

Citizen Participation in Brownfield Regeneration

SUMMARY POSITION

There is a well-developed knowledge base relating to the inclusion of citizen participation in decision-making within brownfield regeneration. However, this is commonly undervalued or misunderstood. **CABERNET believes that effective citizen participation in decision-making enhances the sustainability of brownfield regeneration projects.** Much broader discussion and dissemination of tools and good practice is therefore required.

CABERNET **recognises** that there is:

- limited knowledge of the UN/ECE Aarhus convention, the relevant EU Directives and the associated literature within the brownfield community;
- poor knowledge of citizen participation and decision-making (CPDM) and the legislation that underpins it within the urban regeneration professional community;
- poor understanding of the underlying value of CPDM in brownfield regeneration, both in terms of short-term project goals and the long term sustainability of projects;
- widespread scepticism of the merits of CPDM, often based on a poor understanding of the subject and ambiguities in valuing the benefits.

CABERNET **recommends** action to:

- better disseminate existing information, knowledge and tools;
- collect good practice examples to increase confidence in CPDM among brownfield practitioners;
- highlight the value of CPDM in order to challenge and change the prevailing culture;
- develop and deliver training in CPDM for relevant practitioners;
- embed existing policy EU directives and conventions into national and regional policy;
- direct a higher proportion of project development resources towards CPDM processes;
- validate the approach, refine existing tools and develop new models.

CABERNET Network and Contributing Authors

This paper was developed from the activities of CABERNET's Working Group (WG) 1 on Citizen Participation and Decision-making¹. CABERNET is an expert multidisciplinary European Network that aims to facilitate new practical regeneration solutions for urban brownfields (www.cabernet.org.uk). The Network's vision is to 'enhance rehabilitation of brownfield sites, within the context of sustainable development of European cities, by the provision of an intellectual framework for coordinated research and development of tools.' CABERNET is coordinated by the University of Nottingham², in association with the German Umweltbundesamt, and is funded under the European Commission 5th Research Framework Programme³.

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¹ See <http://www.cabernet.org.uk/network/workinggroups> for further information on Working Group 1 activities

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³ European Commission 5th Research Framework Programme Key Action City of Tomorrow and Cultural Heritage

1 Position Statement

CABERNET **recognises** that there is:

- limited knowledge of the UN/ECE Aarhus convention, the relevant EU Directives and the associated literature within the brownfield community.
- poor knowledge of citizen participation and decision-making (CPDM) and the legislation⁴ that underpins it within the urban regeneration professional community.
- poor understanding of the underlying value of CPDM in brownfield regeneration, both in terms of short-term project goals and the long term sustainability of projects.
- widespread scepticism of the merits of CPDM, often based on a poor understanding of the subject and ambiguities in valuing the benefits.

CABERNET **believes** that:

- Better CPDM would enhance the sustainability of brownfield regeneration projects

CABERNET **recommends** action to:

- better disseminate existing information, knowledge and tools;
- collect good practice examples to increase confidence in CPDM among brownfield practitioners;
- highlight the value of CPDM in order to challenge and change the prevailing culture;
- develop and deliver training in CPDM for relevant practitioners;
- embed existing policy EU directives and conventions into national and regional policy;
- direct a higher proportion of project development resources towards CPDM processes;
- validate the approach, refine existing tools and develop new models.

2 Defining Citizen Participation and Decision-Making

‘Citizen Participation and Decision Making’ (CPDM), as used here, refers to two related subjects in brownfield regeneration⁵.

- ‘Citizen participation’ means ‘being involved’ as opposed to ‘being represented’ (i.e. the focus is on participative rather than representative democracy).
- ‘Citizen decision-making’ focuses on the processes that enable citizens to legitimately influence how brownfields

⁴ Such as the UN/ECE Aarhus Convention and relevant EU Directives

⁵ Although consideration of the wider issues of democracy, citizen participation, community involvement and decision-making is relevant to this topic, such considerations lie beyond the remit of CABERNET.

are regenerated. There are two aspects to this latter point, namely the ability of citizens to articulate their opinions and the extent to which those with decision making power have regard for these opinions.

There are two particularly useful concepts in considering CPDM: the ladder of participation and the definition of citizenship. The ‘Ladder of Participation’⁶ shows that there are a number of levels of CPDM, from mere public relations, verging on citizen ‘manipulation’, through to the higher levels where citizens are in control of the process and the outcomes. At these higher levels, citizens are not passive recipients of other peoples’ ideas and plans, but can be proactive in initiating regeneration activity in ways that meet their own needs and aspirations. It should be noted that it does not follow that higher levels on the ladder are always the best. Different levels (and different approaches) will be appropriate in different locations and circumstances.

Citizen control	Degree of citizen power	Deciding together
Delegates control		
Partnership		
Placation	Degrees of tokenism	Consult
Consultation		
Informing		Non-participation
Therapy		
Manipulation		

Table 1: The Ladder Of Participation⁷

Good practice in CPDM process would usually involve a detailed mapping of stakeholders to identify whom to include. The second concept is concerned with the question ‘who are the citizens?’ Starking⁸ plotted all stakeholders in regeneration along two axes, 1) insider – outsider and 2) expert – non-expert, resulting in a four box model⁶. This paper focuses on the “non-expert insider”, namely people who lead a significant part of their lives in proximity to a site and whose views, perspectives and ideas are the most frequently undervalued and overlooked. While the other three categories of stakeholders have legitimate rights and roles, focusing CPDM on the “non-expert insiders”, particularly local residents, is usually an attempt to redress this historical imbalance.

CPDM is frequently considered as synonymous with achieving consensus, however this is a misrepresentation.

⁶ Arnstein, Sherry R. "A Ladder of Citizen Participation," Journal of the American Planning Association, Vol. 35, No. 4, July 1969, pp. 216-224.

⁷ After Arnstein, 1969 and www.ecoregen.com

⁸ Starking 1998. The four categories of stakeholder identified are 1) “expert insider”, frequently those involved with formal governance structures 2) “expert outsider”, e.g. funding agencies and

While consensus is always desirable, it is not always achievable. Good CPDM processes nevertheless give stakeholders the opportunity to articulate their views, with these being seriously considered in the decision-making process, even if decisions ultimately run counter to these views.

CPDM should not be regarded as a static or one-off activity. What constitutes effective CPDM will change as a project progresses through the stages of inception, planning, implementation and long-term use and management. For example, having engaged citizen interest during the project planning process (where issues will focus largely on questions of 'what'), different mechanisms will be needed to maintain this interest and ongoing involvement during the implementation phase (where issues will largely revolve around questions of 'how'). In addition CPDM should not be regarded as a necessarily highly formalised or mechanistic process. Quality CPDM process, or at least a large part of it, can frequently be conducted in a relatively informal manner.

3 State of the Art⁹

Across Europe citizen participation and decision-making (CPDM), both generally and in the context of brownfield regeneration, still has a very long way to go before it can be regarded as an integral and substantive component of common practice. However, there are many examples of good practice¹⁰ and there is a general consensus that the situation is steadily improving.

There are many excellent tools and a few excellent examples of where best practice has featured in brownfield regeneration activity (see case studies), however these remain relatively uncommon and are poorly known. Although there is sufficient existing know-how to enable CPDM to be more widely adopted in regeneration practice, there are nevertheless a number of areas that require further research.

The improvement in CPDM is due to four drivers:

- Driver 1 - Planning legislation. Acquiring planning consent is often dependent upon applicants having been through a process of community consultation. Following the due process and avoiding the risks associated with being challenged for not having properly done so, is a key motivation for CPDM. However, this can lead to very 'tokenistic' CPDM, meeting basic legal requirements, but not advancing to the higher, more meaningful, levels of CPDM (Figure 1).
- Driver 2 - Environmental protection legislation. There has been an increasing tendency for environmental protection legislation to require CPDM within the overall risk management strategy
- Driver 3 - The drives towards improved democracy, citizenship, open government and transparency in decision-making. Particularly within the new member states and other young democracies, recent laws have given citizens an influential role. More generally, there is recognition of the value of promoting active citizenship, "bottom up" decision-making, and promoting more open government, all of which encourage CPDM. The Aarhus Convention¹¹ (Appendix 1) and recent EU Directives¹² are regarded as a highly significant, but generally poorly known, public policy tool for promoting improved CPDM.
- Driver 4 - Social justice / rebuilding communities. This is a major political driver among a number of governments and development agencies working to overcome social exclusion, build greater social capital and achieve improved social equity in the light of structural change and population shifts in recent decades. Where this is the case, public sector funding for regeneration is frequently contingent upon a substantive CPDM component within the whole regeneration process.

¹¹ United Nations / Economic Commission for Europe - *Convention on access to information, public participation in decision-making and access to justice in environmental matters.* Conducted at Aarhus, Denmark, on 25 June 1998. This convention is founded on three fundamental 'pillars'. Pillar I, Access to Information - access to environmental information ensures that members of the public can understand what is happening in the environment around them. It also ensures that the public is able to participate in an informed manner. Pillar II, Public Participation in Decision Making - this requires more than simply following a set of procedures; it involves public authorities genuinely listening to public input and being open to the possibility of being influenced by it. Pillar III, Access to Justice - this enforces both the information and the participation pillars in domestic legal systems, and strengthens enforcement of domestic environmental law.

¹² Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC and Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directive 85/337/EEC and 96/61/EC

regeneration professionals 3) "non expert insider", predominantly local residents and 4) "non-expert outsider", i.e. external site users.

⁹ The following is a synopsis of the current state of knowledge and practice regarding citizen participation and decision-making (CPDM) in the sphere of brownfield regeneration across Europe. It does not purport to be in any way exhaustive or definitive - it is based largely on the work of CABERNET WG1 Members and anecdotal responses to a simple questionnaire. Nevertheless, those who contributed are all well networked professionals and given that many of the responses drew out common themes and issues, we are confident that the overall characterisation of the situation is realistic.

¹⁰ See case studies, e.g. governance of Dublin Dockland Development Authority.

CPDM in *brownfield* regeneration projects and strategies is influenced by six specific, interrelated factors:

- Factor 1 - Predominant mainstream regeneration culture. Brownfield regeneration culture is largely characterised by concerns with decontamination, finance and construction. This is coupled with a desire to reduce greenfield consumption through brownfield regeneration. Focusing on these admittedly vital issues has tended to skew the whole brownfield agenda away from improving quality-of-life for local people. Working with a 'site' rather than a 'people' perspective can lead to CPDM being regarded as an imposition upon, rather than integral to, regeneration processes. The predominant culture is sustained by the types of training available to practitioners, most of this training will have little if any reference to the role of CPDM.
- Factor 2 - Land ownership. Brownfield land in public sector ownership, or land which has become 'orphaned' from the original owner (necessitating public sector intervention), is more commonly subject to extensive CPDM processes than that in private ownership. Land owned by NGOs is frequently acquired with the specific purpose of enabling CPDM processes or addressing needs identified through such processes. Few corporate real estate functions are empowered to adopt CPDM in determining post industrialisation exit strategies.
- Factor 3 - Regeneration profitability. For 'A' sites CPDM is most likely to be carried out either on a *de minimus* basis (Driver 1) or it can be completely absent. Conversely, CPDM is more likely to be a significant factor at 'C' sites. This difference partly reflects time scales: Market-driven regeneration often involves a developer initiating and driving the whole process and seeking to make a rapid return on investment. CPDM and uncertainties over the outcome, time scale and cost are a cause of concern. Therefore, in depth CPDM is not part of the prevailing culture among developers and usually there is little incentive for going beyond minimum legal requirements. Regeneration on 'C' sites may be more difficult to initiate from an economic perspective, but this does at least provide plenty of time for in depth CPDM. For 'C' sites it is often members of the local community themselves who champion the need for regeneration¹³.
- Factor 4 - Availability of resources for CPDM processes. Difficulty of securing funding for CPDM processes is frequently cited as an obstacle, especially where it is

regarded as a project overhead or included within the category of 'fees' rather than regarded as a legitimate project cost in its own right or indeed as a value generating activity. Of equal significance is the lack of availability of expertise in facilitating CPDM processes. Special sets of skills are needed to properly achieve this, and the expertise is often lacking, not only among brownfield practitioners, but also more generally.

- Factor 5 - Corporate Social Responsibility (CSR). Land-owners or developers adopting CSR principles are more likely to engage in meaningful CPDM. Companies with a CSR ethos can over time allay public scepticism regarding underlying corporate motives, especially if accompanied by more transparent economic modelling. This in turn will encourage a greater level of engagement by the public. At present there is huge variation in CSR practice among businesses and between some countries. The significance of CSR is expected to increase in the future although national differences are likely to continue¹⁴
- Factor 6 - Deregulation. Many countries are seeking to simplify and speed up decision-making processes by removing or avoiding 'unnecessary rules'. There is some evidence that this 'speeding up' is working against the interests of CPDM, particularly in the context of commercially driven brownfield regeneration ('A' sites).

While there is much in common across Europe regarding CPDM processes and brownfield regeneration, CABERNET's Working Group 1 (Citizen Participation) has revealed a number of significant national differences.

- Difference 1 - Maturity of CPDM Processes. A survey of CABERNET members revealed considerable variation in how well CPDM is practiced, with northern European countries in general showing higher degrees of CPDM than those in the southern or Mediterranean regions. In the latter countries, CPDM is only advanced in a small number of experimental projects whereas it has become more mainstreamed in the former.
- Difference 2 - Role of Non-Governmental Organisations (NGOs). There appears to be a strong correlation between the level of CPDM and the strength of the NGO sector, especially where NGOs themselves own land (although there is great variation in NGO land ownership models both within and between the countries of Europe). In countries with a strong tradition of NGO involvement (most notably in the UK), there is perhaps a greater predisposition to participate in CPDM processes.

¹³ For example see Berryhill Fields (Stoke on Trent, UK). www.ecoregen.com/home/share_ex/exampleindex.html

¹⁴ See also Position Papers from CABERNET's Economic Working Group – www.cabernet.org.uk

Alternatively, it may be that in the absence of NGOs there is less overall capacity to demand and manage CPDM.

- Difference 3 - The role of independent 'honest broker' organisations or intermediary bodies. As with NGOs (see above) there is much variation across Europe in the role of third party facilitators of CPDM. In some countries (e.g. UK, Denmark, Netherlands) the use or involvement of such bodies is now increasingly common whereas in others it is virtually unknown. There is some evidence that the involvement of such organisations correlates with the level of CPDM.

4 Justification of the Position Statement¹⁵

The merits of citizen participation in decision-making (CPDM) are largely understood at a public policy level, and good practice examples are documented. However, there remains a high degree of scepticism as to whether what is laudable at a conceptual and policy level can be made to work in practice. Therefore CPDM has a long way to go before it can be regarded as mainstream practice for brownfield regeneration.

CPDM has a validity far beyond brownfield regeneration. Indeed, CPDM should be highly significant in regard to greenfield development (albeit with differing issues, stakeholders and dynamics¹⁶). Nevertheless CPDM has a particular relevance and importance for brownfields because:

- The restructuring of Europe's industry has led both to abandoned, damaged land and to abandoned, damaged communities (CLARINET 2002¹⁷). The processes of finding a new future and perhaps a new identity for such land and communities must go hand in hand if regeneration is to be legitimate and truly sustainable.
- Brownfield regeneration can greatly affect those who live or work nearby. These people are therefore key stakeholders and have much to contribute to developing regeneration strategies. Accommodating local perspectives can result in win-win regeneration solutions.

¹⁵ This section either provides, or points to, evidence to justify the position statement, or indicates arguments that support the position statement.

¹⁶ For example Growth Areas in the UK will entail some significant development on greenfield, a subject of much controversy, which will require quality CPDM to broker acceptable, achievable and sustainable decisions. See Sustainable Communities at <http://www.odpm.gov.uk/>

¹⁷ CLARINET 2002 Working Group 1 Report: Brownfields. www.clarinet.at

- Local communities can have a strong positive impact on the development process,
- Local objectors can adversely impact development

- Brownfields are commonly associated with issues of contamination (real or perceived) and associated risk to public health. Local people will therefore have a particular interest in the proper management of this risk.
- Brownfield regeneration presents a major opportunity for contributing to the imperative of sustainable development. One of the central tenets of sustainable development is putting local people at the heart of decision-making. Recent reviews of successful projects have shown that brownfield regeneration that fails to adequately engage with local people is not *sustainable* brownfield regeneration, and carries a much greater risk of failure¹⁸.

Tackling brownfields is commonly regarded as the domain of technical specialists, engineers and developers, and the potential for achieving sustainable quality of life improvements for local people is usually not the starting point for determining the way forward. Brownfield regeneration must shift from being predominantly a 'site' based endeavour, aiming for specific physical outputs, to an activity that is 'people' based with the process of engaging with all stakeholders given a comparable level of consideration as the physical outputs themselves.

Achieving this shift will require action on a number of fronts. One important action will be the implementation by EU Member States of recent (2003) Directives for promoting public participation in environmental matters. In addition, action must also cover professional training, changes to public sector funding regimes, much better dissemination of existing policy and good practice, and targeting new evaluative research. Above all, mainstreaming CPDM best practice will involve significant cultural shifts among many professionals. The necessary changes will require strong championing and committed leadership at European, national and local delivery levels.

5 Conclusions

In conclusion a number of key points relating specifically to CPDM and brownfield regeneration can be made:

- There is a mature CPDM knowledge base already, but this is poorly understood in general and among brownfield practitioners in particular.

¹⁸ Learning from Experience. The BURA Guide to Achieving Effective and Lasting Regeneration. Office of Deputy Prime Minister, BURA, London 2002; Mainstreaming sustainable regeneration – a call to action. UK Sustainable Development Commission. December 2003. www.sd-commission.gov.uk

- The knowledge base is underpinned by a strong EU convention, the Aarhus Convention and EU Directives (along with associated documents, i.e. the Newcastle DETR workshop paper [DETR, 2000]). Again, awareness of these EU policies and associated documents among brownfield practitioners is poor.
- There are many excellent tools already available to support CPDM processes (e.g. www.ecoregen.com and at www.epa.gov/publicinvolvement/).
- There are a few excellent examples of where best practice has featured in brownfield regeneration activity, but these remain relatively uncommon. Such initiatives are usually locally driven and poorly networked.

There are enormous opportunities to be grasped in securing positive brownfield regeneration outcomes through investing in quality CPDM. Equally, and particularly in the context of an enlarged European Union, there is huge potential for tackling brownfields in an entirely inappropriate manner unless the “people and places” approach advocated in this paper is adopted by practitioners and politicians alike.

Recommendations

Policy

- The UN/ECE Aarhus Convention and associated national interpretational documentation, along with associated EU directives, all need a much higher profile. Championing and disseminating this work by national and regional governments must be a priority. The associated development of national legislation in response to the Directives must encompass CPDM and brownfields.
- New European policy on brownfields must avoid the danger of being overly focused on the issues of contamination or tackling technical issues. While these matters are extremely significant, even more fundamental are issues surrounding how brownfield regeneration can improve the quality of life for local people, not only through the end PRODUCT of regeneration (built infrastructure, community green space, etc), but equally through the PROCESS of CPDM. Only by seriously engaging with CPDM processes can quality and truly sustainable brownfield regeneration be achieved.
- Funding policy or guidance for brownfield regeneration should properly value and cost CPDM processes, so

that this vital activity can be properly resourced. Even if the cost of getting the CPDM process right represents a high proportion of total expenditure, this may be money well spent.

Practice

- There is a need for training among all brownfield practitioners, including those making brownfield decisions at a political level, to cover CPDM. A fuller and broader understanding of the subject’s significance would aid its greater acceptance in mainstream regeneration. Appropriate training courses or modules should be developed for this purpose.
- More CPDM process experts are required, particularly in those parts of Europe where their role is uncommon or unknown. Appropriate training with accreditation should be supported and developed.

Research

- Critical evaluation of CPDM benefits. Although there is an extensive body of anecdotal experience that highlights the value of CPDM in achieving positive outcomes, and although CPDM is important in regards to social and environmental justice, there is a lack of critical evaluative research on this matter. Further work is therefore required to test the hypothesis that quality CPDM process will invariably lead to better projects and that this therefore represents good value for money.
- Intermediary Bodies. A fuller understanding of what constitutes best practice for intermediary bodies / ‘honest broker’ organisations is required. The lessons from those examples, which appear to add value, can then be better understood and rolled out. Funding for the necessary research should be made available.
- Land ownership models. Most examples of brownfield regeneration flow from either public or private ownership, but there are a number of different NGO-based tenure models and scenarios such as charitable development trusts or land held ‘in common’¹⁵. The relative merits of these other forms of tenure for promoting sustainable brownfield regeneration in general and role of the associated CPDM process in particular, would be well worth investigating.
- Site history and site size. There would be value in exploring how CPDM currently differs between different types of site, in terms of size and former use. Are different methods or different guiding principles used and are different time scales and resources committed to the

CPDM process depending on these site criteria? The purpose of this research would be to help 'tune' CPDM best practice for operating in these different contexts. (See Appendix 2 for some initial work on ABC characterisation).

- The adoption of the Aarhus Convention across Europe. To what degree is Aarhus being embraced by national and regional government and transferred into law and to what extent are its principles actually being practiced? A critical review and analysis of the current status would be very helpful.
- Is retrospective CPDM possible or desirable? Many projects have gone ahead with little regard to CPDM, sometimes with unfortunate results. What are the lessons from these examples and can CPDM be applied retrospectively to overcome difficulties and achieve the sorts of benefits associated with it being incorporated at the outset?
- Rights and responsibilities in brownfield CPDM. Two questions are frequently raised when CPDM is discussed within the context of brownfield regeneration:

- Whose responsibility should it be to ensure that CPDM process is properly incorporated into brownfield regeneration (and who should pay for this)? For example, if a private landowner plans to regenerate a brownfield area, should they (by virtue of their land ownership rights) be responsible for leading CPDM, or should it be the municipality (by virtue of their statutory duties and powers), or the local citizens themselves (by virtue of their rights as citizens)?

- CPDM can shift power to citizens, as they influence the nature and outcomes of brownfield regeneration – how should this be balanced by a commensurate shift of liability, responsibility and accountability?

- Different stake holders have different views on these questions. Research that identifies best practice and develops new models for apportioning rights and responsibilities would be of considerable value to all participants engaged in the brownfield regeneration process.

- Job Creation, employment and CPDM. What influence does CPDM have on the creation of new jobs and the employment prospects of local people? Are local citizens, as a result of having been engaged with a particular project, more likely or able to gain employment associated with project implementation? Anecdotal evidence suggests that there is a correlation but a more rigorous

analysis is needed to test this postulated additional benefit.

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