

Explanation and background information to the slides

Resolution of environmental conflicts by neighbourhood dialogue – application of the step-by-step instructions

- this presentation is the result of a test of the step-by-step instructions on a real case
- objectives: - present the instrument of neighbourhood dialogue to permit writers and inspectors
- convince them to use it as an additional tool for conflict management



Neighbourhood-Dialogue – tools, process, evaluation – specific example authorities 1

This draft presentation belongs to the project “Resolution of environmental conflicts by neighbourhood dialogue” (part 4) – creation of concise step-by-step instructions.

It was developed during the IMPEL working group meeting in Berlin 28/29 June 2010 as a test of the proposed material on a real case. It demonstrates how flexible the instruments are and how they may be adapted to the individual situation.

The basic version of this presentation is to be found on the IMPEL-homepage: (www.impel.eu)

Background situation:

The unit responsible for permitting and inspection and receives many complaints, for example, from residents about noise from public events, odour from waste treatment plants, etc. The head of the unit already knows neighbourhood dialogue and appreciates its potential.

Permit writers and inspectors are not yet convinced about the benefits of neighbourhood dialogue. This presentation will be used to demonstrate the benefits of neighbourhood dialogue in helping resolve conflicts, and to start a discussion about how the team use neighbourhood dialogue as a tool to help them manage conflicts.

Explanation and background information to the slides



Neighbourhood-Dialogue
**an instrument to prevent and solve
conflicts between companies and
their neighbours**

Procedures - Steps - Evaluation



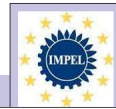
On the **slides master** the IMPEL logo may be replaced by the logo of the individual organisation.

Pictures from well known places in the region and individual situations may be integrated here. Name of the presenting person and date of the presentation may be added too.

Explanation and background information to the slides

The specific situation in our authority / unit ...

- Many complaints about noise from public events and odour from waste treatment plants
- Recurring complaints produce high workload
- The current way to handle complaints is to inspect and to go into an administrative procedure
- Are there any alternatives? Neighbourhood dialogue might be one of them.



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The present situation in the unit should be described in an objective and neutral way. A current example causing high workload and for which a good solution is badly needed, could be mentioned here.

Explanation and background information to the slides

Content

- ❖ What is neighbourhood-dialogue?
- ❖ 6 steps to good neighbourhood

Information about sources

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The logo for IMPEL (Inter-Municipal Partnership for Europe) is located in the bottom right corner of the slide. It features a blue gear-like shape with the acronym 'IMPEL' in white capital letters inside. The gear is surrounded by twelve yellow stars, similar to the European Union flag.

It was decided not to use part B (see basic version of this presentation) at this stage. This could be too much information for the target group. Nevertheless the checklists for the assessment of the starting position or the overview of the supporting evaluation tools could be kept in the annex to be able to answer questions on a good bases.

Part B presents selected instruments to assure the quality of a dialogue process and to assess success and results. The instruments enable authorities and companies to carry out a self-evaluation. You are free to choose the appropriate instrument that fits most to your case or to adjust it to your own needs.

Explanation and background information to the slides

Companies and their neighbours may get into conflict about

	noise odour traffic radiation light pollution development of site dust air pollutants vibration ...	
		
		

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For the adjustment to the present situation some photos of well known cases should be put in and the main causes for complaints should be left in the middle.

Support for person who makes the presentation:

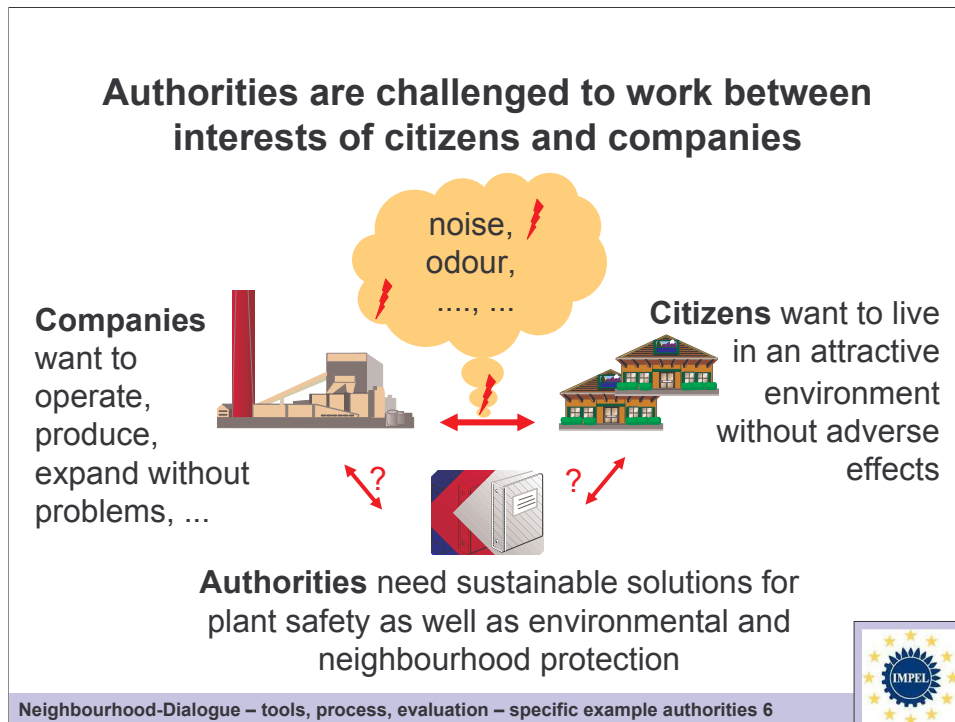
Reasons for neighbourhood complaints and conflicts are manifold and are not always connected to rational causes / scientifically established risks or measurable emissions. These are only examples, the list is not completed.

Other reasons for conflicts may be explosive substances (risk of explosions / accidents / ...) etc.

Please note that often other causes, such as mistrust of your authority or concerns about the negative impact of house prices etc., are hidden behind apparently rational complaints reasons such as noise or dust.

Please refer to the real situation in the authority/organisation and choose some good examples.

Explanation and background information to the slides



Authorities have to make sure that the sites and activities, under their responsibility, are operated /carried out in compliance with the legal requirements. If conflicts arise, it is important for them to find sustainable solutions in accordance with the law. Such solutions will as a rule reduce incoming complaints and decrease unproductive work for the authorities, especially if after some time, the involved parties can solve their problems bilaterally. In a dialogue process companies and neighbours can make agreements beyond the required BAT level. Thus they can achieve more than is required by the law.

Companies have to make a profit to keep operating, so their priority is being able to operate, and potentially expand in peace. Therefore the security of the site is important. Talking to neighbours and authorities can them develop creative solutions beyond normal enforcement measures of authorities. Regular dialogue helps widen the scope for negotiations, for example: agreement on certain opening or production hours, route of approach, removal of the entrance of a chemical plant etc.

Residents being negatively affected by sites (whether subjectively perceived or objectively measurable), are often concerned about the adverse environment impacts of the pollution. Concerns can include a reduction in house prices, disturbing the peace, poor air quality, negative health impacts or fear of accidents like fires or explosions etc.

Preventing conflict: Early and regular neighbourhood dialogue can be used as a tool to help prevent conflict, as well as being a means of resolving existing conflicts. By identifying that conflicts are developing early, authorities can encourage companies to start dialogue in good time to prevent conflicts escalating or to minimise the severeness of conflicts (e.g. during permit procedures for issues of high public interest).

Dialogue about permits: For a permit of high public interest, dialogue can be used to start developing proactive, trustful and transparent relationships between the operator, the authority and the local residents.

Explanation and background information to the slides



This slide shows the possible parties in the dialogue. Normally the main parties are:

- a company / several companies / site management
- the residents / complainants
- other groups involved in the case
- the authority
- a facilitator (from the authority or external) who is accepted by all parties

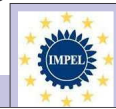
Neighbourhood dialogue cannot replace regulatory measures of the authority, but it may allow for a wider range of actions beyond BAT, that might comprise other and partly wider options especially if:

- there is more than one problem to be solved;
- complaints are increasing;
- it is not clear whether the complaints are well-founded or not, for example, this is often the case with odour complaints – it can take the inspector a long time to investigate and decide on the significance of the odour issue. Residents often get frustrated waiting for action to be taken and put more pressure on the authority to close the installation;
- the situation is very complex concerning the legal basis, for example, the inspector is not sure whether there are really harmful effects or significant nuisances on the neighbourhood, or the environment, because there are no defined emission limit values in the law. There are only indefinite legal terms.
- there is a complex structure of complainants;
- there is more than one affected authority;
- there are several different contacts in the company who need to be involved;
- it is difficult to develop a simple solution. In this situation, it is useful get the most important contacts in each organisation (and potentially some supporting contacts) to work together.

Explanation and background information to the slides

Neighbourhood dialogue ...

- is a structured process where everybody has the chance to be heard.
- is an effective communication platform for conflict prevention.
- aims at finding understanding and solutions in case of severe or recurring conflicts between companies and their neighbours.
- can be used systematically to maintain good neighbourhood relations.
- is not a substitute but a complement to authorities' actions.



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The dialogue process can be supported by consequent use of a moderating technique (e.g. Metaplan-technique). The facilitator is impartial and stimulates the process of neighbourhood dialogue.

If the authority prefers to use an internal facilitator, their role must be accepted and agreed by the whole group. The agreement on rules for the discussion is helpful.

When participants feel that they are being heard and their problems are being taken seriously, the dialogue process can help develop trusting relationship between all parties.

Once the dialogue process has helped resolve the initial problems identified at the site, continuing the neighbourhood dialogue can be a useful way of preventing future conflicts by identifying issues early and dealing with them before they escalate.

Neighbourhood dialogue cannot replace measures of the authority, but it may allow for a wider range of action, that might comprise other and partly wider options.

Explanation and background information to the slides

Neighbourhood dialogues are especially useful if...

- ✓ the legal situation is not easy to assess.
- ✓ sustainable conflict resolution requires additional options to complement the classical catalogue of authorities' actions.
- ✓ there is distrust in the company and/or the authority to take appropriate action



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Neighbourhood dialogue may not substitute the regulatory actions of an authority, but they provide a broader range of tools for conflict resolution.

Especially if:

- there are several issues to address
- it is difficult to assess the relevant facts, the justification of complaints and/or the exact consequences of the applicable legal rules
- complaints or the number of conflict issues increase
- there is a lack of trust in the evidence that has been used to decide whether or not there is a pollution problem. It is not always possible to use objective scientific evidence to decide whether there is a significant pollution issue, so defining the significance of some types of pollution will always be based on subjective evidence. For example, the evidence of an odour issue at a site is based on the judgement of an experienced regulatory officer.

Another reason to get the main stakeholders together to talk, could be when there's a diverse mix of complainants, several responsible authorities involved and / or diverse relevant contacts in the management of the site / enterprise. These factors can all make it difficult to reach a solution. Other potentially helpful persons could be asked to get involved in dialogues.

Explanation and background information to the slides



Neighbourhood dialogue can only be successful if there is a plan to manage the process, and help participants understand how the process will work towards developing a solution. Single engagement actions might be good but their effects quickly fall flat or don't work at all if there's no follow up.

Initiators must know the goals they want to achieve and agree on them with all participants at the first meeting.

The process and the steps to achieve the goals must be made clear to all involved.

The process is made up of a series of steps (see slide). The steps build up, one upon the other, and form the basis of a well planned dialogue process. Before the first meeting the participants are informed about the neighbourhood dialogue process.


Tip: Remember your dialogue plan is flexible, and can be changed at any stage if local circumstances or issues change.

You will find detailed information about the steps in the „Toolkit – Establishing neighbourhood dialogue (page 12 – 43), in the appendix you find a short version (page 45 – 47) and further useful supporting material for neighbourhood dialogues (page 48 – 66)

Explanation and background information to the slides

Good convincing example ...

- Situation
- Problem
- Handling the dialogue...
- Results/ successes of this dialogue ...



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The success of neighbourhood dialogue can be demonstrated by presenting at least one good convincing example.

The best option would be to choose a case published in the media or somewhere else, from which involved persons are known and can be contacted afterwards.

If later on a training seminar would be carried out, participants in such a case may be invited to report their experiences.

If neighbourhood dialogue is perceived and used as a process the sustainability of its effect and its solutions may be assured.

Explanation and background information to the slides

Benefits of a professional dialogue procedure

- ✓ Workable solutions are created
- ✓ Citizens recognise the performances of authority
- ✓ Resistance and administrative appeals against permissions or decisions decline, procedures shorten
- ✓ Number of complaints decreases, less bad press
- ✓ Workload of the authority is relieved sustainably
- ✓ Enterprises / sites improve their public image
- ✓ Enterprises gain security for their site
- ✓ Better informed and empowered citizens
- ✓ ...

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Here you can refer to the good example that was presented before.

Explanation and background information to the slides

Risks of a neighbourhood dialogue

- ✓ Agreements are not legally binding
- ✓ Participants cannot push through with maximum demands, so some will refuse to join in
- ✓ Participants give up their distance to each other – may „lose their enemies“
- ✓ The neighbourhood may split up into different groups.

Pros and Cons: Conclusion

Neighbourhood dialogue is an important option for the authority !



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Disadvantages: neighbourhood dialogues also have unwelcome side effects and shortcomings – which should be clear for all participants from the beginning:

- Agreements are not legally binding as long as they are not integrated into binding decisions of the authority (which may not always be possible) or in a valid civil law contract.
- Participants wanting to push through with maximum demands will probably refuse dialogue participation as solutions agreed upon will usually represent a compromise.
- „Concepts of the enemy“ cannot be maintained in a successful dialogue process.
- Participants give up their distance to each other – which is not always regarded as a gain.
- The neighbourhood may split up into different groups – the chances and risks of which should be evaluated with care.

Summing up: weighing the pros and cons of neighbourhood dialogue

1. reaching a sustainable and mostly peaceful co-existence between industrial/commercial and private neighbours through neighbourhood dialogue is possible
2. all participants may profit from this
3. reductions of regulation and control require new strategies
4. as a rule, the advantages of neighbourhood dialogue prevail clearly over its disadvantages (*)

(*) In spite of this, in special cases it may not make sense to start a dialogue. But the neighbourhood dialogue as an instrument still remains an important additional option for an authority.

Explanation and background information to the slides

Risks of not doing a dialogue procedure

- ✓ Authority remains the scapegoat among the parties
- ✓ Number of complaints/court procedures will not reduce
- ✓ Demotivating situation remains as it is ...
- ✓
- ✓ ...



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Description should reflect the real situation in a neutral way.

Explanation and background information to the slides

For all this

- ✓ My proposal for our authority.
- ✓ Let's try it ...

- ✓
- ✓ ...



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The statement should be motivating and achievable but not exaggerated.

Explanation and background information to the slides

Questions and Answers

Discussion

- What do you want to know?
- What chances do you see?
- What do you think, is it worthwhile to invest more time in neighbourhood dialogue?



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Proposal:

Prepare in advance your answers on critical questions.

Ask with the invitation for questions in advance.

Prepare in advance some questions to initiate a discussion.

... to invest more time in neighbourhood dialogue means:

- to inform about further literature
- to organise a training seminar

The discussion can be documented by consequent use of a moderating technique (e.g. Metaplan-technique).

An agreement on further usage of and dealing with neighbourhood dialogue would be the best result that could be achieved. A good option is to identify a real case that could be solved by neighbourhood dialogue and to find a volunteer for the facilitation.

If colleagues experience that they are heard and their problems are dealt with seriously for the most part they enter into the discussion. After the solution of the first problems by neighbourhood dialogue it may develop to a forum for conflict prevention.

If neighbourhood dialogue is perceived and used as a process the sustainability of its effect and its solutions may be assured.

Explanation and background information to the slides

Further Information / Resources

Products of the IMPEL-Project

„Informal resolution of environmental conflicts by dialogue“
2004 - 2010

process: brochure „Solving environmental conflicts by Dialogue“
(http://impel.eu/categories/228/search_type/and)

procedure, methods and steps: „Toolkit – Establishing
Neighbourhood Dialogue“ (

(http://impel.eu/categories/228/search_type/and)

quality assurance and evaluation: „Guideline and excel table for
self evaluation of neighbourhood dialogue“

(http://impel.eu/categories/228/search_type/and)

You find annotations on the slides on the notes pages



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Other Resources: *Dear project participants, please update / complete this list by some important supporting publications*

Germany

Brochure „Betriebe und ihre Nachbarn, www.Gewerbeaufsicht.niedersachsen.de

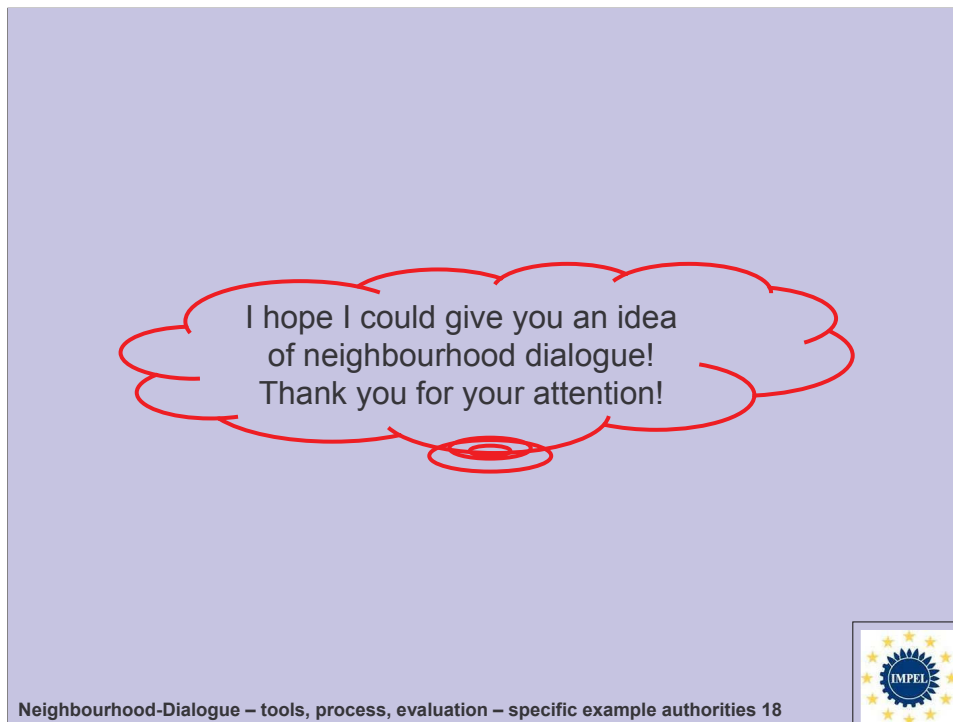
UK

The Environment Agency: Building trust with communities. A toolkit for staff. Bristol, 2004

The Environment Agency: Working with others. Building trust with communities. A guide for staff. Bristol, 2006

Here you may add further resources with examples from your own country and written in your own language.

Explanation and background information to the slides



Alternative:

I hope I could convince you that neighbourhood dialogue might be an option.

The next slides can be used if participants want more information about the structure of a dialogue, supporting checklists and evaluation tools. More information can be taken from the basic version of the step-by-step instructions.

Explanation and background information to the slides

step 1 Initiating and preparing the dialogue

- Analyse the conflict
- Examine the legal background / the scope of action of the authority
- Convince the key people in the company to get involved
- Explore interests and expectations of all parties
- Decide on the role of the authority / think about an accepted facilitator

Authorities may initiate the dialogue!



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Legal framework: the legal situation must be clear – dialogue cannot replace implementation or enforcement measures of authorities – illegal situations cannot be tolerated in exchange for the initiation of a dialogue. Only after thorough examination of the case and in case of good prospect for a successful dialogue and achievement of the legally required standards, a defined period of time may be conceded for compliance to be achieved.

Role of the authority: The authority provides support for the parties involved and gives advice, checks up the legal framework, explores the scope of action.

Involvement of the company: sometimes it is useful to develop a provisional concept on structure and procedure of the dialogue, that company representatives get an idea of what is ahead and which advantages the dialogue will bring for the company including the longterm perspective. Sustainable solutions are worked out / opposition and objections against permits will decrease / frequency of complaints will decrease too. (You can find further supporting arguments for authorities dealing with companies in part B of this presentation).

Potential for conflicts: The authority may recommend neighbourhood dialogue to the company as a preventive measure or in a permit procedure.

Key persons in the authority / company / important active parties that have to be involved to assure the success of the dialogue. Be aware that some of the key people become evident only during your work on step 1 and 2.

Analysis of interests: first identification – basis for the following dialogue concept.

Facilitator accepted by all parties: usually you need a facilitator, the person may come from the authority, it may be a professional external facilitator or a person with profound foundation of trust (mayor / pastor / vicar ...).

Explanation and background information to the slides

Step 2 Developing and designing the concept

- Assess opportunities and risks of the dialogue
- Contact representatives
- Identify representatives' willingness to negotiate and scope for action
- Define participants in the dialogue
- Define date, place, form of dialogue
- Reach agreement on dialogue concept as first step of cooperation

Authorities can act as representatives or facilitators



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step 1 + 2 are closely linked in the dialogue, they often overlap.

In this step several questions are solved:

For example:

- Is there a great need for information exchange between the parties?
- Is there any scope of action?
- Are the relations between the acting parties favourable for a dialogue or not?
- Which is the legal situation?
- Does the authority have any scope for action regarding its measures?
- Which are the chances of success if only the authority takes measures?
- Which chances of success are there for a dialogue of the involved parties?
- Who should be involved in the dialogue?

The authority as facilitator: the authority can take over this role only if all parties involved accept it (= enough trust in the authority). Alternatively a representative from another department / another office can moderate the discussions. If both options are not possible an external (impartial) facilitator should be engaged.

(Further questions can be found in the „Guideline for self evaluation“, resource see slide 28)

Explanation and background information to the slides

Step 3 Starting neighbourhood dialogue

- Send out invitations / prepare the first meeting
- Plan well the agenda, methods and structure for the first meeting
- Plan sufficient time for initial discussion about the main issue
- Encourage participants to involve and build trust
- Make agreements about rules of dialogue including communicating with the media

Authorities act impartially



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Starting neighbourhood dialogue is a very important step. Here the representatives involved check whether it is possible and worthwhile to build up trust. Therefore a carefully reflected structure is needed.

The invitation and preparation of the first meeting should be planned carefully: who invites – to which place – when – how long – what is the issue – which are the objectives ...

The development of the structure of the items and the dialogue uses a clear structure of the dialogue steps including a „warm-up phase“ for participants, the agreement on common ground rules ... Techniques of moderation and visualisation provide support for an effective discussion.

Experience shows that there should be enough time for an initial discussion about the main issue. Participants must experience that they are heard and that there is room for their emotions.

Role of the authority: the authority gives support to those involved and gives advice. The authority ensures that legal requirements are met and takes care that expectations of participants stay realistic. In any case authority members have to be strictly impartial even with little signs and gestures.

Explanation and background information to the slides

Step 4 Making progress

- Supply comprehensive information, that is understandable for all participants
- Being clear and open with facts and uncertainties, encourage adoption of different perspective and careful listening, solve and prevent misunderstandings ...
- Build up an objective basis for agreements: analysis of interests, development of options
- Develop agreements with mutual obligations that are acceptable for all parties

Authorities control the compliance with legal requirements



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Initiate openness while dealing with facts, uncertainties, fears and concerns, limitations, obstacles and responsibilities – this needs a good plan for the discussion and a professional moderation of the meeting. Explore the conflict behind the conflict.

Bases for an agreement: thorough analysis of interests, development of options / often also compilation of criteria for objective decisions

Development of agreements with mutual obligations, that all parties can accept. It must be clear who has got which task and which responsibility, how the result can be checked. Attention: agreements below legal requirements are not acceptable!

Role of the authority is like in the step before: the authority gives support to those involved and gives advice. The authority ensures that legal requirements are met and takes care that expectations of participants stay realistic, concerning the scope of action of the authority.

Explanation and background information to the slides

Step 5 Getting results and celebrating success

- Each meeting should be followed up by documenting and translating agreements into action, communicating performance to participants
- Get regular feedback about work style and results, evaluate the dialogue process
- Share the results with participants and celebrate success
- Communicate the results to the media together

Authorities integrate dialogue results into their decisions where possible.



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Within their legal framework, authorities align their decisions with the results of the dialogue as far as possible and practicable. The basis of authority's action is the legal framework. Within this framework, dialogue results may be integrated.

It is therefore important for the authority to repeatedly describe and clarify its scope for action and its discretionary powers. The success of this and of other dialogues also depends on authorities alignment to (and perhaps active support of) the dialogue results.

It is important to talk about the decision making process in the dialogue and within the groups, represented by the participants in the dialogue (e.g. action groups, authorities, ...) If necessary give support to the representatives for the information of their groups.

Explanation and background information to the slides

Step 6 Maintaining good neighbourhood relations

- Contacts to and relations with the neighbourhood should be purposefully maintained and developed
- Continue reciprocal information exchange and solidify trust and confidence
- Keep up regular but less frequent meetings
- React to changes in the neighbourhood – adapt or expand contacts
- Maintain contacts for immediate communication in case of crisis

Usually, authorities withdraw from dialogue now



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In this step, contacts with and relations to the neighbourhood are solidified and put on a sustainable foundation. This requires that the informational exchange and the building of trust is continued as an ongoing process.

Regular but less frequent meetings: adequate structures should be developed for preventive dialogue – which differ in frequency as well as in participants from the „acute“ dialogue phase for resolving a conflict. E.g. a smaller group may meet and then report regularly to the other interested stakeholders, or different small groups may meet on different topics (politicians, cross-regional citizens' initiatives, direct neighbours, ...) so that they can work on their respective special issues in the different meetings.

Changes/ departures / loss of key contacts should be compensated, generational change, new stakeholders, changes in interests require an active stakeholder management (absolute necessity!)

Site managements which developed solid communication channels in „peaceful“ times have a chance to use these in times of crisis for a timely and trust-engendering information of the neighbourhood.


Representatives of the authority participate in the meetings upon invitation only; as a rule the authority withdraws from regular dialogue in this phase.

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Self evaluation of neighbourhood dialogue(s) during and at the end of the process

<p>Quality assurance How to know,</p> <ul style="list-style-type: none">■ whether a dialogue may be successful?■ whether to recommend dialogue or not?■ whether dialogue is carried out professionally?	<p>Evaluation of success How to find out,</p> <ul style="list-style-type: none">■ which results have been achieved by the dialogue?■ if the participants see the dialogue as successful?■ which was the workload of the dialogue?
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Self evaluation means: The facilitator, the authority or the company itself may use the evaluation instruments as such (or adapt them to their individual needs).

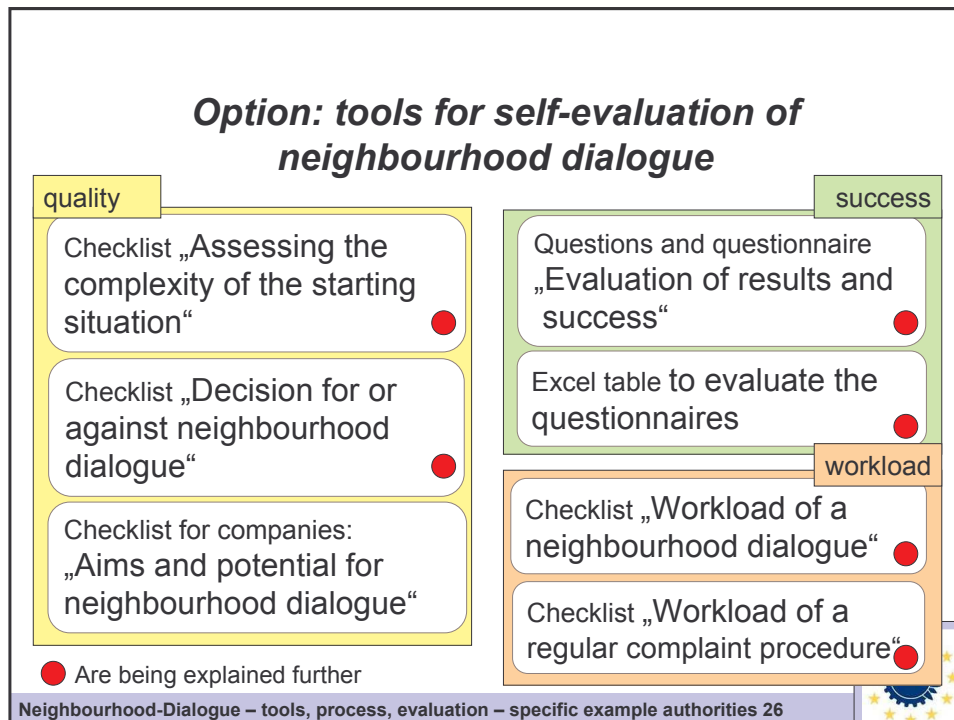
Self-evaluation should be integrated in each dialogue procedure at the beginning, during and at the end of the process:

At the beginning and during the process you may use self-evaluation, to come to a well founded decision to start a dialogue or not, to assure the quality and to make necessary corrections.

During and at the end of a dialogue procedure you may use self-evaluation for quality assurance, as a basis for necessary corrections in the procedure and to find out if the process was successful (in the eyes of all participants) and which results have been achieved. You may document the resources needed and compare the latter to the resources needed for dealing with complaints in a regular administrative procedure.

If you plan to present single tools it might be very helpful to look first for deeper information into the „Guideline and excel table for self evaluation of neighbourhood dialogue“ (http://impel.eu/categories/228/search_type/and)

Explanation and background information to the slides



Slides 22 to 27 contain more detailed information about the most important tools for quality assurance and evaluation of results. The tools marked with a red dot will be explained further in the subsequent slides.

The checklist Assessing the complexity of the starting situation already provides clues for the estimation of resources necessary for the handling of the matter (in terms of time and staff). With the completion of this analysis it will become clearer, whether the installation of a neighbourhood dialogue remains a promising option for the individual case.

The checklist Decision for or against neighbourhood dialogue contains criteria for a systematic reasoning or a well founded recommendation (be it within the own office or towards site managements or other stakeholders). Its treatment also helps to recognise aims and topics for the dialogue.

The questions for evaluation give a basic structure for a round table discussion with all dialogue participants and help to estimate whether the dialogue is promising enough for all to be continued.

The questionnaire is meant for (written) interviews of the participants in the course of and at the (provisional) end of a neighbourhood dialogue, so that necessary corrections / improvements within the process may be recognised and success may be documented.

The checklist : „Aims and potential for neighbourhood dialogue“ can be used in the discussions with companies.

The checklists on Workload of a neighbourhood dialogue and Regular complaint procedure help towards the rough estimation in advance as well as the documentation at the end of the process and - on the long run – make comparisons between procedures possible.

You can find even more tools (as well as several examples of application) in the „Guideline for self evaluation“ (see description on p. 7 to 11, main example p. 12 to 31, further examples p.77 ff.)