or what has already happened.	3. Informing
Non-Participation.	These levels assume a passive audience, which is given information that may be partial or constructed.	2. Therapy
		1. Manipulation

Arnstein represents the levels of citizen participation as the 8 rungs of a ladder and groups the rungs into three groups. The continuum stretches from going through the empty ritual of non-participation, to having the real power needed to affect the outcome of the process. Arnstein describes this first category non-participation as tactics whose real objective is "to enable power holders to educate, or cure the participants". In the degrees of tokenism Arnstein argues that when these are "proffered by power holders as the total extent of participation, citizens may indeed hear and be heard. But they lack the power to ensure that they are heeded".

The final category, citizen power, involves citizens-agency partnerships such as those in the Bantry Bay Coastal Zone Charter and finally programmes in which citizens are in control, or can veto agency decisions.

The further the process is from centralised power, the further up that ladder it is possible to go. Thus, at the European Union level, public participation has reached its peak at the level of consultation, whereas there are now many local partnerships under Agenda 21.

Generally, however, regulatory authorities are not empowered to go beyond the consultative level in public participation.(Appendix I).

Wilcox, D. (1994) adapted Arnstein's Ladder to give four categories of participation methods, and these present an easier model for the purposes of this study, as will be seen later. They are:

1. Education and information provision
2. Information feedback
3. Involvement and consultation
4. Extended involvement

These categories are explained in Section 5.4.

To enable the selecting of objectives, Canter, L.W. (1996) looks at a number of systems for categorising them. One such gives three general types of objectives, which further divide to give seven more specific, viz:

Public Relations- Legitimizing the role of the proponent or regulatory body.
Developing confidence and trust in the stakeholders.

Information- Diagnosis of problems and needs.
Development of alternative solutions.
Evaluation of consequences and alternatives.

Conflict resolution- Consensus seeking.
Depolarizing interests.

One international body, The Institute for Participatory Management and Planning (Connor, D.M. 2003) (I.P.M.P. 2003) goes much further in breaking down the objectives, with fifteen basic objectives under three categories. The IPMP list is based on enabling a public participation practitioner, working for a regulatory authority or proponent for a project, to analyse their objectives, and then establish the best methods to achieve them. Each objective is coupled to a check-list. Viz:

Responsibility.	Establish the legitimacy of your Agency and you project.
	Maintain the legitimacy of your Agency and your project.
	Establish the legitimacy of your process.
	Maintain the legitimacy of your process.
	Establish and maintain the legitimacy of assumptions and earlier decisions.
Responsiveness.	Get to know all your potentially affected interests.
	Get to see the project through their eyes.
	Identify all potentially relevant problems.
	Generate solutions.
	Identify and classify the key issues.
Effectiveness.	Nurture and protect your credibility.
	Have your communication received and understood.
	Receive and understand information that's communicated to you.
	Search for common ground between polarized, potentially affected interests.
	Mediate between polarized interests.

It is clear from this that one of the main objectives of practitioners is to maintain their credibility and that of the process, without which all else is in vain.

The code of ethics for practitioners, from the International Association for Public Participation Practitioners (IAP2), is also a useful general guide in setting the objectives of an effective process (IAPZ. (a). 21/5/03).

- Purpose.
  We support public participation as a process to make better decisions that incorporate the interests and concerns of all affected stake holders and meet the needs of the decision making body.
- Role of the Practitioner.
  We will enhance the public's participation in the decision-making process and assist decision makers in being responsive to the public's concerns and suggestions.
- Trust.
  We will undertake and encourage actions that built trust and credibility for the process among all participants.

- Defining the Public's Role.

  We will carefully consider and accurately portray the public's role in the decision making process.
- Openness.

  We will encourage the disclosure of information relevant to the public's understanding and evaluation of a decision.
- Respect for Communities.

  We will avoid strategies that risk polarising community interests, or that appear to 'divide and conquer'.
- Advocacy.

  We will advocate for the process, and not for any interest, party or outcome.
- Commitments.

  We will ensure that all commitments made to the public, including those by the decision maker, are made in good faith.

5.4 Identifying the Public.

There are as many publics as there are different people who care, positively or negatively, about a project. Who they are may depend on their ethical, moral, interest, welfare etc. viewpoints. Other reasons the public may be affected by regulatory decisions and plans include:

- Proximity – Pollution, Property values, Employment.
- Economics – Landowners, House-owners.
- Use – Amenity value, rights of way, vista.
- Social and Environmental Issues – Justice and Risk.
- Values – Animal Rights, Ecology, Religion. (Ortolano, L. 1997. p.404).

These members of the public could be described as 'stakeholders' alongside the proponent, regulatory bodies, industry and NGO's.

Wates , N. (2000 p.15) defines stakeholders as "persons or organisations with an interest, because they will be effected and may have some influence."

Whatever kind of process is chosen, it is essential to define which members of the public are stakeholders (Yosie, T.F. and Herbst, T.D. 1998. p.19). Different stakeholders are affected to varying degrees, and the greater their interest in a project, or the greater the potential impact on them, then the more involvement they should have. There are also those who could affect or impact on the project.

An individual's interest may change over the course of the participation process, and so they may opt in or out at various stages, others may want to be involved throughout the process. Some may purposefully reject participation.

It is essential, however, to ensure that no group of persons is excluded, as this, whether intentional or not, will be resented, and may lead to action being taken in the legal or political spheres.

The number of potential public stakeholders on some issues is practically limitless, however, not everyone can sit around the same table. The challenge then is to balance the need to consider the many view points of all the stakeholders, with the practical considerations of convening a group of individuals who have a role in making, or directly influencing, decisions.

'Tiered' stakeholder involvement is one approach used to strike that balance, and in it three categories are defined:

- Those who want to be directly involved in the process
- Those affected who just wish to be kept informed
- Anyone with an interest in the project

Many stakeholders are not able to effectively participate in deliberations even when they are the most potentially affected. This may be due to poor language skills, poor self-esteem, lower educational achievement, physical handicap or intellectual disability and so on. Many remain unaware of their opportunity to participate.

The environmental Justice Programme of the US EPA, attempts to address these issues requiring "the decision makers to seek out and facilitate the involvement of those potentially affected". (US. E.P.A., 17/11/02).

Participation specialists distinguish three ways of identifying segments of the public (Ortolano, L. 1997. p.405).

- Self identification
- Staff identification
- Third party identification

In Self Identification, individuals and groups come forward as a result of publicity by the agency or body conducting the participation programme. These are "active" responses and should be included in a mailing list and kept continually informed of the process.

Staff identification – regulatory agency personnel learn from experience the names of individuals and groups that might be interested in involvement. GIS (Global Information Systems) are being used increasingly by agencies to enable both the public and themselves to ascertain the locality of environmental problems, as well as that of the stakeholders geographically relevant to them (US, E.P.A. 2000).

Other staff identification techniques include: Electoral Registers; Mailing Lists; analysis of local newspaper stories; local organisation lists; and maps.

Third party identification can be achieved by asking those already involved about other individuals or groups that should be sought out. Local officials in other agencies can be asked to suggest people who may want to be involved. As each person becomes involved, they are asked to suggest others, until the response becomes minimal.

Various public involvement groups check lists exist, and can be useful as another way to ensure that no group is overlooked. (Canter, L.W. 1996. p.598) (DOELG, 1995. p.16) US E.P.A. 1999. 2-1). But it is particularly important to bear in mind that in some areas of cities, large ethnic or immigrant groups do not belong to listed groups, and are not used to interacting with government agencies. They may even be fearful of so doing.

A social profile, drawn up by an applied sociologist would give a clear insight into the community from which the stakeholders are being sought. A community assessment process such as that used by the California Department of Toxic Substances Control (Marxen, J. 2001. 6-4 to 6-15) would also be an effective tool here.

5.5 Public Participation Techniques

In the Republic of Ireland, legislation has generally required the proponent of a project, or applicant for a license to notify the public of her/his intentions in this regard. The regulatory authority then takes responsibility for conducting the consultative process. (See Appendix 1). However, although at present the proponents are only 'encouraged' (for example in the EPA guidelines for EIA), to involve the public at the earliest stage of project design, the Aarhus convention (Sections 4-6) 'requires' it.

So, for the future, a whole range of public and private bodies will be involved in public participation, and in an increasing variety of circumstances. The following list of good practice principles (European Commission, 2000. p.239) should be considered before selection of specific methods.

<u>General Guiding Principles.</u>

- Plan early for public participation to establish the resources needed to support the process, and identify the limitations of finances.
- Identify stakeholders and their legitimacy and/or representativenesss.
- Identify the appropriate techniques to be used for each stage of the process, and provide information in a form that is comprehensible to the recipients.
- Hold events at a time and venue to suit all participants.
- Allow sufficient time for stakeholders to assimilate and respond to information.
- Ensure that the inputs of stakeholders are integrated into any decisions made.
- Ensure feedback on all issues raised.

Which methodology to use depends on many factors, but the following questions adapted from (Cuff, J. 2001. p.18) (Acland, A. 2002. 3-2) will help in deciding.

- How complex is the issue to be discussed?
- What processes are already in place for resolving the issue and how well are they working?
- What processes have been tried previously and how well did they work?
- What is the geographical scale of the issue?

- At what levels of societal structure is the process to operate?
- What resources are available in time, money and in-house skills?
- Will external professional facilitators or consultants need to be employed?

With regard to this last question, apart from the costs, the employment of consultants can raise other issues. Consultants are only as good as their brief, and whilst the process may work well, (Cuff, J. 2001. p.131) the end product may be less of a success. The use of professional facilitators combined with stakeholder training in facilitation skills, early in the process, would enable a wider range of techniques to be used. It would also make the use of group-work, one of the most useful tools in concensus-seeking, more viable. (Cuff, J. 2001. p.49).

Good Practice Principles Specifically For Project Proponents (Acland, A. 2002, 3.2) include:

- As soon as possible focus on specifics, away from slogans.
- Acknowledge differences – then keep an open mind, thinking creatively to build on common ground.
- Uncertainty leads to distrust to fear to hostility, so clarify any uncertainty as early as possible. Be as open as possible and explain why, when you cannot be.
- Where legally possible, acknowledge past mistakes.
- Resolve internal issues prior to public participation.
- Address all dimensions of a situation; differences of needs and interests, behavior, and beliefs and values.
- Only make commitments you will be able to keep.
- Being open, consistent and honest in stakeholder relations is essential to building of trust.
- Flexibility in the choice of methods and use of same enables the creativity of the process.

Most important of all, it should be remembered that, stakeholder dialogue is often messy, disjointed and even chaotic at times. This is just how it should be – reflecting the real world in which we all have to operate (Acland, A. 2002, 3-2). So events should be made enjoyable. Having regular breaks for stretching, food and refreshments.

Process Planning

Many of the questions posed above can be answered during a process planning session (Wates, N. 2000. p.106) which allows stakeholders to determine the most suitable public participation methods for their particular situation.In order to do this, it is necessary for the participation co-ordinators to make an early attempt at identifying key stakeholders.

Record Keeping and Reporting

In order to maintain continuity and for confidence building, records of all sessions/meetings are kept and reported to all stakeholders, together with outcomes from the process. This is essential.

5.6 Public Participation Tools.

What follows then is a survey of some of the tools most widely used in public participation. They are arranged in groups based on their general purpose and according to the four levels of participation outlined by Leach, S., and Wingfield, M. (1997, p.27).

Level 1 Education and information provision.
Level 2 Information and feedback.
Level 3 Involvement and consultation.
Level 4 Extended involvement.

These four levels categorise methods, according to the amount of power transfer from the responsible authority to the public. In level one, the public is passive, receiving information. In level two, feedback is requested and considered as part of the EDM process. Level three involves information, sharing and consultation, on all relevant aspects, before the final decision is made by the authority. At the fourth level, the authority can delegate power to a group of individuals to make decisions on its behalf. Clearly, due to legislative restrictions, level four processes will be rare, except in a very local context. By contrast levels two and three will be widely used in the future. These levels are not, however, prescriptive, and some of the tools, such as interviews, can be combined with others at different levels. For a more detailed breakdown of the effectiveness of the different methods, see Canter, L.W. (1996).

The public participation tools described here are an amalgam of the author's experiences, and information from the following sources: (Canter, L.W. (1996), Gray, A.J. et al (2002) Yosie, T.F. and Herbst, T.D. (1998), IAP2(6) (2003), Ortolano, L. (1997), Connor, D.M. (2003), I.P.M.P. (2003) and Wates, N. (2000).

5.6.1 Level 1. Education and Information Provision.

Printed Materials – Fact sheets, Newsletters, Brochures, Issue papers.

The guiding rule here is KISS – Keep It Short and Simple, and embellish with good visual impact. The contents should recognise the pros and cons of an issue and explain the public's potential role in, and affect on, the project. An easy response method such as a postage paid card or free-phone hotline number will enable identification of stakeholders interested in involvement.

These materials can be targeted or general, and may reach a large audience. They may not, however, be read, and are limited in what information they can convey. Connor, D.M. (2003) estimates only 10% of the necessary information can be conveyed in this format. It is also difficulty to know if you have reached your audience, unless responses are generated.

Advertisements

Whilst advertisements in newspapers or magazines can potentially reach wide audiences, they are generally expensive and limited in the information they provide. It is essential to choose the pages, days and publications very carefully. Different publics read different publications! It is, as with other printed material, difficult to know if it has been read. Some feedback mechanism should be included.

Press Releases.

The potential for reaching the public is great if the issue is of sufficient interest to the media, and can include requests for feedback. There may be problems of misrepresentation and lack of editorial control. The use of publicity stunts may be of use in drawing media attention to the less exciting areas of EDM. This is a cheaper option than advertising, though local newspapers will often do features on regular advertisers more readily.

Public Displays

Exhibits in public places have the advantage of enabling a wider public to view models and displays at their own choice of time and at their leisure. They are cheap in public buildings, but

to be more effective require the back up of personnel to explain details and/or provide literature. They may also need to be duplicated or travel around the stakeholder constituency.

Newspaper Inserts.

To be successful an insert needs to be: of the best graphic design, in order to catch the reader's attention; in the publication on days when others are not; and preferably in the relevant local paper, where it is likely to have greater impact.

Newsletters.

Although everyone will not read a newsletter it is an ongoing source of information with enough print space for some detail. It can also be used as an insert in the local paper. A newsletter also has great potential for feedback, via reply paid response forms, with for example prize draws attached.

Bill Stuffers.

Any of the printed formats above could be included with utility bills, rates bills etc. Feedback possibilities can be included, these to be returned along with the bill payment.

Information Repositories.

Usually, the regulatory authority makes EDM documents available at its offices and during office hours. This excludes, or makes difficult, access for many stakeholders. Libraries, as an alternative, are locations which have hours designed for public accessibility and whose 'raison d'etre' is in part the making available of information (EC1, 2000). Information repositories are, however, not widely made use of by the public. (IAP2 (6), 2003).

Site Visits.

Small groups of stakeholders can learn more from first hand experiences than from any other means. It may, however, be difficult to identify a suitable site, that replicates all the issues faced by those in the EDM process.

Video.

A production controlled by the proponent or the regulator may be seen as propaganda, but if produced with stakeholder involvement may be a good substitute for site visits, and can be shown widely over the stakeholder constituency.

Whilst it is expensive to produce, a professional and credible video, once made, is not too expensive to reproduce, and so can be distributed to community groups, NGO's , employees etc.

Independent Technical Documents and Expertise.

Such documents could give credibility to a process, though they may be incomprehensible to the general public unless a non-technical summary is given. Public access to experts builds credibility and may help resolve disputes over disputed 'facts'. The reality exists, however that these technical experts may contradict information provided by the project proponent.

5.6.2 Level 2. Information Feedback.

Public Meetings.

This widely used method is described by (Connor, D.M. 2003) as, "the last of the blood-sports, and like the others, should be banned". Public meetings usually involve a speaker or panel giving a presentation, followed by a question and answer session. Sometimes these are broken down into smaller group discussions returning to plenary sessions. Gray, A.J. et al, (2002) suggest that public meetings offer an opportunity for stakeholders to meet, as well as demonstrating the willingness of the proponent to meet the other interested parties. However, they go on to say that they are one of the most complex and unpredictable methods. They can also be intimidating and can be hijacked by vocal individuals or interest groups. Badly handled, they can entrench opposition to a project, and division within a community.

As a means of sharing information with those able and interested to attend, it is reasonably cost effective if run by well-trained staff.

Public Hearings.

These formal occasions have a hearing officer, and a stenographer. Formal presentations from the public are received. This rather rigid format should according to (IAPZ (b) 2003) be avoided if possible, as it does not foster constructive dialogue and can perpetuate an 'us versus them' feeling, with little dialogue between participants. This format enables the public to speak without rebuttal, which is positive or negative depending on perspective.

The Internet.

The use of the internet as a means of making available large amount of regularly up-dated reference material has been seen by many as the way forward in information provisions. The development of the European Commissions 'single access point', 'Your Voice in Europe' (Europa, 2003) is a good example. This portal site provides access to: every information source in the EU; consultations, where opinions are solicited on a wide range of policy-making and rule-making decisions; discussions with the EU leaders on-line; scrutiny of the working of the EU, with the possibility of giving anonymous feed back; and useful links to other sites and ways the public can be heard.

There are, however, pitfalls in relying too heavily on this low cost innovative tool, and its potentially global audience. (Hacklay, M. 2002) found that only 10% of the total population of

the U.K. had daily access to the Internet, with only 3% of those coming from the lowest income group, and 48% from the uppermost group. Hacklay also found, that only a small minority of the population, having access to the Internet, regularly entered the environmental information sites. This minority came mainly from the educated middle classes. He also concluded that the traditional media were the most used sources of information on the environment.
The Central Statistics Office, 'Fourth Quarter 2000 Survey' (C.S.O., 2001) showed 417,000 households in Ireland owned computers, with 262,700 having internet connections. This latter figure representing 20.4% of all households was the quadruple of the 1998 figure, and is likely to be much lower than that existing in 2003. Based on these figures, and Hacklay's findings, it is clear that caution should be used in relying on the internet as a means of communication.

Free-phone Telephone Lines.
Well advertised, these phone lines can be used for the public to obtain information, ask questions or make comments about proposals or issues. The person on the line must be dedicated, well trained and have access to the information themselves, with a guaranteed call back time for complex answers that require research. This shows transparency and allows for up to date information to be easily available. Good examples of this type of service are: the Europe Direct, Free Phone 00800 678910; and the ENFO information line, Lo-call, 1890 200191.

Interviews.
One to one meetings with stakeholders provide for a two-way flow of in-depth information and can be used to evaluate potential members of community advisory/liaison groups. Interviews are very useful for developing and refining public involvement and consensus building programmes. However, this can be a very time consuming process, if multiple interviews are scheduled. Closed meetings can also be treated with suspicion, especially by those stakeholders, which do not trust the independence of the process.

Surveys.
Face to face surveys, conducted in a 'random' manner, can gather information from people who would not, or could not, become involved in other ways. As with all data gathering it is essential to have a clear purpose in asking the questions, and a use for the results achieved. This is an expensive method, but confidential surveys can elicit more candid results.

Response Sheets.

As mentioned earlier, leaflets etc. can have reply paid cards attached, and these can be used to gather information on public concerns and preferences. These would generally have options for being included on a mailing list.

There is, however, no statistical basis to the results, as the method is only as good as the distribution, presentation and in some cases the original mailing list. Results can be easily skewed.

Random Postal/Telephone Surveys.

Research of this nature needs professional planning in order to attain statistically useful results, and can be labour intensive and expensive. The response rate to telephone surveys is much higher than to mail shots, but they are also more expensive to operate. That said, these surveys would generally reach a much wider cross section of the public, including those unlikely to attend meetings. The statistically tested results produced would also be more persuasive with all the stakeholders. These surveys are generally used for attitudinal research.

Internet Surveys.

Precision in setting up a site for information exchanges is essential, otherwise chat rooms can generate far more input than can be looked at. The response rate is generally high but the user profile is limited by the 'digital divide,' as mentioned earlier, and so access is limited. There is of course no geographic control over the reach of the poll, it can be easily skewed and is very labour intensive.

Deliberative Polling.

To measure informal opinion, randomly selected members of the public are brought together to listen to expert opinions and their own views on an issue. They are then confidentially questioned about their opinions. The result provides a representation of the publics considered judgment. This can take 2-3 days, involves up to several hundred people, requires the use of trained facilitators, and as a result can be very costly. Television cameras can be used to document the proceedings if the issue is important enough, and a resulting documentary used to air the debate more widely.

Teleconferencing.

This enables face to face questions and answer sessions. This is useful where the stakeholders find it difficult to travel. This can be an expensive process, but also an inclusive one. Access to teleconferencing systems, may however be limited.

Presentations to Community Groups.

At their regular meetings, social and civic clubs often invite guest speakers. The key here is to keep it short and simple (KISS), use visual aides and any other props that enable a lively presentation. The audience here may not have attended other functions, and this enables an expansion of mailing lists. The presenter has control of the information, but feedback can also be elicited. As the guest, the presenter has no input into who is invited to attend, and it is possible that project stakeholders may not be present. .The audience may, however, become stakeholders.

Care must be taken to ensure the presentation is not too technical for the audience. Once prepared, the presentation can be used many times in the same format, adapting as necessary.

Expert Panels.

Members of local and national media are invited to publicly interview an 'expert' panel, followed by public participation. Efforts should be made to involve the stakeholders in choosing a neutral moderator, and setting the ground rules for the meeting.

This format encourages media education and gives the opportunity to dispel scientific misinformation, alongside a balanced discussion of the key issues.

It does, however, require substantial organization, and may even enhance public concerns by increasing the visibility of the issues in an uncontrolled debate. The experience of the author is that, like public meetings, these are not too productive for the end game of environmental protection.

Field Offices.

Where the stakeholder constituency is over a wide geographic area, the use of shop fronts in various accessible and much frequented locations, on stalls in enclosed shopping precincts and at festivals etc. can provide for a broader public outreach. The provision of well trained staff, brochures, video and internet access points will all add to the effectiveness. Such traveling units can be brought to schools, third level institutions etc. This is a relatively expensive method, but

provides opportunities for positive media coverage as well as providing for responsive, ongoing and focused communication.

Informal Small Group Meetings.

These would usually be in a person's home within the neighbourhood, and involve a polite and appreciative member of staff. A coffee morning gives the relaxed setting conducive to effective dialogue. Clearly the numerical outreach is small, but the meeting being held on the communities own 'turf' and at their invitation creates a new relationship of equals.

5.6.3 Level 3. Involvement and Consultation.

Workshops.

These small public meetings (9-24 people) are designed to involve the participants in an active way. Wates, N. (2000) shows a typical format. They are a powerful tool for in-depth discussion, and with a good facilitator; the views of all those present will be heard and considered. It is also a good format for decision-making. Workshops can be used to promote involvement and discussion at larger presentations, as well, with the attendees splitting up into small discussion groups, each with a facilitator, and reporting back to the main body. This prevents domination of proceedings, by individuals or organizations. Hostile participants, by contrast, may see it as 'divide and conquer'. Workshops humanize project team members, promote public ownership of the process, and can be targeted at particular stakeholders. Before workshops commence, it is essential to know what is to be done with the inputs received. Workshops can also be used to 'thrash out' issues raised in other formats.

Focus Groups.

These are a quick means of gauging what is likely to be the public reaction to a proposal. Involving a group of 15-25 invited participants, properly facilitated, this method can give a detailed understanding of people's perspectives, values and concerns. Selection of the participants so as to involve a good cross section of stakeholders is critical. Such a forum could be a one-day event, repeated as necessary. The participants' needs for information etc. would have to be serviced. Conflicting viewpoints can be resolved, and personal respect engendered, in this as in all other small groups. If well planned and facilitated, Focus Groups are relatively inexpensive to organize.

Open House.

Like any open day, this is the opportunity for the proponent, or regulator, to give a broad and detailed account of the project. The public are invited to a venue, preferably a neutral one in their own community, any time during the opening hours of 2 – 9.00 p.m., to enable maximum attendance. The individual is greeted at the door and the layout of information is explained. The members of the public then visit a number of 'stations', each illuminating a particular point and viewable by 6 – 10 people at a time. Each station is staffed by a resource-person, who can answer questions, and explain the exhibit. Visitors are asked to fill out comment sheets.

To make this a worthwhile exercise requires good publicity and the preparation of staff and materials, as well as time spent on the day. This makes it an expensive method, and one which, without added attractions, will not get much media attention.

Conversely, it enables small group/one to one communication. It also allows team members to share information, and when needed, to answer visitors questions. The open house builds credibility.

Open houses can be operated on the internet. Such open houses are cheap, accessible at all hours and not geographically limited. However, the 'digital divide', and the openness of the process make it difficult to use the inputs in any authoritative way, except as a source of ideas.

The Delphi Method.

Following mail-shots, directed or random, with reply-paid questionnaires, the responses are collated, and then copies of the collated responses are sent to all those who responded for further comments, and so on. This enables consensus building, without the necessity for meetings and can also be done using combinations of telephone and post, or, with the caveats previously mentioned, by e-mail. It is a relatively cheap way of assessing the major issues relating to a project. The same methodology can be used to achieve expert consensus over contentious facts.

5.6.4 Level 4. Extended Involvement.

Citizen Juries.

Essentially an informal inquiry, this method involves 15 – 20 ordinary members of the public selected to represent a cross section of the community. They are brought together to consider a particular issue and receive evidence from expert witnesses, whom they can cross-examine. At the end of the process they produce a report setting out the views of the jury, including differences of opinion.

Although its findings are non-binding, and the jury has no legal standing, the commissioning body must follow recommendations or explain why. In this way, issues can be considered in depth and in a credible way by, 'ordinary citizens'. Flaws can be pinpointed and public reaction gauged, and in a fairly short period of time. It is essential to plan the jury well, being clear, as to the resources necessary, and about what will be done with the report and its recommendations. This is a resource intensive approach, requiring the payment of jurors, a facilitator, expert's fees etc.

Advisory Groups.

These can be statutory as in the case of the EPA (Section 27 of the EPA Acts, 1992) or not, and may be granted powers ranging from making recommendations to exercising leverage over final decisions. They are usually a small representative group of stakeholders who meet to discuss issues within a particular remit. Their existence is long term and not issue specific, and requires a large commitment from the participants and more resources than some of the other methods.

Rules and responsibilities must be clearly defined in advance, and a consistently credible, transparent process, with third party facilitators, is essential. Potential committee members must be interviewed before appointment and the necessary support structures put in place.

Participants gain a good understanding of the issues, processes and other viewpoints leading towards compromise. There is, however, the risk that the public will see the committee as too 'cosy' with the sponsor.

The sponsor must be willing to take the groups advice seriously, and accept when consensus cannot be reached.

Task Forces.

Generally issue-specific, a task force, made up of independent experts and stakeholders can identify, evaluate and solve particular problems. Such a group has great credibility and provides constructive opportunities for compromise. Time and labour expensive, task forces may not come to clear decisions or reach concensus.

Planning for Real

This innovative method was designed originally for communities to use in urban land use planning, but has been adopted for other situations. A good example of this latter was 'Planning for Flood Plains' (Cuff, J. 2001. p. 2.1.2.) a river basin management project.

The process contained in the registered brand name 'Planning for Real' focuses on the construction of models and the use or priority cards so reducing the need for good verbal or written sills. This empowering process enables the community to identify their own aspirations and issues, bearing in mind the constraints of the real world (Wates, N. 2000. p.100). Dedicated staff time is needed and the complex 3.D models are expensive.

Community Visioning.

Most suited to developing general plans for a site area or organization, this has been much used by UK Local Authorities for Agenda 21 processes. This is a pre-planning process designed to collectively create imaginative shared visions for what the future could be in a community. Because there is no control over the outcome, the project proponent must be clear that considerable power has been handed to the community. That said, this process is likely to lead to strong commitment to the outcome from all participants. Visioning can also be done via the internet, but there is no control over who makes the inputs, and restricts the process to internet users.

A variation on the process is the 'Future Search Conference' used to focus on the future of an organization, a network of people, (IAP2 (b) 2003) or a community. As with most of these techniques, it is essential to use a trained facilitator. This method can involve hundreds of people simultaneously and each one is an 'expert'. A 2-3 day meeting, this may prove logistically challenging. It may also prove difficult to gain complete commitment from all stakeholders.

5.7 Evaluating the Process.

Evaluation has been defined as 'a process of assessment which identifies and analyses the nature and impact of processes and programmes' (Interact, 2001). The evaluation of public participation is, however, a relatively rare activity (Gray, A.J. 2002. p.46). Yet it is an essential feedback mechanism during the process for the stakeholders, and post process for the funders, proponents, and stakeholders, to see, if the process is going well, or whether it was worth the effort. As a learning process for future processes, clearly, record keeping and assessment are essential.

Clearly then, it is not just the end result that is of importance in this assessment, but the journey to reach it. Most of the international evaluations use 'fairness; and 'competency' as underlying criteria (Webler; T. 1995), and most rely on 'generic' expert criteria. But Barnes, M. (1998) suggest that the evaluation process itself has to adopt participatory techniques if the criteria for assessment are to include those considered important by all the stakeholders.

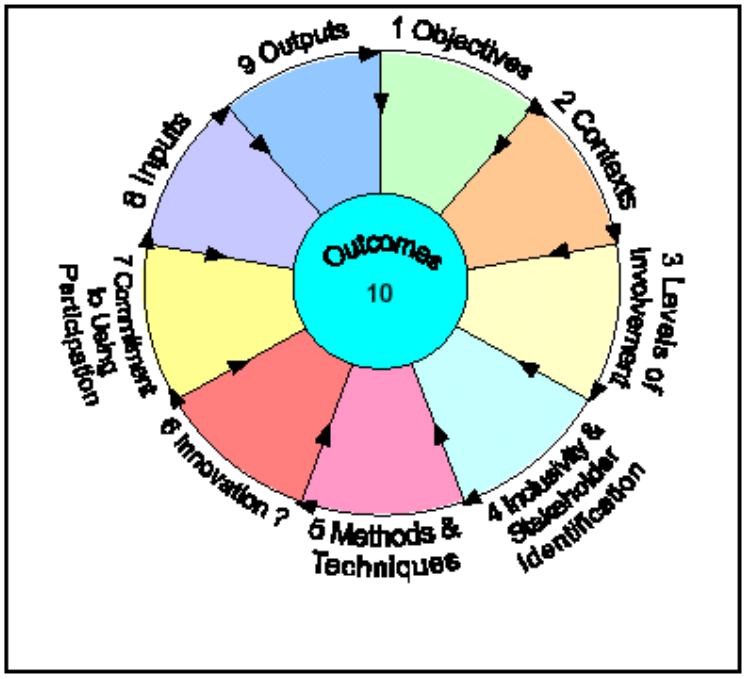
Looking at the assessment of participatory processes for the UK Environment Agency, Petts. J. (2000) uses some 12 effectiveness criteria.

- Clarity of objectives – is the connection made between purpose process and outcome?
- Clarity of legal process – including limitations of outcome.
- Consensus on Agenda and Procedures including choice of facilitator or chair person.
- Input into assessment process.
- Representativeness.
- Inclusivity – are all barriers to participation minimized, and are non-participant stakeholders kept informed?
- Deliberation – is dialogue open, inclusive, informal, detailed enough, educational and constructive?
- Capability – are sufficient resources in time, money and staff training available?
- Sound learning – is the process enjoyable and informative? Does it lead to increased consensus?
- Actual Decision Responsiveness – is the process outcome included in the final decision made by the relevant authority?
- Trust Enhancement – has the process increased trust between proponent and stakeholder for future participatory processes?

Perhaps a more useful tool, however, is that developed for the EU Life-Environment Project, 'Wise use of Flood Plains' (Cuff,J.,2001,pps 75-81). This could be used for an individual public participation method or for a whole public participation process.

Figure 2. Cuff's Circle. Summary framework for evaluation of participatory processes.

(Cuff, J., 2001)



The categories are adapted here, where necessary, for a more general use by the author. The circular process, with 'outcomes' as its centre, and about which all else revolves, is a useful visual to maintain focus throughout the process.

Objectives – These could be the objectives of the proponent and/or the objectives created as part of planning for the process. The two sets of objectives could be compared to see if participation objectives complement strategic ones. Did the objectives change over time and were they realistic. To what extent were objectives met.

Contexts – Is the process connected to: for example rule making, long term planning, licensing, land use planning or a combination of two or more, e.g. a planning application with an EIS and an IPPC Licence process all on the one project? If so, how did the different processes interlink?

Other factors could be political (e.g. local elections) or geographical (e.g. a long powerline where jobs depend on it at one end, but people along its route resent it). Increased pressures on a process can be due to a need to act, brought about by external factors, e.g. flooding of the Somerset Levels (Cuff, J. 2001. p.77).

Levels of Involvement – Using Arnstein's ladder (see section 5.4), methodology can be assessed and explanations given for the level of power transfer used, in the light of the submissions made.

Inclusivity and Stakeholder Identification – This should also be measured in the light of the objections. Who was left out, or included? Were there complaints about this? Was a special effort made to include socially excluded groups? Were events timed to suit stakeholders? Was there a reluctance to participate? if so, why? How many, and what type of people actually took part?

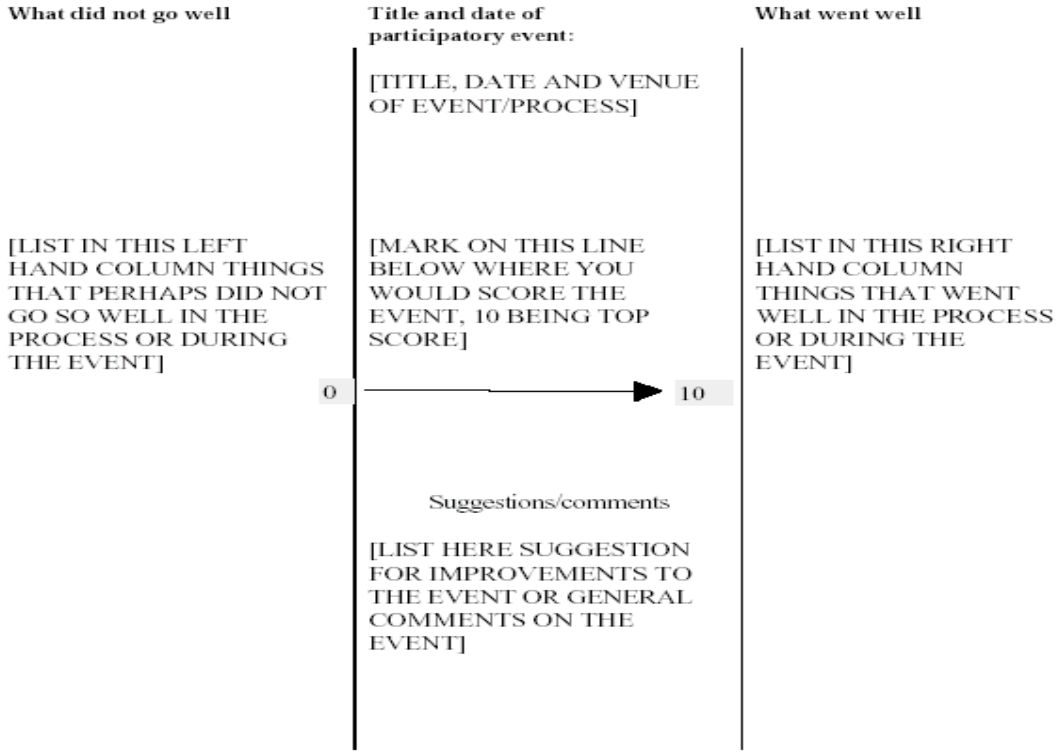


Figure 3. H Diagram. A format. that could be used to evaluate individual participatory methods or processes. Scoring: 0= went badly, did not meet objectives, 10= all objectives met, total success.

Participatory Methods/Processes – This assessment should be for each method used, and an objective set for each at its onset. The use of an H Diagram gives a good picture of the pros and

cons of an event (see figure 3. above). All aspects of the methodology should be scored from 1-10 to show strengths and weaknesses, and recommendations for the future use of same.

Innovation – Any new methods could be shown and assessed here, for possible use in the future.

Commitment to using Participation Process Results – Was it clear at the outset what limitations the participation process had in influencing the decision-making? What actual use was made of the process outcomes? Were participants informed of the use of their inputs? If so, when and how?

Inputs – A break down of the costs of the process into individual events, and then into their constituent costs, is needed to assess the value-for-money represented by the different methods. Was lack of finance an obstacle? Was the use of consultants value for money?

Outputs – This is a measure of the number and quality of outputs and their effectiveness, e.g. posters, exhibitions, questionnaires, etc.

Outcomes – These stem mainly from 5 and 9 (figure 2, above) and are measured against the baseline of the pre-process situation. Firstly, there are the strategic outcomes. Has a decision/recommendation been made, and is it based on a consensus? Secondly, there are the cultural outcomes. For stakeholders these include:

- Change in the attitude to participatory processes.
- Ownership of the process
- Increased trust in the proponent
- Changes in values or attitudes

For organizations:

- Are they more transparent?
- Are they more at ease with public participation?
- Do they see the process as worthwhile?

There will be other outcomes in the many circumstances in which this assessment process could be used.Wates, N. (2000. p.100) describes how to organize and run an effective 'review session' involving all stakeholders.

5.8 Conflict Resolution

Having pursued a participatory programme what can be done if the stakeholders cannot reach concensus?

The use of strategies known as ADR (Alternative Dispute Resolution) and based on 'joint gains' problem solving, mediations, facilitation and consensus building offer promise for many cases (Adler, P.S. et al., 2003).

Bingham, G. (1986) showed that 78% of the 161 environmental disputes studies, which used mediation-based ADR, ended in agreement amongst the parties. It is, however, not a panacea, and each case should be judged on its merits.

The US EPA uses the definition of ADR in the Administration Dispute Resolutions Act of 1996 "any procedure that is used to resolve issues in controversy, including but not limited to conciliation, facilitation, mediation, fact finding, minitrials, arbitration and the use of ombuds or any combination thereof.

All the methods listed above involve a neutral third party who assists others in designing and conducting a process aimed at reaching agreement. All aspects of ADR are voluntary, including the decision to participate, the type of process used, and the content of any final agreement.

The ADR process and practices are beyond the scope of this study and generally would only be undertaken using specialist EDM mediators or facilitators, however, it is worth looking at the underlying principle. The conditions, under which ADR is useful, and most likely to be successful are listed by Otolano (1997. p.417) as:

- A high uncertainity in timing and outcome. Stakeholders who perceive other quicker or more certain routes to achieve their objectives all have little motivation to become involved in ADR.
- Equivalent distributions of power. Here power is described as the ability to prohibit an action desired by one or more adversaries.
- Mediation is more promising than BATNA (Best Alternative to a Negotiated Agreement). As long as the prospective outcome from negotiation is more attractive than BATNA, a stakeholder has an incentive to continue negotiating. If the prospects for success for negotiation drop than the BATNA might be the courts, lobbying or direct action.
- Disputing parties are at an impasse.

- Litigation is ineffective.

Ortalano, L. (1997, p.411) goes on to describe the ADR techniques known as 'principled negotiations'. This is characterized by four main points, which are a useful insight into problem solving during any EDM process.

- Separate the people from the problem
- Focus on interests not positions
- Invent options for mutual gains
- Use objective criteria for evaluating the agreement.

Implicit in these is the recognition of the four main types of conflict delineated by Creighton, J.L. (1981. pp 454-455).

- Cognitive conflict – differences over the facts.
- Values conflicts – a dispute over goals, for example a dispute over whether a particular outcome is desirable (undesirable) or should occur or not.
- Interest conflicts – Cost and benefits are rarely evenly distributed so that some may have a greater interest in a particular outcome. It is possible then to have agreement on facts and on values but still disagree on interest.
- Relationship conflict – Communication involves both facts and relationships (how much a person is valued, accepted etc.). The EDM process itself may favour those with power and money and so communicate a lesser value to other stakeholders, leading to conflict on emotionally motivated grounds other than facts, values or interests.

ADR strategies can be used for rule and policy-making and for enforcement and compliance, and many examples of same can be found at www.resolv.org, www.ecr.org and www.epa.gov./adr/cprc..

6.0 Capacity Building

Defined by Wates, N. (2000) as "the development of awareness, knowledge, skills and operational capability in order to achieve a purpose", capacity building is an essential part of the development of public participation practice, and it is necessary to build capacity amongst all the stakeholder groups in society.

Agenda 21, Chapter 36 set out the broad proposals for promoting education, public awareness and training which it sees as meeting capacity building needs. It promotes the inclusion of environmental and human ecological considerations in all aspects of education and decision-making.

'The Access Initiative' (Coyle, J. et al. 2002) in a study of nine nations found that: lack of government capacity constrains public access e.g. through lack of staff, equipment, procedures and training. Laws and procedures relating to access are often new, and the necessary training has not been done to facilitate their enactment. South Africa was seen as the only country, of the nine studied, with an extensive programme building staff capacity. Lack of capacity in civil society was also seen as a serious impediment in all the countries studied.

The Environmental Law Institute (Breggin, L. and Hallman, H. 1999) looked in detail at Building Capacity to participate in US EPA activities and pinpointed the following as essential elements in capacity building.

- Information.
- Technical Assistance.
- Process Education.
- Access to Documents.
- Education on laws as fundamental building blocks.

The study then went on to give potential approaches to enabling stakeholders to participate, showing models of each method in action. These include;

- Independent Information Broker
- Ombudsperson
- Hotlines
- Technical Assistance Grants

- Citizen Training on Processes and Legal Requirements
- New Collobrative Participation Processes
- Increased Date Availability and Dissemination Networks
- Grants to Community Groups
- Improved Access to Documents
- Improved Mailing Lists

Capacity building in the Irish context will be looked at in the following chapters, but the following are a few examples of best practice at work elsewhere.

The US EPA's 'Community Based Environmental Protection' programme is another way to create local ownership of the environment (US. E.P.A., 1999). The many Local Agenda 21 projects worldwide are achieving similar results.

In the UK, through the Environment Council, training programmes for all stakeholder groups are available on stakeholder dialogue, as a tool to achieve sustainability. Information tools to enable local government employees to respond to their publics now include a one-stop internet portal. 'info 4 local.gov.ukl'. www.info4local.gov.uk/

In Ireland, IBEC runs regular training programmes for people in Industry, on 'Environmental Communication', to promote better communication with the other stakeholders, regulatory bodies, the media, and the local community (IBEC, 2003).

7.0 Ireland and Principle 10

The Access Initiative

Over the last three years the World Resources Institute has formulated a methodology to assess the implementation of Principle 10 at national level, called The Access Initiative (TAI) (The Access Initiative, 2003). This is a global coalition of civil society groups collaborating to assess and promote national implementation of Principle 10 commitments.

The European Commission has now signed up to Partnership for Principle 10 (P.P.10), which commits governments to support such independent assessments, by NGO's, of national Principle 10 performance.

The pilot project, reported in 'Closing the Gap' (Coyle, J. et al. 2002) involved nine nations on five continents and twenty-five civil society groups. Following this, the process was refined, and the difficult task begun of finding a methodology for assessing the implementation of Principe 10 in the many different cultural and political systems that exist. The methodology looks at:

(i) The comprehensiveness and quality of the General Legal Framework

(ii) The degree of available access to selected types of information about the environment.

(iii) The degree of public participation in decision making processes, and

(iv) Comprehensiveness and quality of capacity building efforts to encourage informal and meaningful public participation.

In order to conduct an assessment of the Irish government's performance, and so to pinpoint weaknesses, with a view to capacity building, the Access Initiative requires the building of a coalition of civil society groups within Ireland.

The formation of a coalition is necessary to get the skills and knowledge base necessary to perform the research and analysis tasks contained in a full Access Initiative Assessment. Potential coalition members might include NGO's, lawyers, academics, journalists, etc. The structure of the coalition would include a local organization, a research team with membership from across the coalition, and an advisory group of 'experts' to oversee the research and give credibility to its findings (The Access Initiative, 2003).

The work involved, with 6-12 researchers, is estimated to take 4-6 months, based on the pilot project. Clearly the degree of detailed research required to carry out a complete TAI study of Ireland is beyond the scope of one individual and of this study, but a selective look at the issues raised will give some insight into the current state of environmental governance in the Republic.

Access to Information

Law: Whilst there is not constitutional right to information on the environment, freedom of access to information is available under the Freedom of Information Act, 1997 (FOIA) and the European Directive 90/313/EC (S.I. 125 of1998) (replaced by 2003/4/EC). Access under FOIA is restricted by cost, limiting its use by people with low incomes.

Emergencies: Although a general legal mandate exists (The Seveso Directive) for dissemination of information about environmental and health impacts to the public during and after an emergency, An Taisce has repeatedly expressed its concern about the implementation of same (Lumley, I. 2003)

Monitoring: In general, monitoring of air and water quality is carried out to a high standard and information is made available about the results of same. Both air and water quality monitoring results are available on the EPA website, and are freely available to the public through ENFO. The quality of this information is of a good standard, but the data is 1-2 years old. Local Authorities also carry information on their web sites, though the range and quality varies considerably.

State of the Environment Report (SOE): The EPA, as mandated by the EPA Act 1992, produced its third SOE Report in 2000, and it is rich in data and indicators to describe conditions and trends. The report was well publicized in the media, and available in bookshops. 'Government in Focus – Key Environmental Indicators For Ireland 2002', is available on the web-site.

Facility-level Information: Readily available and timely information on the environmental impact of particular facilities is essential to enable people to protect their environment. In the USA online information regularly updated is available on the Toxic Releases Inventory (TRI) web-site. In Ireland the EPA is developing a similar system, based on GIS mapping. Local Authorities have some information on web sites, but not facility specific. Otherwise it is necessary to trawl through registers at EPA or Local Authority offices.

Participation in Environmental Decision Making

Law: The legislative and constitutional frameworks regarding participation are beyond the scope of this study, but would be addressed in an Access Initiative Assessment. Whilst public participation is allowed at an early stage in some environmental decision making processes (e.g. Development Plans) in others it happens too late to make substantive changes (e.g. the EIA process), and in others, there is no right of appeal to an independent arbiter such as An Bord Pleanala (e.g. Article 81,Planning and Development Regulations, 2001).

Policy: Lead times for notification of public participation are acceptable in terms of the Access Initiative, though the author's experience would suggest that this depends on the effectiveness of the notification procedure. There is a wide availability through ENFO, the Internet, Local Government Offices, Libraries, etc. of policies, strategies, plans programme and laws. The requirement to send development plans, planning applications etc. to the 'statutory bodies' gives a degree of external consultation by non-involved expertise, but as explained elsewhere, much environmental decision making in Ireland is of the 'report and comment' type.

Project and Plans: The lead in time for public comment on draft plans is generally eight weeks, but it is five weeks for a planning application, regardless of the project size and complexity. The quality of information provided to the public and relevant authorities, particularly EIS's is very varied, and is often, in the author's experience, poor both in content and presentation. Clearly this does not allow for good decision-making. Records of local permits and other project documents are accessible at the relevant offices and increasingly on the internet.

Capacity

Law: The right of freedom of association and the right to a clean environment are guaranteed under the Irish constitution.

Government: The establishment of FOI officers in all the government departments dealing with environmental issues, and the publication of the EPA Section 15 and Section 16 reference books are some of the ways in which capacity is being built by the government with regard to access. The presence of ENFO (The Environmental Information Office) as a one-stop shop and library

for all environmental information is a very important capacity building force. ENFO also provides support for schools and materials for environmental education. ENGO's are encouraged and give some funding under European Parliament Decision No. 466/2002/EC.

It is not intended to give further comment here on access to EDM in Ireland as this will be discussed later in the light of the results of the survey undertaken as part of this study.

8.0 Environmental Impact Assessment (EIA) and Public Involvement.

EIA is a gateway control and not in itself a permitting or authorisation process. It is a very important tool to enable good decision-making, and although its findings usually correlate to the final decision, theoretically the reverse can be true.

Article 6 para 2(e) of the Aarhus Convention states that "the fact that the activity is subject to a national or trans boundary impact assessment procedure", dictates that the public concerned shall be informed, either by public notice or individually as appropriate, early in an adequate, timely and effective manner".

Further, Articles 4 and 5 require each Party to provide for public participation when all options are open, whilst encouraging applicants to identify the public concerned and enter into discussions prior to applying for a permit.

Within Ireland Council Directive 85/337/EEC as amended by Directive 97/11/EC lays down the requirements for the EIA process, and is given effect in Irish Law through the Planning and Development Act 2000 (implemented by The Planning And Development Act, Regulations, 2001.), through IPPC Licensing and Waste Licensing and through the European Communities (Environmental Impact Assessment) Regulations, 1989 – 1999. (EIA Regulations) (Doyle, A., 2002).

In the EIA Regulations, a developer when required must submit an Environmental Impact Statement to the competent Authority. An EIS is defined in S.I No. 349 of 89 (Article 3 (1) as follows " A statement of the effects, if any, which a proposed development, if carried out, would have on the environment". Following the submission of an EIS, the public, relevant public bodies and, where legislation requires, other governments, have the right to comment. The competent authority must take all submissions into consideration and make a decision. The decision and the reasons for taking it must then be communicated to the public and other interested parties. The whole of this procedure is the EIA. There is no publicly available written analysis of the process leading up to the decision, unlike the IPPC and Waste Licensing processes. In these, an inspector's report to the Agency, containing an analysis of the issues, is available for public comment, in the course of an objection.

Essentially through, in each of these three processes it is the presentation of a report and then public comment.

The EPA by contrast in its "Guidelines on the Information to be Contained in Environmental Impact Statements"(P.7), lists public participation as one of its four basic tenets of EIA.

In the same guide (para 2.3.7) it suggests, that apart from its basic statutory rights, the public could participate in the EIA process by making observations or submissions, in response to a preliminary invitation to participate in the procedural stages of scoping; evaluation of alternatives, and document review. Public involvement early in the process enables applicants to include or address concerns before it is too late. It further asserts that, direct participation, i.e. face to face, communication is more likely to result in accurate and focused communication.

In Para 2.3.6 the role of NGO's is discussed, and their input encouraged at the earliest stage possible. "Early, open and constructive engagement has frequently proven to be beneficial to both the protection of the environment and to the quality of development projects", it states.

However, at present these are recommendations only, and it is the proponents decision whether or not to involve the public, apart from the review of the final EIS.

8.1 The EIA Process.

The Definition: "EIA can be defined as: the process of identifying, protecting evaluating and mitigating the biophysical, social and other relevant effects of development proposals, prior to major decisions being taken and commitments made" (Saddler, B. et al, 1999)

The World Bank expands this definition and describes EIA as a procedure that; "evaluates a projects potential environmental risks and impacts in its area of influence; examines project alternatives; identifies ways of improving project selection, siting, planning, design, and implementation, by preventing, minimizing, mitigating or compensating for adverse environmental impacts and enhancing positive impacts" (Klees, R. 2002). The main aim of the process is to stimulate thinking, and encourage action, and not just the ticking off of boxes just to get another report (Verheem, R. 2002).

The Principles of EIA.

The IEA (Saddler, B. et al., 1999) identifies two sets of principles, 'basic' and 'operative'. The basic set applies to all stages of EIA as well as to Strategic Environment Assessment (SEA) of policies, plans and programmes. One of these states that the EIA process should be participative; providing appropriate opportunities to inform and involve the interested and affected public, and, that their inputs and concerns should be explicitly addressed in the documentation and decision-making" (Saddler, B. et al., 1999)

In a review of 25 years of National Environmental Policy Act (NEPA) the Council on Environmental Quality (CEQ) (CEQ 1997) stated "the success of a NEPA process heavily depends on whether an agency has systematically reached out to those who will be most affected by a proposal, gathered information and ideas from them, and responded to the input by modifying the proposal or adding alternatives, through the entire course of the planning process".

The EIA Cycle and Public Involvement

The EIA process should be applied as early as possible in decision making for a project, providing for the involvement and input of communities and industries affected, as well as the interested public (Saddler, B. et al., 1999)

Public involvement in environmental assessment and relationship with the project cycle (*Based on World Bank (1993)*)

Public involvement	Project Cycle Phase	Environmental Assessment
Identify relevant stakeholder groups and determine appropriate ways to disseminate information	**Identification**	Environmental screening
Early consideration of mode of public consultation and as appropriate participation	**Formulation (appraisal)**	Determine ToR and scheduling of EA
Release preliminary information on proposal and potential environmental effects		Scoping
Extent and mode of consultation and participation finalised		
Draft EA report made available to stakeholders, including effected parties and local NGO's		Draft EA submitted (additional information requested if necessary)
Consultation about draft EA		
Outcomes from consultations recorded in final EA report		EA submitted and reviewed. (Results integrated into project design)
EA team ensures concerns identified are addressed in project design and mitigation plans		
Participation plans developed -as appropriate - for implementation and evaluation		
Findings from consultation and participation reflected - as appropriate - in financing agreement	**Financing**	Environmental requirements, based on EA findings, included in financing proposal
Implementation of participation measures / select suitable short-term and long-term monitoring indicators (i.e. Attitude survey)	**Implementation**	Implementation and montioring of agreed mitigation. Adapt project as necessary
Post-hoc evaluation, including consideration of effected peoples views about project impacts	**Evaluation**	Evaluation of environmental aspects in completion and evaluation reports

European Commission: October 2000: version 1.0
Prepared by GIBB Ltd (www.gibbltd.com)

Figure 4. Public Participation in the EIA process shown as part of the project cycle.

(European Commission, 2000).

The EIA cycle shown in Fig. 4 (above) as part of the planning system and project cycle should provide for the following: (European Commission, 2000).

Screening.

Screening determines whether or not a proposal should be subject to EIA, and if so, at what level of detail. Consultation with potentially effected parties here will improve understanding of the nature and significance of potential impacts using 'local' knowledge, together with that of 'experts'.

The objectives here should be: to obtain a complete understanding of how the issue is viewed by all the significant stakeholders; and to identify the future levels of interest in public participation activities on this issue. Techniques could be used here from levels 1 and 2 of the participation tools list. (Eccleston, C.H. 2000. p.65) has a checklist of tasks to consider as part of the pre-scoping phase. Added to this should be the preparation of a public participation plan, which includes a publicly available record of the process. The use of exploratory thinking techniques such as brainstorming and snow-storming at this phase helps stimulate the creativity need to seek alternatives.

Scoping

This is a very early exercise in an EIA in which an attempt is made to identify the attributes of the components of the environment for which there is public (and professional) concerns and upon which the EIA should be focused (Singleton, R., Castle, P. and Short, D. 1999, p.103). Good scoping is the key to a successful EIA process. Public involvement here ensures that all the significant issues are identified, local knowledge about the area is incorporated, and alternatives are identified and considered.

The principal objectives of public scoping are: (Eccleston, C.H. 2000, p.72)

- Identify public concerns and the expertise needed to investigate same.
- Identify alternatives to be examined
- Identify significant issues that need to be analysed, eliminating the unimportant.
- Identify problems and potential solution early in the process.
- Identify problems with the participation process and address same.
- Ensure that both the positive and negative aspects of the proposal are identified and studied.

- Identify potential mitigation measures.

A scoping information package should be put together to promote public involvement and to inform the scoping delegates. It should include:

- An invitation to participate showing how, when and where.
- A brief description of the working of the EIS process and the opportunities for participation.
- A description of the proposal, such that the objectives of the proponent are clearly laid out with maps, diagrams, figures etc.
- A description of the known potential impacts. A public notice should then be issued using any of the methods deemed necessary from Level 1 (Section 1).

As was mentioned in the section on P.P. tools, public meetings, whilst commonly used are not the best method, unless they are based on small group sessions and workshops. Public opinion surveys, citizen advisory committees or any other methods listed in Section No. 2 Simple methods may suffice for describing, synthenisizing and communicating information on the pre-project environment and the potential impacts e.g. using checklists, matrices and networks. (Eccleston, C.H. 2000. p.75) (Australian EIA Network, 1996) gives a check list for planning a public scoping meeting, and warns that "outside entities that participate in scoping generally do so because they are opposed to the proposal; the remaining participants who support the proposal often do so because they stand to gain from it. Not surprisingly numerous public scoping efforts have dissolved into sessions of frustration, dissension or outright confrontation. So it is essential to plan well and use professional facilitators or neutral moderators where debates are likely to be heated.

Alongside the general public scoping, it can be of value to conduct focus group/workshop meetings with stakeholders having special interests or expertise, in order to examine more detailed or complex issues. The results of these meetings should be made public, and so become part of the general scoping process.

Eccleston, C.H. (2000 p.249) gives a methodology for handling the potentially voluminous, or complex scoping input, followed by an internal 'responsible authority' scoping session. This can consider issues including technical ones, using in-house expertise, and in greater depth than might otherwise be possible in a public setting.

The body conducting the EIA process, together with stakeholder representatives should then produce a post scoping document, summarising the scoping process, its findings and the reasons for decisions taken in reaching the scope for the resultant EIS Implementation Plans.

Impact Assessment/Mitigation

"Public involvement here can serve to ensure that the analysis and mitigation, necessary to avoid, minimize or offset predicted adverse impacts is relevant to local concerns, and accurately reflects local value and preferences". (European Commission, 2000).

Both impact mitigation, and the evaluation of significance are complex and time consuming processes, which cannot be dealt with by large groups. It is necessary, therefore, to use stakeholder representatives to work with the experts, reviewing the finding of the experts in workshop sessions or other facilitated small groups.

Regular reporting of progress in the process, to the wider publics will maintain their 'ownership' and sense of involvement.

The Evaluation of Significance

This is a difficult issue to resolve even between specialists. It is, however, essential that the public be involved and their perspective included, as the interpretation of significance occupies a fluid boundary between science and politics (Australian EIA Network 1996).

The Canadian EA system of impact assessment is based solely on scientific, credible technical and other relevant information (C.E.A.A., 2001. The resulting determination of significance must be 'objective' and reasonable so as to withstand court challenge. By comparison in the US system, under NEPA, public opinion and the controversiality of the proposal help to identify and determine significance. Ultimately, however, the relevant authority will decide, taking all inputs on board.

Evaluation of significance is subjective, contingent on values and dependent on the environmental and community context (Australian EIA Network, 1996). The intrusion of wider public concerns and social values, into the significances evaluated by scientists is inevitable, as discussed elsewhere. The challenging nature of this part of the process is, therefore, one in which the use of facilitated small groups would be essential for the more contentious issues. More information, on the technical aspects of the evaluation of impacts. is given by Lein, K.L. (2003).

Preparation of EIS

It is essential to document clearly and impartially the impacts of the proposal, as well as those of the identified alternatives, the proposed mitigation methods, the significant effects and the concerns expressed by the public and communities affected by the proposal, as well as how those concerns were addressed.

The draft EIS, following internal review by the relevant body, should be made available for public review, and should include a non-technical summary.

Review of the EIS

The review of the EIS should determine whether the report; meets its terms of reference, provides a satisfactory assessment of the proposal(s); and contains the information required for decision making. Involvement of the public can ensure the quality and comprehensiveness of the assessment and help to reduce any bias in the analysis.

Before the public review, the EIS should be complete in every aspect, except this final opportunity for public feedback. Any major changes resulting from this public review would probably trigger a second public review, though good public participation early on should make this unlikely.

Proposals for electronic transmission of the document along with public access through libraries, site offices, public displays, information repositories, and presentations, should give wide availability. Methods of feedback should be widely publicised. One method could be an interactive web-site page for this purpose.

All those who made major contributions to the process should receive a copy (finance permitting) or have access to a copy, along with the statutory bodies and the proponent.

The draft should be available and publicised at least 15 days before any stakeholder meetings to discuss it.

The final EIS should then include the changes based on the relevant feedback in the draft, together with the responsible body's reasons for not including any other issues raised.

Eccleston, C.H. (2000) gives useful guidelines on dealing with this stage of the process.

Decision Making

It is generally the role of the regulatory authority to approve or reject the proposal and, if it is approved, to establish the terms and conditions of its implementation, taking into account the EIS, and its public input.

Follow-up, Implementation and Monitoring

The participation of local representatives and NGO's in monitoring the operational impacts of a project can lead to the early identification of problems, and can foster a sense of public partnership.

Continual assessment of the EIA process

Continuous assessment of the process itself can ensure the implementation of the public participation plan, provide public transparency and strengthen the effectiveness of future EIA's.

8.2 EIA Best Practice.

In its 'Directory of Impact Assessment Guidelines' (Donnelly, A., Dalal-Clayton, B., Hughes, R., 1998) the IIED (International Institute for Environment and Development) concludes that "greater attention to stakeholder involvement leads to better environmental assessment, and thus to the formulation of projects that deliver more social benefits, fewer environmental costs and greater economic and financial benefits". In looking at best practice world wide, it will not be possible to make assessments of their effectiveness within the scope of this study. However, it finds that in reality EIA guidelines and practice generally pay only lip service to real stakeholder involvement.

This is confirmed by the European and Central Asia Environmentally and Socially Sustainable Development Department (ECSSD) regional study of Eastern European and Central Asian Countries (Klees, R. 2002) where quite often, inclusive legislation is present but the reality of implementation is quite different.

Constructive stakeholder involvement in EIA will rarely occur spontaneously. A proactive approach is required; starting with clear guidelines, legally enforceable by inexpensive court action; and financial assistance for stakeholders where significant costs would be incurred in order to take part in dialogue.

There are a number of good examples of proactive legislations and stakeholder support systems.

Canada. Public participation in the federal assessment process is an implicit part of the Canadian Environmental Assessment Act, 1995, which was itself the result of five years nationwide consultation. The Canadian Environmental Assessment Agency (CEAA) was established to administer the Act and to ensure that opportunities for public participation are provided (C.E.A.A., 2001).

The CEAA must reach out to the public for their input into screenings, comprehensive studies, mediations and panel reviews.

A public registry is established to ensure public access to records, and the responsible authority must address the need for a follow up programme to verify the accuracy of the assessment and efficiency of the mitigation measures.

A participant-funding programme, designed to provide limited funding to interested individuals and groups, is open both to those for and against a project. Its purpose is to enable effective participation at key stages of mediations and panel review.

The 'Guidelines on Environmental Assessment and Traditional Knowledge of Indigenous Peoples' (Donnelly, A. et al., 1998. p.29), formulated in Canada, draws attention to the limitations of short term scientific procedures to collect reliable and adequate information on which to base predictions. They also explore the very different perceptions of environment and development held by indigenous and non-indigenous stakeholders.

New Zealand. The Resource Management Act 1991 (RMA) states the two key principles:

> that decisions on environmental matters are most appropriately made by the communities most affected by those decisions,
>
> and that community participation is vital to effective resource management.

This legislation is based in part on the Maori 'Kaitia Kitanga' (guardianship) of the 'Mauri' (life essence binding the physical and spiritual elements of all life). It is the first attempt world wide at an holistic legislative approach to the management of environmental resources (Ministry for the Environment, New Zealand, 2003).

The Act simplifies access for the public by putting all activities that impinge on environmental resources under the same resource consent procedures. A resource consent gives a person or organization permission to sue or develop a natural or physical resource, and/or carry out an activity that affects the environment in some way for a stated period. Resource consent replace all the many different permissions granted under previous law. Its simple appeals structure, Environmental Legal Assistance Fund, and its insistence that decision makers actively consider alternatives to regulation in preparing policy statements and plans (Section 32 of the RMA), makes the RMA a highly accessible process for the public to become involved with.

The Arctic. The Arctic Environmental Protection Strategy (AEPS) agreed by the eight Arctic countries lays great importance on the integration of two ways of knowing: Traditional Indigenous Knowledge and Scientific Knowledge (A.E.P.S., 2002). Experience gained in mapping traditional knowledge on the Belluga whale in ten indigenous communities on the Alaska and Russian sides of the Bering Sea, have lead to the inclusion of the use of traditional knowledge alongside general public participation as two of the important features of the "Guidelines for EIS in the Artic"(A.E.P.S., 2002)

The USA. The Council on Environmental Quality (CEQ) has been central in strengthening procedures and guidelines in the USA since the National Environmental Protection Act 1969

(NEPA) was enacted. Public scoping of all federal agency projects requiring an EIA is the norm. Publicity in various media is combined with invitations for comments or suggestions, which can be submitted via the post, at various public open houses or public meetings, and via e-mail.

Sri Lanka. The scoping process here involves formal and informal meetings with people who may be affected by the proposed project either directly or indirectly, or who may have special knowledge of the project area and its environment (Tille Kerante, L.S.G., 2003).

Australia. The Environment Protection and Bio Diversity Conservation Act 1999 (EPBC Act) establishes a Commonwealth process for environmental assessment and approval of proposed actions likely to have a significant impact. This is the culmination of over 25 years of EIA in Australia.

Five options are listed under Section 8 of the EPBC Act (Environment Australia, 2003). The first three, preliminary documentation, public environment report (PER) and environmental impact statement involve the following steps: proponent prepares and publishes draft document; public comment period; proponent finalises document incorporating comments; Secretary of Environment Australia reports to the Commonwealth Environment Minister who makes a decision. All documents prepared by the proponent will follow guidelines (terms of reference) laid down by Environment Australia, and formulated by consultation with the relevant stakeholders.

Where the impacts are likely to be high, and prior to preparation of the final EIS, or where greater public involvement is to be ensured, a Public Inquiry is held. All information leading up to the inquiry, including the reasons for having same, are made available. The hearings are all held in public and all submissions made available to the wider public.

Quebec, Canada. (Australia EIA Network, 1996 p.25) Established in 1978, the Bureau d'Audiences Publiques Sur L'Environnement (BAPE) is a quasi-judicial advisory body with a strong record of public participation. The Minister on request from any person, group or municipality may instruct BAPE to hold; a fact finding enquiry; carry out a combined enquiry and mediation; or undertake public hearings.

Its role is to enquire into any question, relating to the quality of the environment, that has been submitted to it by the Minister of the Environment and report back on its findings. It is not like

An Bord Pleanala, which is an appeals board only. B.A.P.E. once instructed, plays a proactive role.

A BAPE Commissioner meets with the parties and mediates to seek a joint solution. Failing this, two to five Commissioners serve as an independent review board.

Initially, the public has 45 days to review an EIA and request mediation or a hearing. BAPE must report to the Minister, within 120 days of receiving a request for a public hearing or 60 days from receiving a request for an inquiry or inquiry with mediation.

Success rates of mediation by BAPE are 75%. The option for a further period for a hearing helps circumvent the feeling of negotiating under time pressure. At the same time, proponents know that these timescales are absolute. The mediation process provides an effective and efficient means of resolving conflict with a 75% success rate in 1978.

Institutional arrangements for EIA Review (Australian EIA Network (1996). Permanent Commissioners in Holland (Netherlands Commission for EIA, 2002) and Italy review the quality of the EIS. The Dutch Commission for EIA remains outside political decision making, it's role is to give an expert (selecting from a panel of 400) opinion on the quality and correctness of an EIS. The Italian Commission by contrast can make a judgment on the environmental compatibility of a project, as well as the quality of its EIS. In Canada, for certain major projects (50 in the period 1975-1995), ad hoc review panels, or inquiry bodies are used. A panel's major responsibility is to establish terms of reference (TORs) for an EIS and to conduct a public review of its suitability. The Parliamentary Commissioner on the Environment in New Zealand can also use panel reviews.

Ireland, Planning Major Roads. Although the Roads Act, 1993 as amended by the Planning and Development Act, 2000 only specify public consultations in the case of compulsory purchase orders (CPO's) or post EIS publication, the NRA in its 'National Roads Project Management Guidelines' sees public consultation as a vitally important and integral part of the various phases of major project planning. The first round of public consultation occurs in the preliminary planning stages as part of the feasibility/constraints study.

Following the publication of the Consultants Report, which is based on the public submission and the consultants report, the possible route options and their general impacts are identified and the public consulted again. This leads to the route selection, and only then, is the EIS drafted. (NRA, 2000).

Research Into EIA. The EC Joint Research Centre (ISPRA) is at present conducting a study on behalf of the EC Environment DG into EIA and SEA research. One of the six areas for research relating to EIA's is public participation (Europa, 2003). A more general research 'Programme on Environmental Decision Making' (2001-2006) (E.S.R.C. 2001) aims to investigate and elucidate a set of criteria for better environmental decision.

Further examples of good practice in public involvement in EIA and other areas of Environmental governance can be accessed through the good practices suite of the United Nations web-site: Virtual Conference for Integrating Environmental Considerations into Economic Policy Making Processes (ESCAP).

8.3 Strategic Environmental Assessment (SEA).

"SEA is a systematic process for evaluating the environmental consequences of proposed policy, plan or programme initiatives, in order to ensure they are fully included and appropriately addressed at the earliest appropriate stage of decision making on part with economic and social considerations". (Sadler and Verheem 1996).

In their principles for SEA, Dalal-Clayton and Sadlier(Donnelly, A. et al, 1998, pp 31-42) call for transparency and openness, including early consultation, availability of comprehensible documents and explanation of how all decisions are arrived at.

The development of a pro–active SEA process is a subject too big for this study, but is one in which public participation should play a part as large as that proposed for the EIA process. The Dutch systems for EIA and SEA are identical in structure, and in both public involvement at the scoping phase is required. (Netherlands Commission for EIA 2002).

By contrast, the new European Directive leaves consultation until much later in the process. 'Directive 2001/42/EC (The SEA Directive) (117) states that prior to the adoption of a plan or programme, or its submission to the legislative process, the competent authority must carry out an environmental report. The draft plan or programme and the environmental report must be made available to the relevant authorities and to the public, who will be able to express their views on same, prior to it's adoption or submission to the legislative process. The relevant authority, following where necessary trans-boundary consultations, will inform all the parties concerned which have been consulted of its decision. With the decision will be a statement summarizing amongst others the results of the consultations, and the reasons for choosing the final plan or programme.

9.0 The Survey.

The purpose of the survey was to make an assessment of the present state of public participation in EDM in Ireland.

An attempt as made to look at

- Attitudes of the main stakeholders.
- Their experiences with public participation.
- Present in-house capacity of regulators and industry to enable public participation.
- In-house capacity building measures.
- Capacity building in the wider community.

9.1 Methodology.

The questionnaire was based on the results of the literature survey, personal experience and feed-back from trial questionnaires. The survey was conducted by e-mail, except the industry section, which due to confidentiality issues had to be posted by the college administrator.

Where appropriate, the same questions were asked of all stakeholders, but specific questions relevant to each group were also included.

The public questionnaires included a preliminary set of open-ended questions. These were designed to establish the person's particular experiences and involvement in dealing with a particular EDM process.

Copies of all the questionnaires can be seen in Appendix III.

The main groups of stakeholders surveyed were as follows.

The Public.
Industry.
Local Authority, Environment Sections.
Environmental Awareness Offices (EAOs).
Department of the Environment and Local Government.
Other relevant departments and agencies.

All respondents were guaranteed confidentiality.

The Public – 20 completed questionnaires.

Notice of the survey was given to all the ENGOs on the ENFO address list, and information about the research was given in the 'Horizons' column of the Irish Times (21/12/02 and 22/3/03).

All the respondents had been involved in some form of EDM process, either individually or more usually in groups of from 4 to 2000 members.

The areas of EDM covered by the respondents included.

- Urban, Rural, Waste, Landscape, Road and County Development Planning.
- The EU Habitats Directive.
- Integrated Coastal Zone Management (ICZM).
- High Voltage Power lines.
- Compliance with EC Directives.
- Aquaculture.
- Incineration.
- Recycling.

Industry – 15 Completed Questionnaires.

Postal contact was made with 40 graduates of the H.Dip in Environmental Protection. The responses came mainly from Environmental Engineers and Environmental Safety Officers, together with one consultant and one company CEO.

The industries involved included:

Wind energy	Distillation
Pharmacies	Biological
Metallurgy	Galvanizing
Chemical Coating	Turbines
Aircraft	Man-made fibres

Local Authority, Environmental Sections – 12 completed questionnaires.

Questionnaires were circulated to all 34 local authorities, some of which did not have separate environment sections. A 35% return rate.

Environmental Awareness Officers (EAOs) – 16 completed questionnaires. A 47% return rate. Although based in local authorities, the function of EAOs is separate.

Department Of The Environment And Local Government – 1 completed questionnaire.
This return represents both the individual opinions of the respondent and department policy where appropriate

Other Relevant Departments and Agencies – 2 completed questionnaires.
One was from a Senior Environment Officer with a Fisheries Board, the other the Coordinator of a River Basin District (RBM).

Calculating Percentages

In order to enable direct comparison between stakeholder groups, and to avoid the confusion of the different sample sizes, it was decided to convert each group response, to a question, into a percentage of the group sample size. Unless otherwise stated, the percentages shown are the percentage of the total number of respondents in each group.

Where respondents were asked to rank items in order they are scored as follows:

Question B.16.
Within each stakeholder group.

$$\text{The percentage of the total score for each information source} = \frac{\text{The group score for this source} \times 100}{\text{The total group score for all sources}}$$

Question B.18.

Within each stakeholder group.

First choice scores, 3, Second Choice, 2 and Third Choice, 1.

$$\text{The percentage of the total score for each measure} = \frac{\text{The group score for this measure X 100}}{\text{The total group score for all measures.}}$$

Question B. 19.

Within each stakeholder group.

First choice scores, 5, Second, 4, Third, 3, Fourth 2 and Fifth 1.

$$\text{The percentage of the total score for for each proposal.} = \frac{\text{The total group score for the proposal X 100}}{\text{The total group score for all proposals}}$$

10.0 Discussion of Results

In this section the results, shown in detail in Appendix 2, are summarized, and then their significance discussed.

10.1 The Experiences Of The Public

Question A1. What were the main problems you experienced?

The responses were wide ranging, but can be summarized as follows. The EDM processes experienced were felt to be confrontational, lacked balance, and lacked real consultation. It was felt that the short time scales for public participation did not allow for effective and constructive engagement with the process, or the people working within the regulatory bodies. Some felt that there seemed to be another separate process at work, from which the public was excluded.

Question A2. How did you feel about your ability to influence the decision-making process, at the beginning and at its end?

The general trend here, with some exceptions was to start out sceptical but hopeful, and end up cynical and angry.

Question A3: Would you see the outcome of your campaign as positive?

Whilst only 40% responded Yes, all but one felt it was worthwhile becoming involved.

Question A4: What changes in the EDM process would have made you more content with the outcome?

The desire for proper consultation, within a reasonable time frame, based on good science, and backed by legal sanction, was widespread. There were many requests for impartiality of EIS, greater transparency, and for reasons to be given for the decisions made. Better-designed documents coupled with easy access to assistance in understanding same, were also requested.

Question A5. Are there any lessons you learned which would be useful to hand on to others starting a campaign?

Be positive, vigilant, steadfast, inclusive within your group, and well organised. Get good advice and educate yourself. Broaden the agenda, and be 'for something' rather than against. Establish good relationships with the officials you are dealing with. Do all of the above, but don't rely on the participatory process. The media/political campaign is also important.

Question A6. Did you understand the EDM process;

	Yes
a) At the beginning.	35%
b) At the end.	65%

Question A7. Did you receive assistance in understanding the process.

Yes 27%

Question A8. Were the time constraints for responses to proposals sufficient?

No 70%

Question A9. In your experience was it easy to access documents from;

	Yes
a) Local authority.	50%
b) EPA.	43%
c) Department of the Environment and local Government.	57%
d) An Bord Pleanala.	60%

These are the percentages of those who actually contacted the relevant bodies.

Question A10. Did you believe the EDM process was legitimate and consistent with the aim of environmental protection?

Yes	No	No Reply
17%	53%	30%

Question A11. Did the EDM process you experienced increase your trust in the decision-making bodies? (Please respond only to those relevant to your situation).

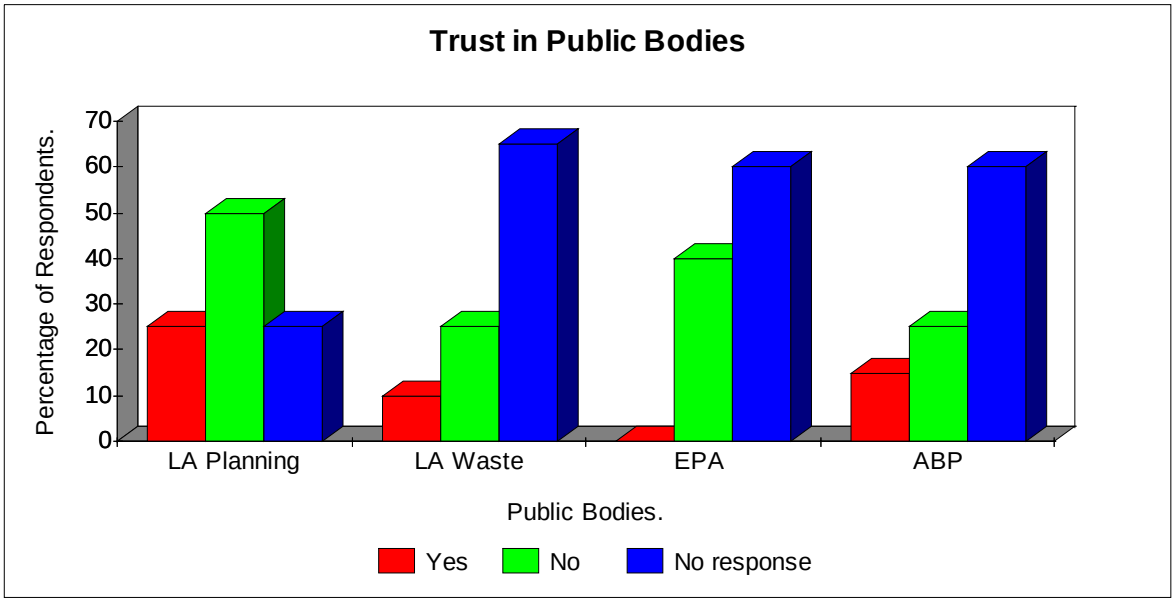
a) **Local Authority-Planning.**

b) **Local Authority-Waste Permitting.**

c) **E.P.A.**

d) **An Bord Pleanala.**

e) **Others (please name).**



Question A12. Were you given an explanation as to the nature of the final decision, and the reasons for choosing the particular course of action?

Yes 37%	No 43%	No Reply 20%

Question A13. Did you feel your input was listened to?

Yes 30%	No 60%	No Reply 10%

Question A14. Did you feel that the responsible body had the competence to enforce the decisions?

Yes 38%	No 38%	No Reply 24%

Question A15.

	Yes
(a) Did you find it easy to locate legal expertise?	10%
(b) Did you find it easy to find scientific expertise?	35%
(c) Did you find it easy to finance this expertise?	5%
(d) Was fund raising a major part of your campaign?	45%

Question A16. Please estimate the total cost to you of your involvement in the EDM process.

Answer: Costs in one year ranged from €70 to €10,000.

Question A17. Did you spend more time than you expected on the process? Please give a rough estimate of the number of hours.

Yes 70%

Question A18. If there was an EIS;

	Yes
a) Did it include all the main environmental impacts?	**0%**
b) Did it look at all the main alternatives?	**0%**
c) Did it give baseline data against which future impacts could be measured?	**10%**
d) Post project, are the EIS predictions being monitored and are the results publicly reported?	**0%**

Discussion of Section A. The experiences of the Public

Half of the 20 Public respondents became involved in EDM processes as a result of particular issues that arose in their communities, and they then attempted to engage with the relevant regulatory authority. The other half became involved with longer-term issues, also in their communities, but which required on-going involvement over long periods, up to five years in one case.

Whilst 40% saw the outcome of their involvement as positive, and all but one saw it as a worthwhile learning exercise, the overall experience of dealing with proponents and regulators has generally been negative. Despite starting from a broadly constructive point of view, these respondents ended up largely cynical, frustrated and angry.

Only 17% of respondents believed the process in which they were involved to be legitimate and consistent with the aim of environmental protection. Their trust in the various regulatory agencies, following their experiences, was also well below acceptable levels, with zero for the EPA. From Question A.11, it can be seen that 75% of the respondents had experience of the planning process, but only 35-40% had experience of the other processes.

Some of the reasons for these opinions can be seen from the responses to other questions.
There was a broad desire expressed for proper consultation. These desires were met with tight time constraints and minimal help in understanding the process involved. In some cases the treatment received was a hindrance in trying to get to grips with procedures. Only thirty percent felt they were being listened to, and only 37% had the reasons for the final decision explained to them. According to the respondents, none of the EIS studied by the respondents involved fulfilled the basic guidelines of the EPA, and no public post-project monitoring was carried out. 38% felt that the responsible body was competent to enforce the decision made. Only 43 – 60 % of respondents, depending on information source, felt access to documents was easy, despite the relevant legislation.

Add to this that, at the out set, only 35% understood the process they were engaging in, let alone the intricacies of the issues involved; that very few found it easy to locate legal or technical expertise, and that paying for these meant that, for 45%, fund-raising became a major part of their campaign. Individual expenditures were huge, ranging from €70 to €20,000 in one year, extending in some cases over many years, coupled with time spent of 70 hours total, to 15-20 hours per week again over years.

So what is the overall scenario emerging?

Here we have twenty individuals, most of whom are linked to groups with shared values, who attempt, as they see it, to protect their local environment, whilst perhaps trying to affect the bigger picture.

Apart from one laudable exception, it seems that they were not greeted with open arms. What should have been a positive first entry for many into the processes of EDM has instead left them cynical and angry, with one respondent opting out for the future, calling instead for nuisance-making, street politics and media events, in order to create political pressure. Here was a respondent who, in his words, started with optimism and campaigned constructively, attempting to engage with the regulators and proponents alike, and who found this engagement futile.

The rest of the respondents were not far from sharing this opinion.

Finally, from Question 18, it is clear that the quality of EISs, that accompanied the EDM processes experienced by the respondents, was generally perceived to be of a low standard.
The significance of the responses in Section 10.1 will be discussed in the light of responses from other stakeholders, in Section 10.7.

10.2 Attitudes of the Main Stakeholders.

Question B1. Should the public be excluded from any particular area of EDM?

(Question for all stakeholders)

5% of the public, 14% of industry, 23% of EAOs and 28% of council respondents answered Yes, and of these all but two qualified their responses. In general the qualifications ruled out involvement in areas from which the public are already legally precluded. There were some who saw the public as ill-informed and their involvement in EDM as inappropriate. Over all, though, there was only two who gave an unqualified Yes to this question, so it can be concluded that most of the respondents think that the public should not be included.

Question B2. Do you think that public involvement in EDM;

(Question for all stakeholders)

	EAOs	Industry	Public	Council
a) Leads to greater transparency?	95	73	80	100
b) Increases environmental protection?	95	75	78	50
c) Reduces conflict?	70	53	75	75
d) Increases public trust?	85	60	75	83
e) Slows down the EDM process?	55	73	55	92
d) Improves project design?	75	47	68	58

Figures given are % responding Yes.

Question B3. How do your staff react to Public Involvement in EDM?

Are they;

	Industry	EAO	Council
a)Enthusiastic?	73	63	67
b)Cynical?	27	56	17
c)Apprehensive?	53	63	50

Figures given are % responding Yes.
(Asked of all stakeholders, but the public).

Discussion of Question B1 – 3

Attitudes of Main Stakeholders

Asked if the public should be excluded from the particular EDM processes, the strong concensus was against exclusion. Only 4% gave an unqualified yes to this proposition. There was a majority opinion that public participation in EDM leads to greater transparency, increases public trust, reduces conflict and improves project designs. The Industry respondents were the least convinced of the reduction in conflict and the improvements in design that might result. There was also broad agreement that public participation would cause a slowing down of the EDM process.

It was also clear that the staff of the Industry and Local Authority respondents were generally more enthusiastic than they were apprehensive, and that cynics were in the minority, except in the view of the EAOs, amongst the colleagues.

All of this is in stark contrast to Section A as will be discussed later, in Section 10.7.

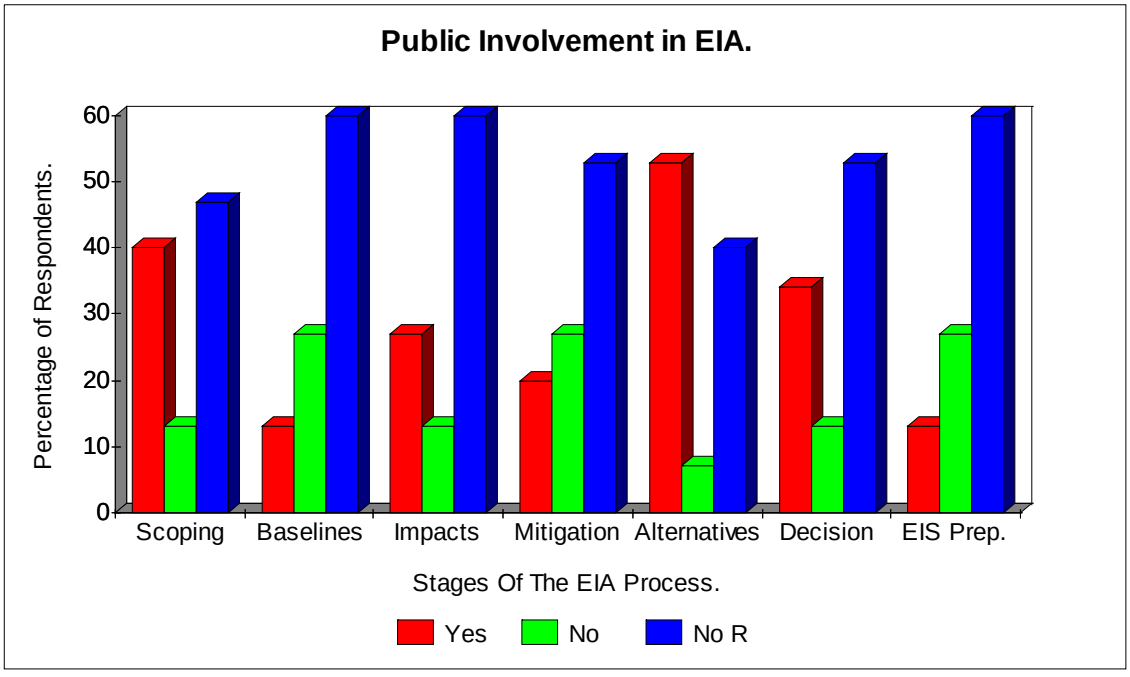
10.3 Industry Opinions.

Question B4. Should the public have a greater involvement in environmental impact assessment (EIA) process?

Yes	No	No reply
57%	37%	6%

Question B5. If your answer was yes to the above at what stage(s):

a) **Scoping?**
b) **Baselines?**
c) **Impact evaluation and prediction?**
d) **Mitigation planning?**
e) **Comparison of alternatives**
f) **Decisions on alternatives**
g) **Preparation of EIS. (industry stakeholders only)**



Of those answering Yes to greater involvement, the following percentages gave positive reactions:

a) Scoping	75%
b) Baselines	33%
c) Impact evaluation and prediction	67%
d) Mitigation planning	43%
e) Comparison of alternatives	89%
f) Decisions on alternatives	71%
g) Preparation of EIS	33%

Discussion of Question B4-5 Industry Opinion

This section deals specifically with industry attitudes to public involvement in the EIA process. 61% of the respondents replying to this question said yes, the public should have greater involvement. This should be compared with the 95% who thought that public involvement would increase environmental protection and lead to greater transparency, as well as the 75% who saw it improving project design. (Question B.2). Of that 61%, a substantial majority were in favour of increased public involvement, in scoping, impact evaluation and prediction, comparison of alternatives, and the decision on which alternative to choose. The more technical areas of baselines, mitigation planning and preparation of the EIS all received much lower percentages. Comparison of alternatives was the only category receiving majority support of the total response to B.4, i.e. 56%.

In essence then, a majority of the Industry respondents are in favour of increased public involvement in the EIA process but there is less clarity about what it is they should be involved in. The stage of 'comparison of alternatives' being the only one with an overall majority. From this the conclusion may be drawn that public involvement is cautiously welcomed but only in the generally non-technical area of comparing alternative proposals, without necessarily being involved in the decision-making that follows from this. Given the positive general responses that Questions B.2 and B.3 received, it would seem that (in the context of the EIA process) the industry respondents like the idea of public participation, but not necessarily the reality.

10.4 Experiences Of The Main Stakeholders.

Questions addressed to all stakeholders but the public.

Question B6. Public involvement in EDM has;

	Industry	EAO	Council
Been a positive experience.	67	88	83
Used a lot of staff time.	47	44	75
Been very expensive.	20	25	9

% answering Yes.

Discussion of Question B6.

All three groups gave strong affirmative responses to having had positive experiences of public involvement in EDM. Only the Council officials gave a strong response to a lot of staff time being used, although it was a significant factor for all three.

The financial costs of public involvement did not seem to be a major concern for most respondents.

The numbers who gave no response to each question are also interesting. To each question in sequence there were 20%, 26% and 27% for industry. One explanation could be that they had no experience of public involvement.

With regard to use of staff time and the costs involved it would appear, perhaps not surprisingly that fewer EAO's responded than Council officials, perhaps because the latter are more likely to know the answers to these questions.

10.5 Capacity For Public Participation.

Questions directed at all stakeholders except the public.

Question B7. Are procedures for dealing with requests from the public, for information on the environment and EDM, strictly laid down?

	Yes(%)
Industry.	**40%**
Local Authority.	**58%**

Question B8. Do you provide assistance to the public in understanding;

a) Legislation and its implementation?

	Councils	EAO
Yes	**83%**	**88%**

b) Technical documents and their relevance?

	Councils	EAO	Industry
Yes	**83%**	**69%**	**33%**

Question B9. What pro active methods do you use to disseminate information to the public on;

(a) general environmental issues?

(b) specific issues?

Questions B9 and B10 are answered together, below, as the responses overlapped regularly.

Question B10. What pro-active methods do you use to promote feed-back from the public on environmental issues?

Answers to B9 and B10

Industry.

In general the response showed a passive approach to information giving, though a minority looked for feedback from their surrounding communities.

EAO.

As would be expected, it being their job, the EAOs were the most pro-active in this area, and use a wide range of feedback mechanisms.

Council.

More traditional use of the media, public meetings and site-visits were coupled with a heavy emphasis on the use and development of web-sites. In general this group favoured a passive approach, but with a willingness to engage with the public.

The Department of Environment and Local Government also emphasized its website development, which it saw in part as a screening agent, i.e. the website enables the public to understand the workings of the department, so enabling them to ask clearer and more focused questions of department staff, and consequently facilitating them in their quest for the exact information they need, whilst reducing time spent by staff trying to understand the questions asked.

Question B11. Does your Local Authority website have links to any of the following;

Local bye-laws?	50%
National legislation?	46%
European directives?	29%
ENFO?	46%

Question B12. Does your department have the capacity to give good access to information on the environment?

	Yes(%)	No(%)	No Reply(%)
Council	92	8	0
EAO	84	9	7

Question B13. Which of the following files are now available on your website;

Planning applications?	54%
Waste permits?	45%
Discharge to water licences?	28%
Water monitoring reports?	35%
Air monitoring reports?	25%
Noise monitoring reports?	8%
Litter hot spots?	8%
Prosecutions (ref environmental legislation)?	25%

Percentage Responding Yes.

Question B14. Do you have a guaranteed call – back information hot – line?

	Industry	Local Authority
Yes	40%	25%

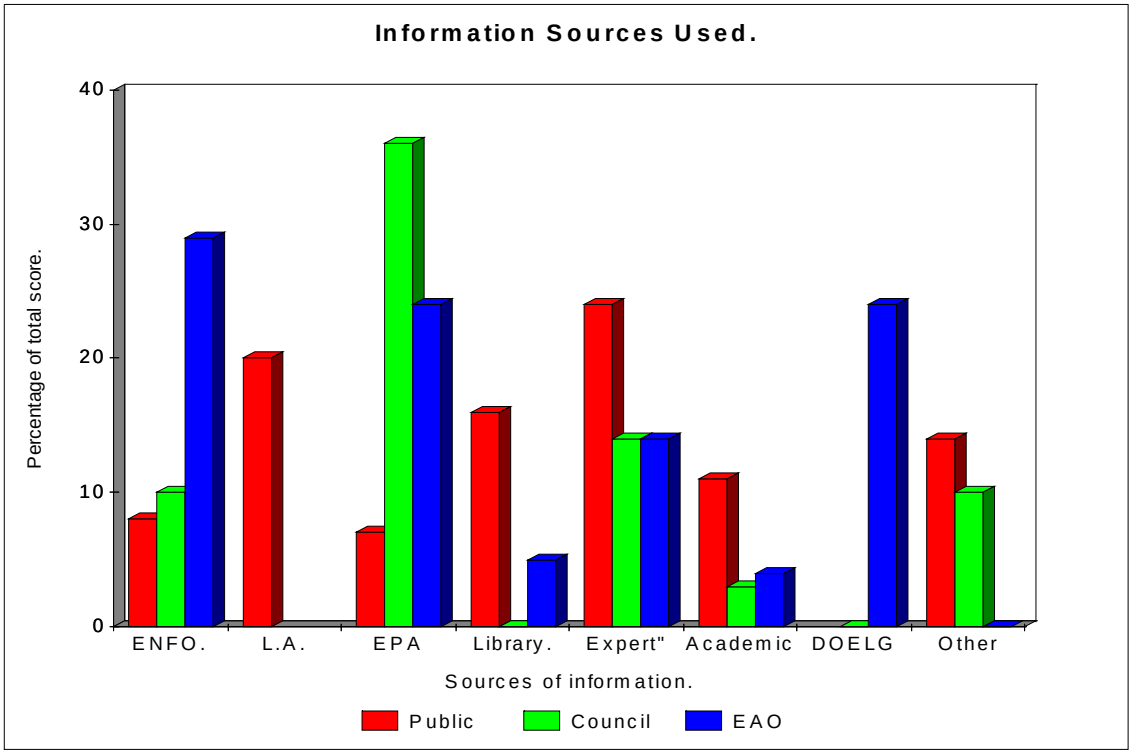
Question B15. Are your staff trained in the following public access skills?

	Industry	EAO	Council
Public meetings	47	88	67
Workshops	47	81	33
Alternative Dispute Resolution	27	31	25
Media Presentations	53	69	50
Advertising	34	50	33
Writing articles/newsletters.	47	75	58

Percentages responding Yes.

Question B16. What outside sources of information do you use?
(Please rate each, according to your experience, from 0-5 with 5 being excellent).

a) **ENFO.**
b) **Local Authority.**
c) **EPA.**
d) **Library.**
e) **"Expert".**
f) **Third Level Institute.**
g) **Other.**
h) **DOELG**



Discussion of Question B6 – 16

Capacity for Public Participation.

From the responses to B6 and B7 it is clear that 60% of the industry do not have formal lines of communication with the wider community or help with comprehension of technical documents, and are generally passive in this regard.

By contrast, Local Authority (LA) staff do see a strong role for themselves in providing assistance, and in understanding legislation and technical documents, even though only 58% have clearly laid down procedures for requests for information. Even then the procedures are generally only in relation to requests under the Freedom of Information Act 1997. Only 27% of LA respondents have a freephone call-line, compared to 40% in industry. LA staff assess their own capacity, to give good access to information on the environment, very highly. (B11)

Looking at B8 and B9 it is clear that the council staff are inclined towards the more traditional, generally passive methods of information giving but with a strong reliance on website development. EAOs by contrast and by the nature of their job, are more pro-active and use a wider range of tools. Many local authorities are still developing their websites, and so the availability of information on the different LA websites varies dramatically in quality and quantity, as can be seen from responses to B10 and B12.

B14 responses showed a generally low public access skills base, with not surprisingly, EAOs being better trained overall.

The sources of information were used by all the stakeholders was the subject of B16.
The Public generally used independent sources, although surprisingly few used the excellent resources of ENFO. The use of the local authority, as a source, received a rating of 20% of the public total. Council staff also made little use of ENFO, sourcing most of their information with the EPA and the DOELG with some use of consultants. By contrast then ENFO was the first choice of EAOs, with the EPA and DOELG second.

Reflected here may be the lack of trust felt by the public in the regulatory authorities. It should be noted that the DOELG was not offered to the public stakeholders as a choice. The Local Authority is a necessary source of some information for most EDM processes and so received a larger number of individual public responses than the other sources, but its average score was 2.4 compared with 4.8 for "other" and 3.8 for "experts".

To summarise, the capacity to provide good access to public participation is at best patchy, despite the response by local authorities, to B11, asserting c.90% capacity to give good access to information. Whilst the inter-net is an invaluable public access tool for public bodies and industries, the existence of the 'digital divide' is not mentioned by anyone. Most of the web-sites are still at an early stage of development, and very few are interactive. Yet the inter-net seems to be the main focus for the council respondents in particular.

10.6 Capacity Building.

Question B17. What changes in your company/department would improve public access to;

a) **information on the environment?**

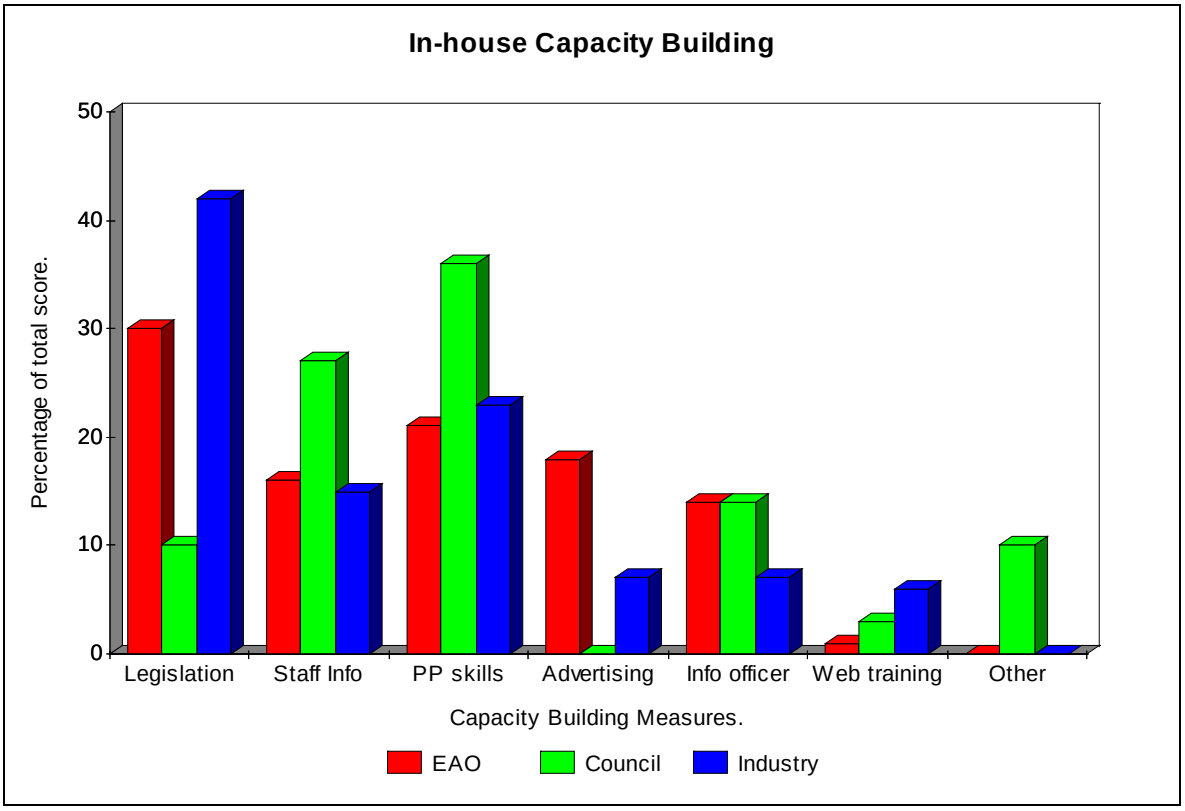
b) **Environmental decision-making**

Answer and discussion.

The response of the Industry respondents seemed to be generally aimed at increased transparency and was marked by a desire to reach out to the community.
Both of the Local Authority respondent groups were looking for increased resources, staff training and improved websites. Increased public access to Strategic Policy Committees and regular meetings with key stakeholders were both good capacity building suggestions. A minority in both EAO and Council respondents felt no change was necessary to improve access to decision-making, with two EAOs suggesting that access to county councilors was sufficient.

Question B18. What capacity building measures for public involvement in EDM would you like to see developed in your organization? (Please select and rank your top three)

a) staff training on legislation and technical details.
b) increased ease of access to information for staff.
c) staff training in public access skills.
d) increased advertising budgets.
e) appointment of a public information officer.
f) training in web-site development.
g) other/s (specify).



Discussion

Question B18 looks at in-house capacity building in Industry and Local Authority..
All the stakeholder groups seem to focus on skills training and access to information for their own staff.
Industry looks for staff training in legislation and technical details, as do EAOs, whereas the main priority for council staff is training in participation skills and greater ease of access to information for staff members.
EAOs in particular want increased budgets for advertising, which is a key part of their work.

Question B19. The following is a list of proposals designed to improve public participation in EDM..

Please select the five most useful, and rank them with no.1 being your first choice etc.

Percentages shown represent the cumulative percentage scores from each of the stakeholder groups.

	Cumulative % Scores.
A community based, independent environmental information broker .	37%
An environmental ombudsman.	58%
A one-stop information hotline with guaranteed call back.	29%
Technical assistance grants.	28%
Science shops*.	13%
Citizen training in how to use the EDM processes.	33%
Collaborative participation where all stakeholders (including developers and concerned citizens) share information and decision-making.	60%
Increased availability of information in various formats.	49%
Grants to community environment groups for educational purposes.	32%
Improved access to documents.	26%
An independent 'expert' panel for review of technical information.	35%

Total: 400%

*Science shops do community-based research where citizens set the agenda. University or college based, the talents of the students, supported by faculty advisers are used to answer questions posed.

This question is based on a list of measures, designed to build the capacity of the public for participation in the activities of the US EPA. (Breggin, L. and Hallman, H.)

Discussion of Question B19.

The results for this question are based on the cumulative % scores for each stakeholder group. This was done to avoid distortion of the bar diagram due to the different sample sizes in each stakeholder group. Caution should be used in interpreting these results.

(The percentages given here are of the score within each stakeholders group).

Collaborative participation' was the overall first choice followed by the 'ombudsman' and then 'increased information'.

The Publics first choice was 23% for collaborative participation, with the environmental broker and the ombudsman being equal second choice at 16%.

Industry gave 24% of its overall score to the environmental ombudsman, 14% to increased information and 10% to the broker.

Council respondents gave their highest score (14%) to a "one-stop hot-line" with collaboration 13% and increased information 12%. They also gave 11% to each of 'technical grant assistance', 'improved document access' and 'expert panel'.

EAOs scored 17% for 'increased information availability', 15% for ' collaboration' and 11% each for 'environmental broker' and 'ombudsman'.

Combining the percentage scores for the 'broker', 'ombudsman', and 'expert panel', captures 44% of the Industry score, 41% of the Public score, 27% of the EAO score, and only 18% of the Council score.

In summary then, from the above, it is clear that there is a consensus among the stakeholders for working together in EDM processes. At the same time, there is a recognition that some issues need arbitration, as well as independent assessment of disputed 'facts'.
As it is usually proponents of projects and the public that are in dispute, it is not surprising to find them opting for arbitration whereas the council officials are looking more at the

practicalities of file access, hot-lines and the availability of information, including technical information. The EAOs, not surprisingly since it is part of their job specification, scored highly for increased availability of information.

Question B20. Are there any lessons you have learned, about involving the public in EDM which might be of use to other public bodies?

Answers and discussion.

Industry. It was felt by two of the respondents that the social and political climate was not mature enough for public participation (PP). Others called for openness with a focus on working with small groups.

Councils. Generally, suggestions given were of a positive nature. It was suggested that the public should be brought in as early as possible to EDM processes. It was also suggested that PP be made an integral part of all EDM processes. Even if processes are slowed down, you cannot, according to one respondent, consult too much.

EAOs. PP in EDM requires openness and patience, and is best done face to face. The public should be made aware of the constraints on the council. People are only interested in contentious issues. Involve other community bodies.

RBM. Have sufficient resources at the outset to conduct your participatory process. Make sure, that the public are aware of the limits of the process, at the beginning. Make use of trained facilitators.

DOELG. Make people aware of their right to access information on the environment.

Discussion.

Most of the responses were positive towards PP, though the DOELG talked only of access to information. Those that pointed to the political immaturity, and the interest in only contentious issues, pose the question in the author's head "how is this situation going to change?"

10.7 Summary and Discussion of Results

Given the inevitable drive to build a sustainable society in which the economic sociologic and environmental aspects of development are all considered, the importance of including all the stakeholders in environmental decision-making (EDM) becomes increasingly apparent.

All actions for change have consequences, and the moves to greater public participation have their costs as well as benefits. It is necessary for all people to decide whether these costs are greater or lesser than the costs of no change. In order to make that choice it is essential to have as much information as possible. This study attempted to draw together some of the arguments for and against that change. Making the assumption that some changes are coming already, as a result of the Aarhus Convention and its offspring, this study has examined ways of making public participation in EDM effective.

In understanding any change, it is necessary to know where you are starting from, and the possible routes that might be traveled to get there. To this end a survey was made of the major stakeholders in EDM processes, industry, the regulators, and the public, in order to see the starting point, as well as some of the possible ways forward.

In the time-scale of this treatise, it was not possible to get statistically representative samples of either industry or public opinion, although the local authority sample was sizeable. 35% of environment departments, 47% of EAO's covered in total 65% of Local Authorities. The methods by which the public and industry groups were contacted were very specific, so this and their self-selection in responding should be taken into account in interpreting the results.

Every ENGO on the ENFO list was surveyed, but only one member of one organization responded, despite each receiving two reminders. Several said they did not have the time. The authors impression was that they mostly saw public participation as an irrelevance to them.

The IFA (Irish Farmer's Association), I.B.E.C. (Irish Business and Employers Confederation) and all the government departments with an obvious environmental remit were also surveyed to no avail, apart from the DOELG, who did respond.

From this the conclusion could be drawn that either these bodies are not interested in the survey, or they are not interested in public participation, or they see participatory practices as a dilution of their power. This is an area for future research.

In order to get a reasonable return on the survey, it was necessary to send out the questionnaire long before the literature survey was completed. This meant that some questions that should have been asked were not, and others were asked badly. An example of the latter would be Question B.1. – Should the public be excluded from any particular area of EDM? The strong response against exclusion does not, however, indicate whether they think the public should be included. With regard to the former, it would have been helpful to find out why each group thought public participation should entail.

Taking the above reservations into account, and in the context of the literature survey, a number of indicators for future action can be taken from the results of the questionnaire survey, as will be seen. The questionnaire looked in turn at the experiences and opinions of the stakeholders, as well as their capacity to deliver public access to information and EDM. Opinions on capacity building measures were also sought.

Putting together the experiences of the different stakeholders, it fast becomes apparent that they have been very different.

On the one hand, we had the public stakeholders, who clearly felt that they have been largely ignored despite their best attempts at constructive engagement with the regulatory authorities. Their commitment cannot be denied in both time and money, and yet they seem to have met, in general, with unhelpful and sometimes obstructive treatment by public servants at local and national level. On the other hand we heard from those people working in Local Authorities and the DOELG that they were confident in their ability to provide good information to the public, and that although it might slow EDM processes down, they had the majority opinion that public participation had many positive attributes. They also felt that their staff were enthusiastic (c65%) though apprehensive about public involvement in EDM.

Industry respondents were even more enthusiastic for public involvement, though they did not have the same strength of belief in its ability to reduce conflict or improve project design.

Clearly something is wrong here. Assuming that all the respondents are genuine in their responses, and that it would appear that they would all wish to operate in a more open way, with the protection of the environment as an end point, there is clearly either a communications breakdown, or else the structures and laws set up to protect the environment are unable to deliver public participation.

It seems like a mixture of the two. In order to communicate well, and under time pressure, it is necessary to speak the same language and to know the rules of engagement. It seems that one third of the public did not understand the EDM processes they were entering into, and only two thirds understood at the end, with very few (27%) getting any assistance along the way. And yet the public servants seem more than willing some (c80%). They were also willing to help with technical matters (c75%).

Independent expertise was hard got by the public and expensive, and yet in situations where the proponent of the project or plan was a government body, they saw themselves as paying for expertise on both sides of the debate.

What happens when a member of the public requests information? Only 58% of Local Authorities said they had strictly laid down procedures and only 40% of industry. Where guaranteed call back hotlines operate (only 25% of Local Authorities) response times were from twenty minutes to 72 hours.

It would be useful here to know how the front-of-house people in Local Authorities feel about their ability to deal with these questions. Do they have the training, back-up and staff numbers enable them to give the service they would like. These questions, unfortunately, were not put.

However, in looking at questions relating to capacity, the following becomes clear. For enabling information delivery, the web-site is a powerful tool but limited in its accessibility, and yet it seems to be the focus of most of the council respondents. At the same time, despite some shining stars, environmental information on Local Authority web-sites, is still fairly restricted, as in that on the E.P.A. and DOELG web-sites. However, they are all in the process of improving, and in the case of the latter two, undergoing radical overhauls. Links from Local Authority web-

sites to other sources of information ranged from 50% for local bye-laws, down to 29% for European Directives.

The author is not aware of any research into who accesses the existing sites, or who knows that they exist, and yet they seem to be the main focus for government resources, and local government officials, in terms of improving accessibility.

Whilst EAO's, whose job is to educate and interact with the public on a daily basis, rate their public access skills highly, they are not the ones on the front line in EDM processes.

The percentages of Industry respondents in particular and Council respondents that replied positively to having public access skills was low in general, except in media skills, and for the council officials with regard to public meetings.

It is not to be expected that these two groups would be highly trained in these areas, it is not their first priority, but these skills, particularly the facilitators skills needed to work with small groups and in workshops, should be available, in house, in every government agency or Local Authority dealing with the public in EDM. These skills would also be useful in other aspects of their internal and external business, e.g. Partnership and the development of E.M.A.S.

Generally though, when asked about proactive methods of giving information and receiving feedback, industry was very passive in its approach. Council officials also tended to be passive but showed a greater willingness to engage with the public. As mentioned earlier, the web-site seemed to be the tool of choice for council officials.

The EAO's and the DOELG were both very proactive in information giving and feedback but the EAO's as educators showed the widest range of skills.

Access to outside sources of information is another area of capacity that needs examination. Question B.16. showed council officials, who deal largely with the technical/decision making aspects of EDM, opting for sources of information that enable them in these tasks. Similarly EAO's, who used the educational resources of ENFO also used the DOELG and EPA. By contrast, the public largely used independent sources which got very high average scores of 4.8

for 'other' and 3.8 for 'experts' compared with only 2.4 (out of 5) for the Local Authority, even though 75% of the respondents were involved in EDM processes to do with Local Authorities and planning.

None of the public respondents were from Dublin, which might explain the low use of ENFO (8%). Those that did, gave it a score of 3.2 on average. The author would score ENFO much higher as a resource, from his own experience, and would recommend that ENFO be resourced such that it can make its presence felt in every region of the country.

The use of independent sources of information by the public would tie in with Question A.11 where only one third of the 75% of respondents dealing with local government planning issues had increased trust at the processes end, and a lower figure dealing with waste permitting (22%). Trust in the EPA was zero and in An Bord Pleanala 43%.

The only area of actual EDM discussed in the questionnaire was the EIA process. Clearly the public respondents that had had experience of EIS's found them of very poor quality indeed. Alongside this, we have the Industry respondents, who were 73% enthusiastic about public involvement in EDM, giving only 57% support for greater public involvement in the EIA process, with 53% agreeing with public involvement in the 'comparison of alternatives'.

So this is the base line, we had a largely disgruntled public, an enthusiastic but under-skilled and under-resourced public service, and an industry response that was generally lukewarm. How did these same respondents see the way forward, what capacity building did they see as useful?

When asked what changes in their organization would improve public access to environmental information and EDM, Industry respondents look to increase the transparency of their enterprises, and showed a desire to reach out into the community.

Local Authority and EAO respondents both looked for increased resources, staff training and improved web-sites. Regular meetings with key stakeholders in the community, coupled with increased public access to Strategic Policy Committees were both creative suggestions.

When asked to make choices about specific capacity building measures, Council respondents opted for staff training in public access skills and increased access to information for their staff; whilst the main choices for industry were staff training in legislation and technical details alongside training in public access skills. EAO's looked for advertising budgets to assist with their education programmes.

The penultimate question, B.19, dealt with capacity building measures for the wider community,. The measures receiving the highest cumulative scores were; 'collaborative participation where all stakeholders share information and decision-making' at 60%, and 'an environmental ombudsman' at 58%.

Apart from this, Industry and the Public both scored very highly for the three interventionist measures of; an expert panel to resolve disputes over 'facts; a community based independent environmental information broker, to give that expertise sought by the public; and an ombudsman to act as a final arbiter if all else fails.

The final question B.20, asked of all, but the public, looked for advice to others, based on the experiences of the respondents. Most of the responses were positive to PP, suggesting a more personal approach to the EDM processes with PP incorporated into the EDM process at the earliest possible stage. Two responses from Industry felt the politico/sociological climate in Ireland was not mature enough. Perhaps by reaching out into the communities, of which they are but one part, they might be surprised.

There is a great wealth of detail in the responses of all the stakeholders, which can be seen in Appendix II and which in its variety emphasizes the fact that, as in all human activity, nothing is black or white.

11.0 Conclusions

It is clear that the present situation with legislation, that largely restricts public participation to 'report and comment' activities (see Appendix 1), is likely to leave the public stakeholders with feelings of frustration and alienation.

It is also clear, that without the necessary changes in practice, and increases in resources for skills training and more personnel, public servants cannot deliver effective access to the public. The lack of trust shown by the public in the regulatory authorities, put together with the apprehensions of the regulators and industry, about public involvement in EDM, will require a great deal of work to change. Open and inclusive debate, amongst all stakeholders, about what changes are needed in their inter-relationships and in the distribution of decision-making power are essential.

The Directives coming from Europe and emanating from the Aarhus Convention should be seen as only the minimum standards, and the spirit of Principle 10 brought in when they are enacted into Irish law. Indeed, the drafting of new legislation should itself be open to public consultation.

Greater public awareness of their rights to be involved in EDM processes, and greater knowledge of how to be involved would, it was agreed, lead to the end-game of greater environmental protection. The more the public are involved in EDM, the better educated they will become on environmental issues, and hopefully then the safer the environment will be from thoughtless plundering and degradation of natural resources.

The way forward then lies in; greater openness, a willingness, on the part of regulators and industry, to reach out pro-actively into their communities, a detailed assessment of the capacity needed to deliver participation, and a commitment on behalf of all stakeholders to work together for their mutual benefit, and a sustainable future for all life in this Biosphere of which we are a small but potentially very destructive part.

12.0 Recommendations

- That Ireland, as a signatory, actively seeks to carry the spirit of Principle 10 into all areas of EDM.

- That Irish Governments, in drafting legislation on the environment, proactively consult all stakeholders beforehand.

- That the Irish Government finance an assessment of Principle 10 implementation, as agreed under Partnership for Principle 10, using an independent assessment method such as the Access Initiative. In this way, capacity building will have a base-line to focus on.

- That regulators proactively seek out stakeholders and encourage their involvement in EDM well before the final decision is made e.g. calling door to door in the neighbourhood of a proposed development.

- That timescales for submissions about EDM should be more flexible, allowing more time for the consideration of complex issues.

- That funding be made available, to enable public participation, in the form of grants for legal and technical assistance.

- That the public be involved as early as possible in the EIA process. Preferably from the screening phase onwards, sharing in the information flow that leads to the EIS.

- That reasons be publicly given for the final decisions in all EDM including the decisions of An Bord Pleanala, and that responses to submissions are included with same.

- That the role of ENFO should be expanded both geographically and in terms of its service provision. This latter to include an independent environmental information broker, with access to a panel of independent experts.

- That access to EDM processes becomes a part of the educational programmes conducted by EAO's.

- That research be done into methods for enabling constructive engagement between all stakeholders, in promoting sustainable development, through the sharing of both information and the responsibility of decision-making.

- That an open debate begins between all the stakeholder groups about how to improve EDM through increasing the inclusion of all stakeholders in the EDM process.

- That industry needs to realise that it is not alone, but part of a bigger community that has a right to know what is happening to its natural resources, and so it should endeavour to be transparent about its environmental status.

- That Local Authorities realise that although they feel that they give a good service there are many in the public who don't see it that way. There is clearly a bridge to be built here.

- That Local Government, in its moves towards EMAS, incorporates an assessment of its capacity to deliver on Principle 10 to its clients.

- The regulators and industry realise that whilst web-sites are useful tools for information exchange, they are passive and so are only useful in reaching the computer literate person seeking information. Research should be done to see who uses the sites, for what, and how often That both industry and regulators set up clear lines of communication with the public with guaranteed call back on matters of the environment.

- That environmental data on all IPPC licenced industries is made available in a timely and accessible manner.

- That GIS be used firstly to enable the public to locate and track polluters, and secondly to enable the regulators to locate the relevant public for particular EDM processes..

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