

Public Participation in EIAs and SEAs: Lessons Learnt in the Netherlands and their Application Abroad

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Public participation has been internationally recognized as one of the basic pillars of effective environmental impact assessments (EIAs) and strategic environmental assessments (SEAs), alongside transparency and good quality information. This article reflects on the experiences of the Netherlands Commission on Environmental Assessment (NCEA) with public participation in the Netherlands and abroad. It summarizes how public participation in EIAs and SEAs has evolved in the Netherlands over the years. Principles and recommendations for effective public participation are outlined and illustrated by some examples from practice. The article also reports on our experiences in Macedonia, where the NCEA worked closely with the Macedonian Ministry for Environment and Physical Planning and the Dutch Centre for Public Participation.

Evolution of public participation in EA in the Netherlands

Legal requirements before 2010

The Dutch approach to public participation in EA (see the basics of public participation in the box below) has changed over time. Before 2010, the start of each EA procedure had to be publicly announced at the beginning of the scoping stage in a local newspaper and the Government Gazette. The announcement had to state:

- Where the public could obtain more detailed information (relevant ministries, town hall);
- In what period of time and on what terms written comment could be given;
- Whether a public hearing would be organized (not compulsory at this stage);
- The proposed activity and the decision to be taken;
- The competent authority;
- Illustration of the proposed participation process (not compulsory but desired).



The information about the proposal was summarized in a document (notification of intent). Only comments on environmental impacts or suggestions for new alternatives were taken into consideration in the scoping stage. The National Agency for Cultural Heritage was informed separately about the start of an EA.

During the review stage, the publication of the EA report was announced in the Government Gazette. A non-technical summary that was complete, accessible and easy to understand was obligatory. Written comments could be given and often a public hearing was organized (not obligatory). The NCEA usually attended the public hearing. Upon the request of the competent authority, the NCEA took into account written public participation. The criteria for deciding whether comments would be taken into consideration were the extent to which they dealt with the content of the EA report, and whether the information was relevant to decision-making. However, the competent authority had to respond to all comments. The final decision was published and public appeal on decision-making was possible.

In practice, on top of the legally required public participation, there were often other forms of participation while the EA report was being drafted, such as sounding boards, arenas, information markets and specific websites.

Since 2010

In July 2010 new EA regulation came into force. From then on a distinction is been made between:

- the simplified project EIA procedure, and
- the full-fledged procedure for EIA for complex projects and an SEA for plans.

The above description of public participation in the pre-2010 situation is still valid for the full-fledged procedure. In the simplified procedure, however, the official announcement, the notification of intent, scoping and public participation are no longer obligatory. Although public participation early in the process remains obligatory in the full-fledged procedure for complex projects and plans, the way in which it should be arranged is not specified. This has led to unclear situations in terms of legal consequences, both for the public ('what are our rights?') and for the authorities ('what will happen if participation is lacking or badly organized?').

A more detailed description of the changes in the Dutch EA regulation is given in the NCEA article titled: Twenty-five Years of EA in the Netherlands

The basics of public participation

Around the world, public participation is perceived differently, resulting in numerous definitions in relation to EIA and SEA (hereafter referred to as EA – environmental assessment). The one used in this article is *'a mechanism by which individuals put forward their opinions/ideas or take actions in relation to plans, projects, activities and situations that affect or will affect them either positively or negatively'*.

The following forms of participation can be distinguished:

- *Information exchange*: individuals are informed and may ask questions during public debates; there is no commitment to take their input into account.
- *Consultation*: individuals are invited to comment on proposals; this may occur through formal procedures or surveys or during debates. Authorities commit themselves to take these comments seriously, but they cannot be held accountable if they do not do so.
- *Advising*: individuals may indicate problems and suggest solutions. Authorities take these suggestions seriously and promise accountability on how they have been used.
- *Joint production*: stakeholders representing different interests jointly design plans and projects with public officers and proponent. In principle, these solutions are adopted but well-accounted justifications for amendments are possible.
- *Joint decision-making*: stakeholders jointly design and adopt solutions.

Public participation in EA evolves from 'voice' into 'vote'. The above continuum of options gives the impression that it is considered good practice to try to be as close as possible to the more advanced stages of public participation. However, it might be better to apply a minimal approach in some cases, depending on the scope for policy-making (as some decisions may have already been made) and the legal possibilities (e.g. the room for manoeuvre within the established law). In the Netherlands, as applied by the Dutch Centre for Public Participation, the following principle is leading: *'A simple participation process if possible, and an extensive participation process if needed'*.

Furthermore, there are three ways to approach public participation, namely as being the responsibility of the authority/proponent, the public, or both (state-led versus society-led participation). However, waiting for people to act is generally not the most effective and may result in a waste of time.

To make up for this absence of guidelines for public participation in the new EIA legislation, the Dutch Centre for Public Participation (hereafter referred to as CPP) developed principles and recommendations for a ‘new-style’ public participation. Another reason to establish these principles was the need expressed by the government to be able to develop more tailor-made participation to replace the static and standard way. These principles are outlined below. Four case examples illustrate some of the principles.

1. Public participation serves the process of decision-making

- a. Involve the public while the options are still open, before decisions have been made and while public participation can still make a difference.
- b. Ensure that public participation provides useful input for the decisions to be made. This implies that the authorities should have a clear idea of what the public is being asked to do or contribute, and ensure that the public is aware of this.
- c. Ensure that the subjects for participation suit the level of decision-making. Asking the right people or organizations the right questions is crucial for successful decision-making. Be aware that the public may have different expectations.

2. Politicians and authorities are committed

- a. At the start: policymakers (e.g. a minister or mayor) and decision-making authorities (e.g. a council) should share a vision of public participation.
- b. During participation: policymakers and authorities should show active involvement. For example, when the Minister of Environment kicks off a public participation event, it shows his/her political commitment to use the results of public participation.
- c. After participation: policymakers and decision-making authorities should demonstrate how results have been taken into account.

3. Participation is tailor-made to bottlenecks

- a. Develop a specific public participation plan and ensure that it is part of the budget and an integral part of the whole process.
- b. Look at the way in and level at which people are organized in the area, and at earlier experiences with participation.
- c. Ask the public how they want to be involved. This helps to, for example, involve very critical environmental NGOs right from the start, leading to fewer protest letters and appeals

4. Attitude, competences and knowledge

- a. Link administrative, political and civil society reality.
- b. Maintain an open and positive attitude. For example, one usually gets only negative reactions; one does not hear the positive ones. Put effort into the challenge to know about both.
- c. Ensure that the required knowledge and expertise is present.

5. Clear, complete and reliable communication

- a. Publish the public participation plan and make a connection to the general communication strategy.
- b. Arrange for a clear and accessible point of contact. For example, create an ‘ideas box’ on the internet where people can post solutions.
- c. Explain when things go wrong in the process of public participation.

“A minimal approach to public participation might be better, depending on the scope for policymaking and the legal possibilities.”

Example of principle 1a: SEA for long-term structural design plan for Amsterdam 2020-40

The ambitious administrators experimented with new forms of public involvement during the design of a long-term structural plan for the city of Amsterdam. The plan outlined the desired spatial development of the area and indicated where, for example, housing and work, public transport, harbour, water and green would be located. The plan also specified the use of sustainable energy and areas that should be reserved for the Summer Olympics, which might be held in Amsterdam in 2028. Stakeholders and the general public were consulted at the start of the process by holding more meetings than usual and by actively seeking out people. Their comments and wishes were used as building blocks. On the basis of this information, the administrators in Amsterdam defined their ambitions and stakes at the start of the SEA and planning process. This made it possible to test alternatives against them in the SEA report. Consulting many parties at an early stage of the planning process proved to be a success: it led to more support for the final decision.

Example of principles 1b and 1c: SEA for Room for the River

The Netherlands expects that the risk of flooding will increase in the future, as more intense rain fall is predicted upstream. The Room for the Rivers plan aims to define the necessary measures to protect the Netherlands against the flooding of the river Rhine, now and in the future. More specifically, the plan outlines a package of measures for the three main branches of the Rhine: the rivers IJssel, NederRijn/Lek and Waal. An SEA with an integral view of the entire river system was undertaken for this plan. EIAs were subsequently carried out for specific segments of the river. These EIAs were based on the strategic decisions taken during the SEA.

Interest groups that were formed during the SEA, continued to exist during follow-up EIAs. The management of expectations was very important in this case, as the level of decision-making and consequently the issues for decision-making were very different. Stakeholders' expectations were monitored by comparing their perceptions after the end of the public participation term, with their judgement after the competent authority had responded to the comments. Their opinion on the participation process seemed to be more positive as compared to other projects, while after the competent authority had responded, their opinion was more negative as compared to other projects. The competent authority invested a lot of time, energy, materials, etc. in the initial phases of participation, without taking into consideration the effort needed to deal with public participation results and to process comments appropriately. The high expectations could clearly not be met.

“This inexpensive way of public participation generated a wealth of information for decision-making.”

In January 2012, the CPP commissioned a consultancy firm to perform an analysis based on 3000 public participation comments on and reactions to projects that had been implemented in the period 2007–11. The main questions were whether the principles of new-style public participation had led to the public being more satisfied with the decision-making process, and whether the contents of the projects and plans had improved over the previous five years. The following was found:

- There had been a shift from comments on process to comments on contents;
- The general tone of the reactions was less negative;
- The reactions fit the particular phase of decision-making much better;
- The opinion on the process was increasingly less negative;
- The number of reactions per project had decreased.

Thus, a quantitative substantiation could be given to demonstrate that public participation has evolved, and can be worthwhile.

Sharing Dutch experiences abroad: the example of Macedonia

Other countries are interested in the Netherlands experiences with public participation. In recent co-operation projects that the NCEA has been involved in, public participation has been a popular topic. Between 2009 and 2011, the NCEA contributed to a government-to-government (G2G) project in Macedonia. Under the G2G programme, Dutch agencies with a public function are teamed up with corresponding agencies in countries that want to accede to the EU. The goal of such programmes is to foster bilateral relations and to contribute to sustainable economic development in the receiving countries. Cooperation projects in the field of the environment are usually funded by the Netherlands Ministry for Infrastructure and Environment. The G2G cooperation project with Macedonia, which was led by the NCEA, aimed to strengthen the regulatory framework and practice of SEA in Macedonia. During project implementation, the issue of public participation was raised several times and concerns were voiced by Macedonian counterparts, such as: *'We don't get any feedback'*, *'We are not represented enough in decision-making, it's just a debate afterwards without any significant effects'*, *'When public participation meetings are organized, no-one shows up'* and *'Citizens don't have access to the programme for the drafting of the plan'*. The Macedonian SEA team therefore asked the NCEA to include in the project specific support for public participation. For this, the NCEA called on the Dutch CPP to contribute their expertise. Hereunder, three cases in which such support was provided are further explained:

- Support for the on-going SEA pilot for the City of Skopje General Urban Master Plan;
- Addressing questions posed by the mayor of Centar, one of the sub-municipalities of Skopje; and
- Awareness-raising activities.

For full overview of this co-operation project, see the NCEA article [Success factors for SEA capacity development: the Macedonia case](#)

Example of principle 3a: SEA for the Rotterdam Vooruit urban plan

Rotterdam Vooruit is part of a larger project in which provinces, municipalities and urban regions work together on a common vision of the spatial, economic and social development of the rapidly growing conurbation in the west of the Netherlands. The city of Rotterdam chose a proactive approach to public participation at the start of the development of the plan, and undertook an extensive communication and participation campaign. One of the methods used was an enquiry into the opinion of the general public. Students stood in the street asking people to complete a questionnaire, which was also published on an interactive website where the public could drop their ideas into an ideas box. This inexpensive way of participation generated a wealth of information for decision-making. In addition, after this first round, two focus group meetings were organized. These meetings were used to talk in depth about the proposed ideas with a small, yet representative group of people. This proactive approach resulted in a better understanding and an improved quality of the plan. Public participation showed that the safety of roads, junctions and tunnels were very important issues. As a result, the minister gave priority to ideas that tackled safety problems.

Example of principle 3c: SEA for the development of the city of Almere

The city of Almere elaborated a triple development plan in which the development of environmental, urban and infrastructure systems is envisaged. To develop the structure vision for this plan, a public participation plan was made. A public-friendly version of the plan was then drawn up and presented along with the intention to produce a Strategic Environmental Assessment. The public was asked to respond to the proposal and to express how it would like to be involved in it. This led to a number of good suggestions, which were used to amend the plan. It also provided an initial impression of who the interested parties were. The participation plan was then presented to the administrators, who were asked to commit themselves to the process and its results – an essential component for the success of the participation.

In Romania, the NCEA and the CPP worked, in collaboration with Ameco Environmental Services, on a booklet that includes guidelines for public consultation in EIA and SEA procedures. This booklet is available at: http://www.amecout.nl/fileadmin/user_upload/Documenten/PDF/Booklet_G2GROM_-_ENG_final.pdf

The guidance material to design a public participation plan is available at: <http://www.seainfo.mk/Docs/Upatstva/Guidances.pdf>

Public participation activities in the SEA pilot for the city of Skopje

The NCEA and the Dutch CPP presented Dutch experiences with public participation, as well as experiences from the previous project in Romania, to the city of Skopje project team that was working on the General Urban Plan and the SEA. In turn, the city of Skopje gave a presentation on how they usually organize participation and what assistance they needed. The city indicated that citizens and NGOs have hardly used the opportunity to participate. Moreover, usually only experts take part. This is probably because citizens are concerned only with communal affairs, not with the socioeconomic development of the city as a whole. *‘We rarely hear citizens remark on environmental issues [noise, air, water, etc.]; they’re only concerned with local, immediate problems’*. The city expressed its need for assistance to organize public participation in a different way from their current practice, which was not sufficiently effective. This exchange helped the Dutch experts understand the current Macedonian participation experience, while exposing the city of Skopje team to new ideas on participative approaches.

During a follow-up visit, the CPP facilitated a workshop with the Skopje team on how to design a public participation plan for the city’s General Urban Plan and SEA process. The outcomes were documented in a participation plan. The steps to design a participation plan were translated into guidance material, which also provides tips for dealing with practical bottlenecks (such as resistance to public participation) and with the participation results.

Drafting a public participation plan for the General Urban Plan and SEA

The workshop with the city of Skopje team started with a series of questions, for example: ‘What does the public expect from public participation?’, ‘What does the mayor expect from public participation?’, ‘What does the project team expect from public participation?’, ‘What are the restrictions in terms of time, legal rules, budget?’ These questions were meant to define the ambition as regards participation. Milestones in the planning and SEA processes were subsequently identified. These milestones included documents, start of studies, important interim political decisions, etc. A stakeholder analysis was also carried out. All stakeholders were identified and categorized according to four characteristics, namely influence, stake, agreement /non-agreement with the content of the General Urban Plan, and confidence/no confidence in the process of the General Urban Plan. Before this workshop, the city of Skopje team did not have a full picture of all the stakeholders in the project. They knew who the obvious parties were, but the stakeholder analysis identified the less obvious ones. The diagram of the analysis (see figure on the right) shows at a glance who might resist the plans and who might be willing to discuss them and provide input. In general, stakeholders can be classified into four groups: the ‘friends’, the ‘enemies’, the ‘opponents’ and the ‘coalition partners’.

This was followed by a discussion on each of the previously identified milestones. Six questions were answered:

1. Is this milestone suitable for public participation?
2. If so, what do we want to know from the public?
3. To whom do we want to put these questions?
4. How will we put these questions to relevant people/organizations?
5. When should this happen?
6. Who is responsible for organizing this?

The results of this exercise are shown in the table on the next page.

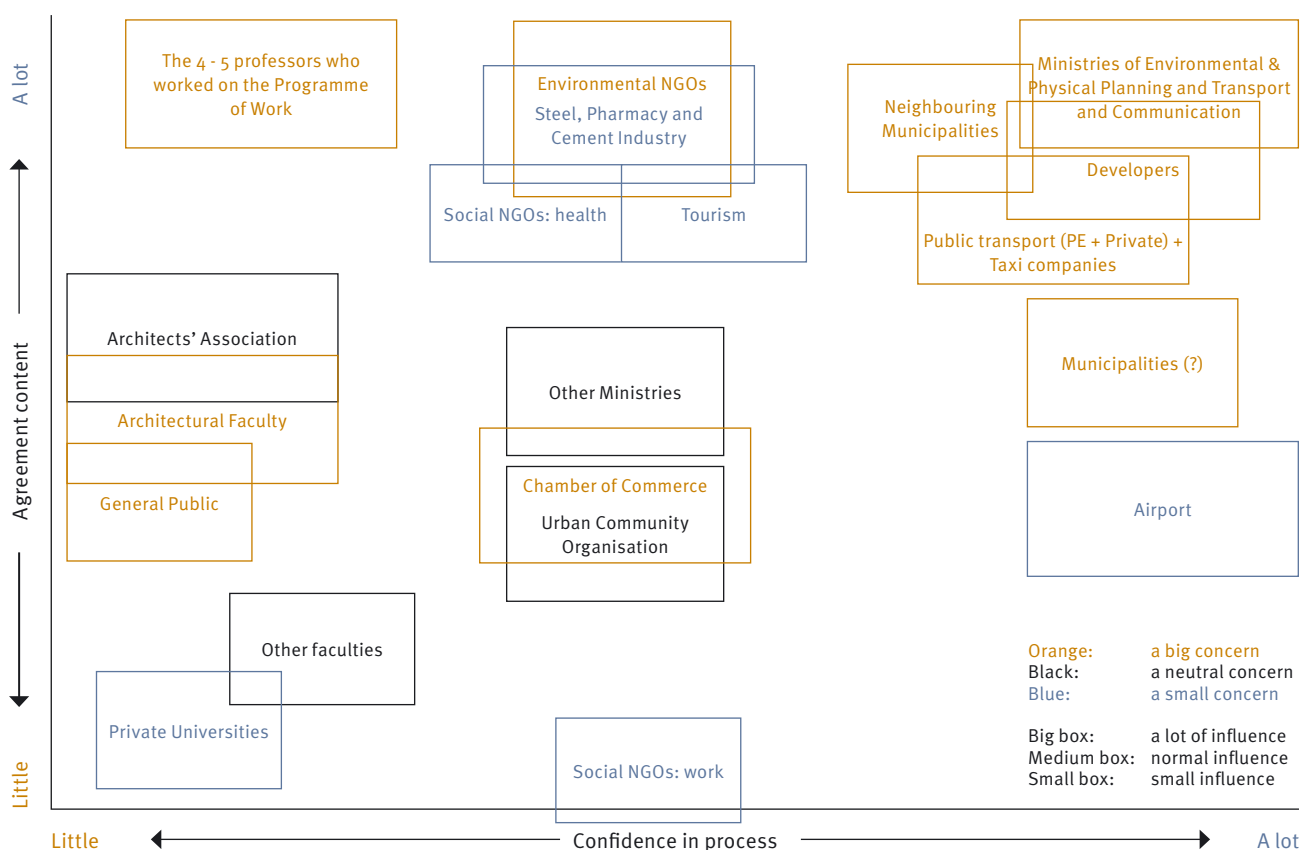
Meeting with the mayor of Centar, one of the sub-municipalities of the City of Skopje

The mayor of Centar asked to meet informally to discuss some problematic issues regarding public participation. Macedonia is a small country, and many people know each other. There is often lobbying for certain ideas to be implemented. There is considerable political influence and conflict between the ruling political party and the opposition. The opposition generally refuses to approve project ideas in order to create a backlog. It usually organizes other parties (like NGOs) to protest. Thus, the public are not sufficiently involved, and when they are, the public participation process is frequently misused by politicians. Those who are interested are often very divided; those who are not divided are generally not interested or do not have the time or energy to partake in public participation. The experts are also usually divided: one group approves plan proposals, the other group is against them. As a reaction, the Dutch CPP gave the following tips:

- Ensure early participation in addition to formal (legally required) participation.
- Meet people in person.
- Listening to people is not the same as doing what they want.
- Start with 'neutral' projects as an example.
- Use other ways of public participation (not just written comments), be creative.



Result of the stakeholder analysis for the City of Skopje General Urban Plan and SEA



Summary of public participation plan for the City of Skopje General Urban Plan and SEA

Milestone	Question	Who	How
Programme of Work	Is the programme correct? Do you have any additions?	Representatives of institutions Experts	Expert meetings Informing general public online (min. 30 days)
Scope of SEA	Is the scope complete? If not, do you have any additions? Do you agree with the mayor's decision?	General public	Public announcement on City of Skopje website with possibility to react
Tendering document	No public participation		
Appointment expert	No public participation		
Initial Variants Document	Which solution is best in your opinion for subject X? What other solutions do you have for subject x?	General public Organized stakeholders	Publish document online including questions Public hearings with focus on discussions
Expert Report (SEA)	What is acceptable / unacceptable? What do you find important? Is the report complete? Do you agree with the significance of the solutions in the report?	Everyone	Publish on the websites of the city of Skopje and the Ministry of Environment and Planning, with the possibility to react Public hearing with focus on discussion
Council's decision on the draft plan (before adoption)	Does the draft plan fulfil the requirements of the Programme of Work (incl. legal requirements)? Is the public feedback integrated in the plan? How should the plan be prioritized (budget and time)?	Experts	Expert meeting (maximum of 25 participants)
Presentation of proposal draft plan	What do you think of the outcome?	Experts	Publish on internet with possibility to react
Proposal plan (incl. council)	No public participation		

Public participation awareness-raising activities

The project was rounded off with a major awareness-raising push comprising a series of regional workshops and a final 2-day national seminar. One of the components was an interactive SEA participation session based on the guidance mentioned above. The interaction consisted of a discussion on a number of statements concerning resistance to public participation (see box below). The session also included the presentation of the results of the city of Skopje public participation plan and a discussion.

It's too early, we haven't yet got a proposal:	Early public participation will still prevent rumours and build trust.
It will take too long and cost too much:	The cost of not involving people can be even higher, and the long-term benefits generally outweigh the longer decision-making stage.
It will stir up opposition and activists will take over the process:	This will happen anyway; public participation can deal with issues before the opposition raises them.
We will only hear from those who are articulate:	Focus on the 'silent majority'.
We will raise expectations we can't satisfy:	Make very clear what has already been decided and on which issues public participation is desired. Promising action on decisions that cannot be changed will undermine the public's trust.
The local community won't understand the issues involved:	They will if you keep it simple. Locals have a better understanding of their own surroundings. Technicians talk theory, people talk practice.

Sharing lessons learnt

Public participation remains an important element for effective EA. At the same time, legally binding EA legislation or regulations provide one of the few platforms for the public to participate in decision-making. In the Netherlands, requirements for public participation have changed. Before 2010, steps and requirements were prescribed in the EIA and SEA legislation. But government authorities felt that this was no longer necessary: they had gained sufficient practical experience with public participation, and felt the need to develop much more tailor-made participation to replace the static and standard one. Nowadays, the slogan is: *'Public participation – not because we have to, but because we want to.'*

However, this shift in approach led to unclear situations in terms of legal consequences, both for the public and for the authorities. The Dutch CPP has therefore developed a set of guiding principles, based on its practice with public participation. These principles and guidelines have proved to be useful and effective in the Netherlands, new-style participation had led to more satisfaction among the public with the decision-making process, and to improved projects and plans.

A lesson to take from this experience is that a legally required public participation procedure is needed in many countries where practice in EAs is still developing. But after some time, these procedures can be replaced by a set of more flexible principles. The principles that have been developed in the Netherlands can also be of use to other countries, either for the development of legal procedures or for the design of participation in practice.

The successful cooperation between the NCEA and the Dutch CPP will be continued in 2012 in Georgia, whose Ministry of the Environment has expressed interest in the theme. And, finally, the NCEA always pays – and will continue to pay – due attention to the results of public participation in its advisory reports on individual EAs, both in the Netherlands and in international cooperation.

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