

# THE EVOLUTION OF LEGALLY PRESCRIBED PUBLIC CONSULTATION IN DUTCH PLANNING

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## ***ABSTRACT:***

This paper stems from a research project conducted by the Centre for Clean Technology and Environmental Policy at the University of Twente for the 'Participation Centre' of the Ministry of Transport. The Participation Centre is an agency that collects and aggregates all official consultation reactions of 'the public' for major public works. The key question for the paper is how the function of formal public consultation has evolved since the 1960s. The goal is to explore the evolution of legally based consultation and the function that planners and government agencies have attached to its application, and to assess the current relevance of this development.

The history of formal consultation in the Netherlands is traced using evidence from the planning and policy sciences literature, specialist Dutch literature, policy reports, and interviews with experienced professionals. This evidence identifies arguments, attitudes and value judgement from the 60s on. In addition, a comparison is made between 'old' literature from the 60s, 70s and 80s, and recent literature about communicative planning. The paper also explores the possible tension between consultation and applications of communicative planning.

The evolution of public consultation follows certain patterns of adoption and diffusion. Examples such as regional planning in the 1970s, motorway planning in the beginning of the 1980s, and more recent Dutch initiatives towards interactive decision-making illustrate these patterns. Also, for the Netherlands, the position of interest groups is most prominent as they have been firmly institutionalised and often operate in a co-operative way with government. The empirical evidence suggests that the meaning of formal public consultation has changed most considerably in the light of social change. Some influential factors for the position of Dutch public consultation include the consensus attitude towards decision-making and doubts by government agencies about the effectiveness and efficiency of extensive public participation. These doubts are often based on a strong belief in representative democracy.

## 1. Introduction

This paper is based on an ongoing research project on the quality of participation processes in infrastructure-planning commissioned by the Participation co-ordination unit IVW (Inspraakpunt Verkeer en Waterstaat) of the Dutch Ministry of Infrastructure. The IVW registers, combines, analyses and distributes the participation reactions for different projects within the field of infrastructure planning. The IVW has two main tasks. Firstly to co-ordinate concrete formal legal participation procedures. The second main task is to guarantee and develop the quality of the participation process in a general sense. The research programme this paper is based on aims to contribute to this second main task

The first part of the research project deals with the historical development of the typical Dutch form of participation called 'inspraak' with the goal *to describe the history and the development of the functions of 'inspraak'*. The second part of the research project will deal with universal and specific elements of participation reactions aiming to find characteristics of participation that can be abstracted from the planning process and decision making in which the objections were made, or just strongly correlates with the type of planning project. The third research project will deal with the effectiveness of participation and the quality of decision making with the aim to show in how far and in which way participation reactions offer an added value to the quality of decision making. In an end phase of the project cross relations between the three phases will be identified and overall recommendations will be generated.

We define here the typical Dutch form of participation called inspraak as a form of public consultation where government gives concerned parties on different moments the opportunity to give their views on plans. Formal inspraak is this form of public consultation based on regulations. The definition of inspraak is part of the description of the historical development of inspraak as a particular form of participation we will describe in this paper. We will clarify (formal) inspraak in this paper by positioning it against related concepts as participatory decision making (taking part in deciding), participatory dialogue (taking part in discussion), partnership, referendum, (preventive) legal protection, (formal) advice, and interactive or communicative planning.

The central question of the first research phase, which this paper deals with, how has the function of inspraak as a particular form of participation developed in time?

This central question will be answered with the help of the following questions:

- What was the influence of developments in society on the evolution of inspraak?
- How have the opinions on the functions of inspraak changed under the influence of landmarks in the development of law, policy (theory) and in participation practice?
- How has the relation between formal and informal participation developed and how the balance between inspraak and interactive planning?
- Which developments have occurred in the subjects of participation, the actors in the participation processes and the phase and scale on which they participate.

These questions have been answered on the bases of a description of the so-called landmarks in the history of formal participation. Landmarks are occurrences who either have influenced the reflections on inspraak or have led to change in aims, expected results, in participation procedures or the method of participation.

These landmarks can be divided in (1) incidents and projects within the area of infrastructure, (2) changes in law and (3) changes in the so-called policy theory.

Incidents and policy changes have to be placed within the context of societal and political developments. A contextual analysis will focus on these general trends. In these general trends there are also landmarks like the Vietnam protests or the student occupations, but these occurrences are not regarded here as participation landmarks but as indicators for the developments of general trends. Changes in law and policy changes are selected and changes on purpose.

## **2. The societal and political context of the development of 'inspraak'**

In this section we will outline a framework with which the development of participation in general, and inspraak in particular, can be described and explained. We will use the concept of 'landmarks' as discussed above to describe the origins, content and development of inspraak. The concept will be applied to the following three aspects of inspraak: policy theory, regulation and practice. These central aspects will first be clarified below. Next we will go into the societal and political context of inspraak.

### **2.1 Landmarks in policy theory regulation and participation practice**

A policy-theory is defined as a set of suppositions that forms the foundation of a policy (Hoogerwerf, 19984). A policy theory presents when, according to the policy maker, a certain policy has to be chosen. By way of reconstruction of a policy theory its rationality can be uncovered. Reconstruction takes place by answering two questions (Van der Graaf and Hoppe, 1995). The first question reads: on which foundations is chosen for a certain problem definition? This question refers to problem definitions and normative statements. A problem definition refers to the gap between the existing and desired situation and therefore contains a judgement of empirical facts on the basis of normative points of departure. An example of a problem definition is: 'the current democratic constitution offers insufficient possibilities for citizens to influence decision-making directly'. The question into the choice of the problem definition refers also to normative elements, especially policy goals and underlying chosen points of departure and conditions for policy. An example of a normative statement is: 'Direct influence of citizens on political decision making is a demand of democracy'.

The second question that has to be answered in reconstructing a policy theory is: on what are the assumptions on goal attainment based? This question refers to the causal and goal-mean elements of a policy theory. Causal statements concern aspects of the policy field that relate to each other as cause and effect. An example of a causal statement is: participation leads to delays in decision-making procedures. Goal-mean statements lay a relation between goals and means of the policy. An example of a goal-mean relation is: by means of participation citizens are offered opportunities to influence the content of planning decisions in a more direct way.

The empirical material that forms the basis for the reconstructed policy theory on inspraak is formed by government and advisory commissions notes and reports on inspraak that were produced between 1970 and 2000. The reconstruction of the policy theory on inspraak aims at three elements: changes in the problem definition, the normative and causal goals-mean statements.

A second aspect of inspraak researched are the changes in regulation between 1970 and 2000. Investigated is how, especially in administrative law concerning specific policy fields, possibilities for inspraak and procedures are shaped. Examined is which laws can be considered to be landmarks in the regulation of inspraak and what developments have occurred in the juridical framework of inspraak. The search for landmarks in law concerned the inventory and analyses of the juridical literature. The focus was put on the most important landmarks in law and discussions relevant for spatial and infrastructure planning.

The analysis of the practice of participation, the third aspect of inspraak researched, contains an exploration of projects and incidents who have been landmarks in the thinking about inspraak. Literature is examined for projects and incidents that lead to changes in the views on inspraak (catalyst) or were characteristic themselves for a societal or political change (indicator). Examined is which assumptions and arguments on direct and indirect participation and different functions of inspraak can be recognised and what the most important discussions were. Supplementary in interviews with participation experts we looked for reflections on the conclusions from literature.

To resume, we start from four angles which are thought to be relevant to identify landmarks in the development of inspraak as form of participation. Table 1 summarises the different points of view.

Table 1: Methods and points of attention research

	<i>Method and source</i>	<i>Points of attention</i>
<i>Societal</i>	Academic literature and interviews	Planning, role government, social context, politics
<i>Regulation</i>	Juridical literature	Changes in law
<i>Policy theory</i>	Policy documents and interviews	Problemdefinition, normative and goal-man assumptions
<i>Practice</i>	Academic and professional literature, interviews	Indicators and catalysts in projects and incidents

## 2.2 Societal and political context

On the question if and how inspraak should be granted Dutch government on national, provincial and municipal level have developed policy. This paper aims besides the description of the development of inspraak to describe the context that was meaningful for the way inspraak developed in the Netherlands. To explain policy content and policy forms in policy sciences many perspectives are used (Easton, 1965; Allison, 1971; John, 1998). In this paper we start from a system perspective to describe the societal and political context with the aim to clarify the direction of development of inspraak as a particular form of participation.

From the many factors that possibly relate with the origination and development of inspraak we raise here four aspects that could give more insight into the dynamics of inspraak. This involves social-economic developments, developments in reflections on democracy, on the tasks and functions of government as implementers of political deci-

sions, political-institutional developments and developments in the reflections on spatial and infrastructure planning.

To explain the development of the policy theory, regulation and participation practice we use an analytic model. The model starts with the assumption that there is a (partly) mutual relation between societal and political context of inspraak at one side and (aspects) of inspraak at the other side. The societal and political context of inspraak, especially the reflections on democracy and on the tasks and functions of government, will influence the realisation, content and development of the policy theory on inspraak. The realisation, content and development of regulation will also be influenced by the societal and political context, especially the reflections on democracy on spatial and infrastructure planning. The way in which participation practice develops is also a result of (among other things) the societal and political context, especially the reflections on democracy and social-economic developments, in which inspraak is imbedded, but also influences this context. The practice of participation is further influenced by endogene factors. The policy theory and the regulations give the possibilities and borders within which inspraak can develop. This relation is also very dynamic. Reflection on participation practice can also lead to changes in the policy theory and regulations concerning inspraak.

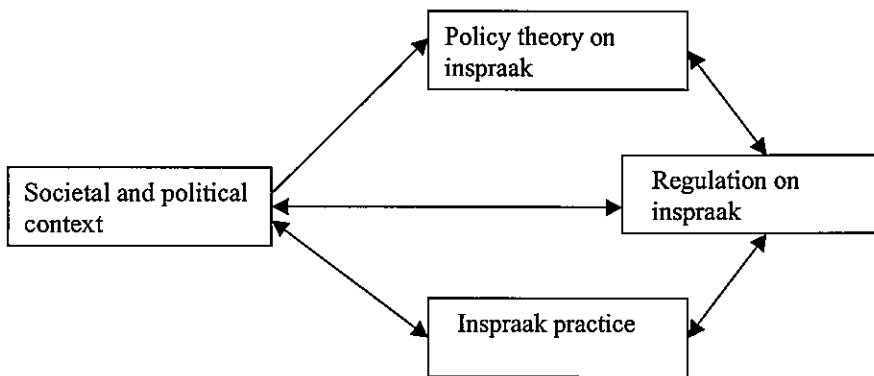


Figure 1: The relation between the societal and political context of inspraak and the policy theory, regulations and participation practice.

### 3 The evolution of inspraak in three time periods

In the policy reflections on inspraak we can distinguish three time periods. The period 1970-1978 characterises itself by a strong accent on inspraak as a mean to involve the public more in policymaking (inspraak as solution). Between 1978 and 1985 the debate on inspraak is dominated by the question if and how inspraak has to be shaped into regulations (inspraak as institution). After 1985 in the policy reflection the accent moves to undesired side effects of inspraak (inspraak as a problem).

### 3.1 1970-1978: *Inspraak* as a solution

#### *Societal trends (1970-1978)*

In the beginning of the sixties planning was still defined as a scientific tool for policy that could operate relatively independently from political and social relations (Van Gunsteren, 1976). The sixties were the period in the Netherlands of the large infrastructure projects, like the flooding prevention project (Deltaworks) and the gaining of new land in the former Zuidersea, large city expansions and major roadbuilding. Around 1970 large infrastructure and industrial projects stagnated. For instance the barrier in the Oosterschelde-estuary was heavily debated, just as the Moerdijk industrial area and the expansion of the Amsterdam harbour.

In planning literature and practice there was a growing understanding that planning could not only be based on scientific rationality but also on political considerations (Quene, 1982). Government planning in the Netherlands becomes long-term integral planning aiming at reform and renewal in society (Van Houten, 1974).

In the sixties public administration questions were seldom related with the general position of government in society. Dutch government takes her responsibility for the economy by creating all kind of new forms of public-private partnerships like the Social-economic board and in the implementation of the Dutch system of social security. In contrast in the seventies the working of government is widely discussed. Both political institutions and administrative departments are under pressure. The both are supposed to be insensitive for the demands from society. This leads to criticism on the political constitution and to proposals for constitutional changes (Commission Cals Donner, 1968-1971).

The broader social context in the sixties can be characterised by economic growth, the extension of the welfare state and the typical Dutch phenomenon of pillarisation. Society was organised in clearly separated pillars mainly based on religion. There is a large political stability because of the role of the elite's in the system of pillarisation (Lijphart, 1968). The social context in the seventies can be characterised with the key-words high economic, growing attention for the quality of life and the breakthrough of traditional relations in society by the democracy movement (WRR, 1983). In economic respect in the beginning of the seventies there is an economic boom. The discussion on the quality of life is stimulated by the growing environmental concern and by discussions on reforms in education. Environment and social well being are placed against welfare. There is a breakthrough in the authoritarian structures in many institutions like universities, associations, business and government. Besides this there is the attempt by especially by youth supported social movements and actions group to replace existing institutions and generate innumerable social initiatives (Korsten, 1979).

The stability in political relations is broken by a greater competitiveness among political parties and by outer parliamentary actions that cause political parties to act more actively. There is a great interest in party renewal especially in the left parties. There is a search for renewal in the political constitution, like the direct elections mayors, through which the gap between citizens and politics (Daalder, 1974) can be reduced. *Inspraak* as a particular form of participation is seen as one of the solutions for the crisis in representative democracy.

### *Landmarks in law (1970-1978)*

Inspraak was a new phenomenon in the sixties. In the decades after it is legally institutionalised. From a strict legal perspective inspraak in the sixties was a matter of the origination of the law on spatial planning (WRO/Wet op de Ruimtelijke Ordening) and in the seventies as a spring of from the discussions on large infrastructure projects, the so-called National Spatial key decisions (PKB) and the introduction of the environmental impact assessment. In all these regulations inspraak is usually presented as an instrument that can offer solutions for the problems with democratic involvement of citizens.

The WRO from 1965 was an important impulse for inspraak because this spatial planning law offered the opportunity to protest against local and regional spatial plans (streek-, structuur- en bestemmingsplannen) with written objections. Inspraak was organised to canalise these protests (Van der Cammen & De Klerk, 1986). According to one of the interviewed the development of the WRO caused Rijkswaterstaat, the main infrastructure department, to see a more cleared picture between traffic planning and spatial planning. A part of this was involving other administrative bodies. This was new because in the past Rijkswaterstaat would rely on the so-called Riverlaw, which law would in Rijkswaterstaat his opinion go before the new WRO. The procedures for trafficprojects only consisted out of laying plans on the table and administrative consultation. Now the involvement of citizens became more or less indirect, by making objections against trafficroutes in the provincial spatial plan (streekplan) en eventually the binding municipal spatial plan (bestemmingsplan).

The interviews further revealed that municipalities and provinces were the forerunners in regulating procedures about inspraak. Dutch law stresses in this period inspraak as a means to democratise decision-making (Vucsan, 1995). This meant, as for instance indicated by the advisory commission Duk (1974) that a right on inspraak had to be granted to everybody. Objection-makers, the so-called insprekers, are not obliged to declare their particular interest in one way or another.

During the seventies the basis was laid in the Netherlands for the discussion on decision making in large (infrastructure) projects (WRR, 1994). An important proposal was the so-called operational area indication (operationele gebiedsaanwijzing/OGA), which contained a parallel run of procedures for different aspect and interest in the use of land and aimed on better administrative consultation. Another important development was the introduction of the environmental impact assessment (milieu-effectrapportage/m.e.r.). The changing attitude towards the environment in the seventies meant eventually for nearly all large infrastructure plans a procedure for environmental impact assessment have to be carried through (Van Alteren et al, 1990).

Also in this period the main lines of national spatial policy became a subject for inspraak. This inspraak in the national spatial key decisions (planologische kernbeslissing/PKB) aimed mostly on consultation with formal bodies like the Advisory committee on spatial policy (Raad van Advies voor de Ruimtelijke Ordening/RARO). The interviews revealed that the introduction of the system of PKB's was crucial. The PKB laid stress on a national spatial policy and inspraak hitched with the PKB in this accent.

### *Landmarks in the policy theory*

In the problemdefinition used in policy documents and advisory-reports of the period between 1970 and 1978 centralises the position of the citizen. The report *Advice on inspraak in deciding on national land use (Advies inzake inspraak bij de bepaling van nationale bestemmingen, RARO 1970)* observes that the population experiences that they are confronted with established facts and that the citizens are involved to late in spatial decision making. In the advice-report *Involving citizens in the shaping of national policy regarding spatial decision making (Het betrekken van de bevolking bij de vorming van het regeringbeleid inzake de ruimtelijke ordening (RARO, 1970a)* the question is asked based on this problem definition, what are the possibilities to involve citizens more strongly in spatial planing on different levels of government. The Advisory Committee Biesheuvel focused the same question on government information: in how far and in which way can and should information in hands of the government be accessible for citizens? From these problem definitions it can be deduced that the major problems in the period that were sought to solve deal with the insufficient involvement of citizens in the realisation of public policy, which lead that citizens are confronted with 'established facts'.

*The normative assumptions, the statements about goals, are between 1970 and 1978 aimed at enlarging the influence of inhabitants of an area on government policy (RARO 1970a)* and on the desirability to enlarge the openness of policy making (Committee Biesheuvel, 1970). An important tension observed by the RARO (19790a) lies between direct democracy and the weight of the political position. At one hand there are the democratic demands that citizens should gain more influence in the direction in which public policy develops. On the other hand this direct democracy influence should not harm the significance of the representative democracy. Both the RARO and the Commission Biesheuvel take the position that a possible prolongation of decision-making procedures through the introduction of participation moments not offsets the importance of a public debate on the policy issue.

*Goal-mean statements.* In the period 1970-1978 inspraak is considered a mean to achieve certain goals on the basis of two different argumentations. In the policy theory of the RARO inspraak and its regulation are a mean to prevent that citizens are confronted with 'established facts' and to improve the working of democracy (RARO 1970, RARO 1970a). The policy theory of the Advisory Commission Biesheuvel inspraak, it's regulation and early discussions on intended public policy as means to enlarge the direct influence of citizens and through this the openness of government policy making. In the official government position on inspraak both views are combined. Inspraak becomes 'everybody's' inspraak (including mutual information-exchange) and is seen as a mean through which the share of citizens in the exchange of views on public policy can be enlarged.

### *Landmarks in the practice of public consultation (1970-1978)*

Since the end of the sixties the attention for public consultation in the Netherlands has been growing. Not only in general but also within the fields of spatial planning and infrastructure (Randeraad & Wolffram, 1998; Van der Cammen & De Klerk, 1986). From that moment, more and more issues were not only discussed in political arenas but also outside it. This was for example the case with the water management works in the "Eastern Scheldt" basin ("Oosterscheldewerken"), the establishment of chemical indus-



try in "Moerdijk", the plans to reclaim land in the "Markerwaard" area and the Amsterdam metro. Castenmiller en Dekker (1989) have identified the protests against the use of nuclear power and the actions of environmental groups as important landmarks. Van der Cammen & De Klerk (1986) especially refer to urban renewal plans and the planning in connection to national spatial planning documents such as the "Oriënteringsnota" and the "Verstedelijkingsnota". The RARO (1978) identified the developments in Dutch regional planning and the public consultation based PKB-procedure (procedure for National Key Planning Decisions) as new for the seventies. This period appears to have a lot of landmarks in the practice of public consultation. Below we discuss some of the most important. They are - successively - urban renewal, regional planning, the PKB and infrastructure planning.

During the seventies the local administrative level was known for its great diversity of public consultation forms (RARO, 1978). Van der Cammen & De Klerk (1986) mainly discuss a number of incidents with urban renewal in the Netherlands that took place in the beginning of the seventies. Grass roots citizen groups emerged and demanded a say in planning processes and the implementation of plans. The protests against the urban renewal plans were a signal for a lack of communal support. Urban renewal in fact became an indicator for social developments but acted also as a catalyst for latter public consultation initiatives itself. Goverde & Mast (1978) show that during the seventies local authorities interpreted public consultations still very instrumental: it was seen as a technique for consultation. Possibly also because of this, local public consultation did not become a big hit. In Amsterdam for example, the development of plans for urban renewal did not arouse the interest of many citizens (Beck en Mendel, 1983). All our respondents point out that local public consultation served more as a 'trigger' for the development of public consultation than regional and national experiences. The roots of public consultation thus lie in the grass roots groups that tried to influence local demolition programs around 1965.

The regional planning activities of Dutch provinces are in its entirety also an important landmark in the development of public consultation. Although there was much variation, from 1970 onward almost every regional planning procedure contained a public consultation procedure and an objection procedure. The Regional Plan for Midden-Gelderland (a region near the city of Arnhem) was a well-known example (Korsten, 1979). Common in all provinces was a shift from institutionalized consultation (in the so-called Regional Commissions) toward more informal 'discussion groups'. A review of the RARO (1978) concluded that the informal methods of public consultation did not combine sufficiently with administrative and political decision-making. A characterization of the former can be found in several regional planning processes in the seventies (for example Midden-Gelderland, Centraal-Groningen, Drenthe, Midden- en Oost-Brabant, Amsterdam-Noordzeekanaalgebied, Rijnmond). The organizational separation of informal consultation and the common administrative and political decision-making processes caused the actual influence of public consultation on the content of the policies was insignificant (o.a. Goverde & Mast, 1979). Korsten (1979) for a matter of fact, emphasized that the public consultation at the provincial level lead to more growth in the trust through support and consent after the decision was made.

The Key Planning Decision (PKB) was introduced in a government paper published in 1972 (Korsten, 1979). The paper reacted on the demand for more public consultation and more publicity about important plans and decisions at the national level. The PKB was more of an indicator for social and governmental developments - such as the re-

gional planning activities and the local experiments with public consultation - than a catalyst. Randeraad & Wolffram (1998) associate the protests against the establishment of a chemical plant at "Moerdijk" and near Amsterdam with the development of the PKB-procedure. In that sense these projects served as catalysts for the development of public consultation. The PKB-procedure was among other things a way to ensure public consultation about the main lines of national spatial policy. Public consultation referred to deliberation in formal advisory agencies like the Council for Spatial Planning Advice (RARO).

Former research indicates that the results of PKB based public consultation procedures like the "Oriënteringsnota" and the "Verstedelijkingsnota" had a reasonably amount of influence on the final decisions (Jolles et al, 1977). The PKB procedures, however, could take a lot of time. According to Randeraad & Wolffram (1998) this was not mainly caused by the public consultation procedures but by the reserved way policy targets were formulated. The long duration of the PKB procedure about the possible construction of the Markerwaard polder (between 1974 and 1990), was mainly caused by the postponement of the final decision for financial reasons (Wolffram, 1997). For that matter, it became clear that with this form of public consultation only a limited group of citizens was reached. This was however seen as a practical rather than a principal problem.

Landmarks within the field of infrastructure planning are the water management plans in the Eastern Scheldt ("Oosterscheldewerken") and the efforts to construct a highway in the "Amelisweerd" nature area (Bosch et al, 1998). Bruning (1994) concludes that the policy makers concerned with the Oosterschelde-project within the Department of Water had failed to anticipate changing perceptions in society. Huberts (1992) believes in particular Amelisweerd is a good example of this miscalculation of authorities. Amelisweerd refers to the protests of action groups from 1971 onward against the construction of a highway through the estate of Amelisweerd near the city of Utrecht. The highway could only be build after, in 1982, a occupation by grass roots groups of the estate was terminated by the deployment of a large policy force (Grimbergen, et al, 1983). The project Amelisweerd shows that the demand for policy change can cause others to oppose government plans. Amelisweerd was predominantly a catalyst for more public consultation.

In general, our respondents perceive public consultation during the seventies as a means to create support for public policy initiatives *within* the existing administrative organization. Public consultations as a means for more democracy is only (but not every time) expressed at the local level. Furthermore, our respondents state that the causality between landmarks and the development of public consultations is extremely complex. Amelisweerd, for example, was not the only cause for different ideas about participation within the Dutch planning system. The seventies can be characterized as a period of big ambitions and a very elaborated program of planning projects. According to some of our respondents, the planning projects must be understood as indicators for public consultation on a societal level.

### 3.2 1978-1985: Public consultation as an institution

#### *Societal developments (1978-1985)*

Around 1980, planning is perceived as the construction of administrative structures aimed at the coordination of administration (Commissie Hoofdstructuur Rijksdienst, 1983). This conception of planning fits with growing independence of society, the break down of future expectations caused by economic stagnation and an uncertain international environment. Criticism on the functioning of government follows from the criticism on the welfare state, that is not based on democratic ideologies and ideals but on the failure of administrative systems and structures. Public consultation has become an institutionalized part of the criticized government. The big social conflicts in this period concern issues like the placement of nuclear cruise missiles and house squatting.

The discussion about the functioning of government centers on the chaotic and inefficient way government works and the growing number of rules and regulations that seem to have no impact on governmental acting (Commissie Hoofdstructuur Rijksdienst, 1980). Furthermore the strong growth of departments comes under fire (Ringeling, 1978). Reorganization of the central government is perceived as a solution for the problems.

The social context is characterized with the change in economic development, that is in general perceived as an economical crisis accompanied by a strong growth of unemployment. Typical for the social context around 1980, according to the WRR (1983) is the emergence of so-called autonomous behavior. This comes to the surface in tax evasion, fraud with social security benefits but also in growing radicalism of grass roots groups like squatters. *Verwijten van eigenmachtig optreden treffen ook de zogenaamde nieuwe klasse van professionals en bepaalde groepen van overheidsdiensten.*

The political arena is characterized by the emergence of economic neo conservatism as a broad political school, with pleas for more trust in the market mechanism, privatization of government task and deregulation (Ten Heuvelhof, 1984).

#### *Legal landmarks (1978-1985)*

At the beginning of the eighties the attention for the procedural side of spatial planning grew (Voogd, 1996). This period shows a constant increase of regulation, with a strong emphasis on the regulation of public consultation procedures and coordination of decision making. The main focus was on standardizing and thereby reducing the diversity of regulations. The eighties were the years of the modification of the Physical Planning Act (WRO) in 1985, the General Environmental Law (WABM), and all sorts of sectoral regulating. From the content and the type of regulation that emerges in the eighties came evidence of an ongoing pattern of institutionalization and bureaucratization. New, for instance, were entrance rules for some public consultation procedures. The WABM (1979) stated that everyone was entitled to have a say on a license application but public consultation about the draft decision was only possible for those who participated in the phase of license application (Vucsán, 1995).

At the end of the seventies public consultation became more and more institutionalized. From our interviews there is evidence that the CPI wanted to 'lay everything down in established rules'. Some of our respondents conclude that legally organized public consultation canalized the diversity of experiences from participants to much. Public consultation would also come to close to legal protection procedures. This would be

contradictory with social developments. The early experiences with public consultation are therefore evaluated more positively than the experiences in the eighties. In the seventies, public consultation was still full of life and not bureaucratized, as is the case with public consultation in the eighties, according to some of our respondents. Public servants took controlling positions. In addition, the institutionalisation of interest groups was essential.

Another important change in the eighties is the modification of the WRO in 1985. This modification aimed at accelerating spatial decision-making processes. Important changes involved strict procedural terms for the procedures within local land-use planning, the creation of the possibility of direct influence of the central government on local decisions (which is a controversial administrative figure in the Dutch political system), the augmentation of the ground for direct involvement of the national government in local planning, and the introduction of the so-called 'invitation competence' as an extra intervention instrument for the central government (WRR, 1994). To ensure public consultation in an early stage of the planning process, article 6a was introduced in the WRO. According to this provision public consultation was obliged in procedures concerning local land-use plans and local structure plans (Van Buuren et al, 1999)

In short, the early eighties show an ongoing institutionalization of public consultation and a beginning of a process of centralization of specific elements in spatial planning procedures.

#### *Landmarks in the policy theory on public consultation (1978-1985)*

In the early eighties, the focus of the *problem definitions* partially changes from the citizen to the way in which public consultation should be legally organized. This focus is associated with questions about the policy implications of experiences with public consultation (RARO, 1978), the cost (not any longer the benefits) and efficiency of public consultation procedures and the desirability of more regulation (RARO, 1982).

Also the judgement of the citizen participation in governmental policy making itself changes (Koningh et.al., 1985). It is not any longer common to only state that citizens are involved in decision making too late. New is the observation that it is not only the fault of government that citizen participation is positioned too late in procedures. Also the citizens themselves come into action in a late stage of procedures.

*Normative elements* about public consultation in the early eighties in general show continuity in the thinking about public consultation. No new targets of public consultation are mentioned. Also no new arguments for existing targets are developed. This continuity appears also from the RARO advice to continue with PKB related public consultation and to develop partial legal regulation for public consultation procedures (RARO, 1978). At the same time there are some minor shifts at the procedural side. For instance, the RARO advises to develop tighter procedures for public consultation. These procedures should give more clarity on the responsibility for, planning in stages and accounting of public consultation procedures.

In *final elements* about public consultation in the early eighties, the emphasis lies on legal regulation as a means to give public consultation a fixed place in the decision making process (RARO, 1978). No new means of public consultation are mentioned in final elements of the policy theory on public consultation.

### *Landmarks in the practice of public consultation (1978-1985)*

Until the start of the eighties, public consultation was generally seen as an instrument to improve decision making. In particular, policy makers had a very instrumental view on public consultation. Within this picture, there was much attention for the institutionalization of the day to day implementation practice. It is striking that this period offers very little landmarks for the practice of public consultation. Most of the attention for public consultation is shifted towards the development of legal forms for public consultation.

The most well known example from this period is the so-called Broad Societal Discussion nuclear energy (BMD), which focussed on the placement of three nuclear facilities in the Netherlands. The BMD was preceded by a public discussion on the general energy policy at the beginning of the eighties. Boomsma et al (1996) point out that these public discussions failed because the participants wanted to deliberate about the energy policy in general and the desirability of nuclear power in particular, and not about implementation questions. The project became a catalyst, in the sense that the failure of public consultation expressed itself also in many protests against the nuclear power stations of "Kalkar", "Dodewaard" and "Borssele". Furthermore, the project is an indicator for the emancipation of environmental interests in Dutch political decision making. In the BMD project the participation of citizens was comparatively high, but the participants were not very representative. Representativeness appears as an repetitive problem of public consultation.

### **3.3 1985-2000: Public consultation as a problem**

#### *Social developments (1985-2000)*

In planning activities, more and more interest and content aspects has to be accounted for because of an increase in the complexity and the scale of spatial issues (RPD, 2000).

The position of government in society is changed. Notably, the administrative culture has become more business-wise and detached. Also the relation between governments and citizens has changed. Conflicts of interest are stated more explicit and reach court more often. The WRR points to the doubts of government and citizens about the value of public consultation, maybe because of opposite expectations. Public consultation is seen as a problem. Government claims that public consultation procedure often cause needless delays in decision making processes, notably in the early stages of policy making, when 'profit and necessity' of projects are discussed. Often public consultation does not lead to prevention of conflicts of interest, but to intensification. On the contrary, civil or social organizations point to the democratic deficits of different procedures. Due to its complexity, professional administrators can conceal themselves in the procedures in such a way that these organisations cannot offer any counterbalance. Instead of an opportunity for cooperation, citizens who want to participate are confronted with 'accomplished facts'.

Typical for the general social context are the economic growth in the nineties, the increasing levels of individualization, the high tempo and the higher levels of decision making (in Europe), globalization and technological change, notably the emergence of ICT.

Changes in the political context are the so-called 'purple cabinets' in the nineties and especially the success of the "poldermodel" as a new way of cooperation amongst social parties. On the one hand the movement of political parties to the center of the political

spectrum and the cooperation between left en right wing parties diminished the possibility to make clear choices and to influence the forming of cabinets (*voor wie worden die mogelijkheden minder?*) On the other hand, heeft de democratiseringsbeweging haar doel bereikt omdat in het maatschappelijke verkeer als belangen in het geding zijn burgers via allerlei vorm van meer of minder geformaliseerd overleg gericht op het gezamenlijk oplossen van maatschappelijke problemen hun weg naar de overheid weten te vinden. (Thomassen, 2000).

#### *Legal landmarks (1985-2000)*

The period between 1985 and 2000 gave public consultation a new face with the coming into effect of the General Administrative Law (Awb), the revised Provincial Act and the revised Municipal Act, the new Road and Rail Route Act (Tracéwet), the Nimby regulation and the discussions about the legal procedures for major projects. Van der Cammen en De Klerk (1986) observe growing criticism on the level of detail, inflexibility and difficulty of procedures that regulation brought about. In practice numerous, substantively different public consultation procedures were in force (Burkens et al, 1994). Public consultation procedures became a problem in itself. Changes in spatial laws were aimed at better coordination, more efficient decision making and standardization of procedures (WRR, 1994).

According to the WRR (1994), the Awb from 1994 was a response to the fragmentation and differentiation of administrative provisions. It was the result of the ambition, in the eighties, to harmonize the general rules of administrative law. In the nineties, the Provincial and Municipal Law were revised too. Notably, in the Province Law the consultation procedure for government agencies was well established (Van den Heuvel, 1999). The revised Municipal Law demanded a local public consultation decree from the local council with statements about the way citizens and other interested parties could participate in policy making.

The regulations that emerged in the nineties are par excellence the Road and Rail Route Act ("Tracéwet") and the Nimby provision in the WRO. These changes caused clearer competence of higher administrative levels to protect national interests. The Road and Rail Route Act (1994) is a sector law in which the coordination between infrastructure and spatial planning is regulated explicitly. In short, the Road and Rail Route Act regulated the routing procedure and the coordination of decision making in the sectoral and the spatial tracks. The Environmental Impact Assessment provision (m.e.r.) and all spatial considerations are integrated into one procedure, which also includes public consultation and the competencies for the minister of Physical Plannign and the minister of Transport. With reference to the Road and Rail Route Act and the Nimby provision, the WRR (1998) points at the growth in the nineties on infrastructural facilities. This caused the emphasis of public consultation to shift to upper local levels. As a result, the main role of the local land-use plan and the associated local public consultation procedures has diminished.

#### *Landmarks in the policy theory on public consultation (1985-2000)*

In the *problem definition* on public consultation in this period the focus shifts from the citizen perspective (seventies) and the regulatory perspective (eighties) to the question how decisions concerning major projects should be structured and the possibilities to shorten these procedures (WRR 1994), the assessment of new spatial plans in terms of democratic values (De Ridder, 1995), the legitimacy and effectiveness of spatial policy,

and the problems concerning public consultation procedures (WRR, 1998). Public consultation is associated with all of these questions. In the seventies, it was common to state that eventual delays because of public consultation, are less important than the democratic gains of consultation. In the nineties, more often it is heard that the central problems are the long duration of decision making and the low levels of efficiency of these procedures.

*Normative statements* about public consultation show clear target shifts. The WRR (1994), for example, points out that arrangements of decision-making processes should be directed toward as little direct resistance as possible. Therefore, public consultation procedures should be changed. The need for public consultation no longer stems from certain democratic values, but from 'social coalition building' (WRR, 1998).

We found no *final statements* about public consultation that add something to public consultation in the nineties.

#### *Landmarks in the practice of public consultation (1985-2000)*

In this period, public consultation was viewed in a more substantial way. Public consultation was a problem that raised questions about the aim and necessity of formal prescribed citizen participation. The spatial consequences of infrastructural projects became a case of different 'manners'. The main problem was that public consultation was positioned too late in procedures. Participants could only react on detailed and already fixed proposals. Bruning (1994) and Van den Heuvel & De Vries (1999) mention the decision making process about Schiphol Airport in the beginning of the nineties as an example of a procedure where the policy makers – partly because of political-administrative reasons – do not want to revise the content of the plan. Kusiak (1991) refers to the public consultation as 'after care therapy', 'just a matter of form' and a 'mere eyewash'.

Also, the more recent experiments with interactive policy making, participative policy development and communicative planning, push *inspraak* aside. The new types of public involvement focus on different forms of citizen participation and co-operation with interest groups. In general, the experiments involve more pro active forms of participation and cooperation

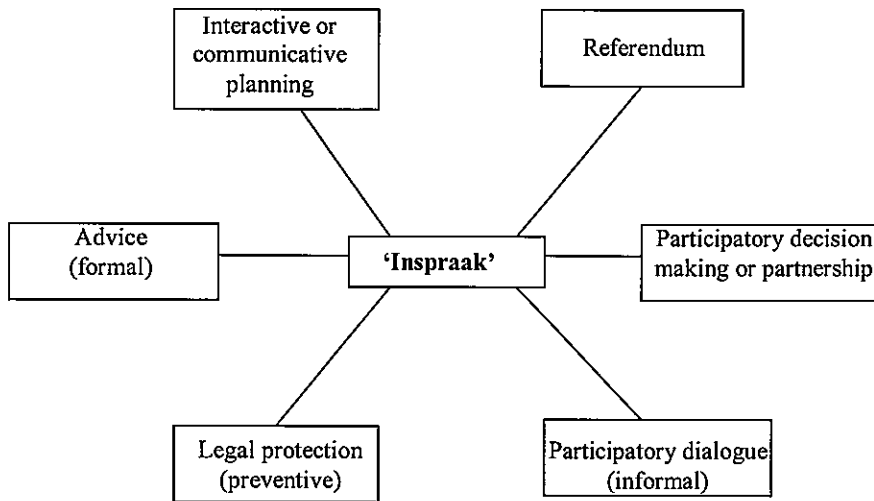
(WRR, 1998; Veldboer, 1996; Woltjer, 2000). Important landmarks are the regional area-oriented approaches like in the "Gelderse Vallei" area, the regionally implemented so-called "Infralab"-method and the so-called 'need and purpose debates' for infrastructure projects at the national level. Other remarkable initiatives have been the open plan processes of the North\_Holland office of the Ministry of Transport. Formal public consultation procedures are complemented with frequent deliberations between involved parties.

#### **Concluding remarks**

This study revolved around the key question how the function of legally prescribed public consultation in Dutch planning ('*inspraak*') has evolved through time. To answer this question, we phrased a few sub-questions. This section will now answer these sub-questions consecutively.

***In what way can the notion of public consultation ('inspraak') be marked out in contrast to related notions?***

The meaning of the notion of 'inspraak' in itself is a part of the life history of public consultation. The conception of formal public consultation can be illustrated by contrasting it to related notions such as participatory decision making (taking part in deciding), participatory dialogue (taking part in discussion), partnership, referendum, (preventive) legal protection, (formal) advice, and interactive or communicative planning.



**Comment:** DEZE TERMEN S.V.P. CHECKEN

A consensus has been traced which states that 'inspraak' differs from actually taking part in deciding because decision-making processes follow the rules of representative democracy. In Dutch legislation, 'inspraak' is institutionalised accordingly. 'Inspraak' also does not feature partnerships. It is restricted to giving opinion, having a say, and trying to influence a decision. Eventually, others then take this decision. Direct control in public decision making occurs in a referendum. The difference between a decisive referendum and 'inspraak' is characterised by the guarantee that government adopts the wishes of the community. 'Inspraak' does not commit a government agency to public desires or objections. Citizens can only indirectly influence government, via elections.

Even though 'inspraak' may not be equal to participatory decision making, it certainly is more than participating in a dialogue without obligations. The responsible administrative body is subject to certain obligations if it follows public consultation processes. Furthermore, 'inspraak' does not equal legal protection since this type of protection only comes up after a administrative body has taken a decision. Legal protection is not aimed at reverting to earlier decisions except when blatant failures have been made. The intention is completely dissimilar.

'Inspraak' and advice both are forms of societal consultation. Societal consultation involves to representative advise, i.e. activities by representatives of interest groups who are a member of a certain advisory body. The boundaries between 'inspraak' en advice are fairly smooth. There is, however, a clear difference in purpose between both. Participants –be it individuals or organised groups– give their opinion as a private person.



Activities in advisory bodies usually occur some type of consensus building. Additionally, dialogue is terminated after the advice has been released. An advice is supposed to reflect the final word of the advisory body on the topic.

Interactive plan making or communicative planning is not a type of 'inspraak' but, rather, a philosophy about planning that makes demands on the way in which spatial planning evolves (Woltjer, 2000). This philosophy includes aspects that are distinctly different from formal public consultation. One of these aspects involves a type of interaction between government, citizens and social groups that is more direct and elapses in an earlier stage than in formal 'inspraak' processes.

#### *What is the influence of developments in society on the evolution of 'inspraak'?*

The rise and institutionalisation of 'inspraak' as a type of public consultation in the Netherlands, is mainly determined by the societal position of spatial and infrastructure planning, the position of government, the development of the political order, and the general social context.

First of all, this paragraph has a look the status of spatial and infrastructure planning within society. Planning has evolved from a non-political phenomenon which -in the 1960s- was virtually unattached to social relations, to a phenomenon in which an increasing collection of interests and substantive aspects is included. The importance of social parties has increased. Throughout, planning has been shaped in an interaction with developments in society (WRR, 1983). The position destined for the role of citizens in the planning process changed accordingly. In the 1970s, planning was full of pretensions towards social renewal in which the citizen played a key role. The 1980s featured discussions about the usefulness of planning as a helpful co-ordination instrument for government. The 1990s show new types of participation and collaboration within planning processes. These new approaches stem from discontent with the existing possibilities embedded in formal public consultation.

Since the 1970s, the position of government within society has been continuously called into question. In the 1970s, government was criticised for the way in which it met the wishes of its citizens. The 1980s showed fundamental criticisms with regard to the magnitude and the responsibilities of government agencies themselves. Subsequently, in the 1990s, the conflicts of interest between government and private parties grew to be more explicit.

For the Netherlands, the most important development in the political order –which is still related to public consultation– no doubt refers to the disappearance of the traditional compartmentalisation along socio-political lines ('pillarisation'), and the breakthrough of actual authoritarian structures. Additionally, many proposals about constitutional renewal related to topics such as the public nature of decision-making processes, direct democracy, and referenda, have had considerable impact on discussions about 'inspraak'.

The developments in the general social context show relatively autonomous factors such as fluctuations in the economic climate, technological innovations, population growth, developments in the mass media, in addition to related aspects such as political participation and political trust. Overall, major factors in the development of 'inspraak' have included:

- a break with traditional social structures;
- a rise in prosperity and attention to immaterial matters;
- a rise in education levels;
- an increase in available time by citizens for political activities;
- the development of the mass media;
- the loss of trust in science and politics;
- an increase in controversies and lack of unambiguous objectives within spatial planning.

Overall, both the interviews and the explorations in practice and policy suggest that social developments actuate changes in the legally prescribed public consultation. Usually, the social development is first. After that, institutionalisation within ‘inspraak’ processes follows.

*What are the changes in attitudes towards the functions of ‘inspraak’ in terms of the influence of landmarks within formal legislation, assumptions in policy documents (policy theory), and planning practice?*

Developments within thinking about the functions of ‘inspraak’ as a Dutch type of public consultation, are determined by changes in the policy theory, changes in planning practice, and changes in the legal design. The following paragraphs will discuss these three viewpoints consecutively. Ultimately, the viewpoints will converge in a summarising table and will be discussed coherently.

*Policy theory*

An unambiguous policy theory about ‘inspraak’ has not been found. The reports of advisory bodies (e.g. “RARO” and “WRK”), ad hoc committees (e.g. “Commissie Biesheuvel”), and other government documents have advanced particular considerations about the objectives of ‘inspraak’. These considerations have failed to show an internally consistent policy theory. However, differences in attitudes towards public consultation clearly emerge when the emphasis is laid on the dynamics in the three elements of policy theory: problem definitions, normative statements, and final statements.

The problem definitions show a shift from the attention to the question how citizens should be involved in government policy (1970-1978), to the question whether and how ‘inspraak’ has to be legally regulated (1978-1985), and to the question how spatial planning procedures have to be structured in view of the legitimacy and effectiveness of these procedures (1985-2000). After 1978, the problem definitions no longer mention ‘the citizen’. The period after 1985 shows a decrease in the attention to ‘inspraak’.

Also the normative statements about ‘inspraak’ have been subject to changes. Arguably, the most important change is that after 1985 the desirability of ‘inspraak’ is no longer seen as emanating from democracy demands. Rather, public consultation is thought to constitute a function of ‘social coalition building’ within plan-making processes.

Finally, the shifts in the final statements about ‘inspraak’ have been studied. The conclusion is that the foundations for the policy theory about ‘inspraak’ have been laid in the period between 1970 and 1978. This part of the policy theory about public consultation in the Netherlands has not been supplemented or changed in subsequent periods.

*Planning practice*

For the analysis in the changes about attitudes towards the functions of public consultation in planning practice, the findings are best classified according to decision-making level: local, regional, and national.

At the local level, democratisation by 'inspraak' was both an objective in itself as a means to generate public acceptance. At first, representative democracy was the first matter of importance. Notions about implementing direct participation only emerged after 1985. 'Inspraak' in cities and municipalities mainly was a means to facilitate the acceptance of decisions. The period between 1970 and 1978 featured 'inspraak' as an instrument for indirect participation.

Planning processes at the regional –or provincial– level express a concern about the fact that 'inspraak' as an instrument could have negative consequences for the democratic functioning of government. Voices could be heard that public consultation would inadequately connect to official administrative decision-making processes. The solution to this problem was found in using 'inspraak' as a supplement to existing procedures, not as a replacement. Apart from that, the influence of 'inspraak' on regional policy turned out to be limited. The provincial 'inspraak' in the 1970s and early 1980s resulted in an afterward acceptance of the policy in question rather than an actual influence by participants.

'Inspraak' at the national level particularly referred to deliberations within formal institutions. National policy mainly was technically oriented. This means public consultation was a means for reaching effectiveness rather than a key question. It also was an instrument to put participants and interest groups on the right lines. At the national level, a somewhat negative image prevails, notwithstanding the finding that consultation reactions can have a fair amount of influence on final decisions. The public consultation for Key Planning Decisions (PKBs) in particular, reached a limited group of citizens only. National policy turned out to be too abstract for the average citizen. At the other hand, the 'inspraak' by organisations and institutions played a more substantial role than the 'inspraak' by citizens. As a consequence, the problem of representativeness was cleared away to some extent.

#### *Formal legislation*

The developments within the formal legal design of Dutch public consultation are as follows.

The public demand for democratisation in the first period (1970-1978) does not transform itself into modified procedures. The institutionalisation in legislation is preceded by experiments with the public having a say. Only later, when 'inspraak' became established, diverse regulations contain excerpts about 'inspraak'. The legislation from the 1960s and 1970s especially, emphasises 'inspraak' as an instrument to democratise public decision making (Vucsán, 1995). Among other things, it means that the right to participate in consultation has to be awarded to anyone (e.g. Commissie Duk, 1974). Participants do not have an obligation to prove their 'stake' in order to be able to participate.

Legislative proposals from the period 1978-1985 show a further institutionalisation and official establishment. For example, in the course of a procedure sometimes suddenly demands were made on participants. The General Environmental Act allowed everyone to engage in the public consultation procedure for requesting a permit, but only allowed 'inspraak' about the draft decision for those already involved earlier (Vucsán, 1995).

The more recent General Administrative Law attaches value to the notion of ‘interested party’. In that case, ‘inspraak’ only applies to those organisations and individuals whose interests are likely to actually be affected.

During the 1980s and 1990s, legal changes about spatial-administrative decision making were mainly aimed at better co-ordination, efficient decision making, and standardisation of procedures (WRR, 1994). The General Administrative Law is a good example. In addition, the Environmental Management Act and changes in the Physical Planning Act (i.e. nimby regulation) brought influential changes. Finally, specific improvements in the decision making about major infrastructure projects were laid down in the Road and Rail Route Act (“Tracéwet”).

If we look back over the past few decades, using the social, policy theoretical, legal, and practical viewpoints in mutual coherence, an overview as given in Table 2 remains.

Table 2. Trends in Dutch ‘inspraak’ by period; social, policy theoretical, legal, practical.

<i>Period</i>	<i>Social context</i>	<i>Policy theory</i>	<i>Legislation</i>	<i>Practice</i>
<i>‘Inspraak’ as a solution</i>  1970 – 1978	- democratisation  - role of the citizen in the planning process	- problem: involving citizens  - objective: democracy	- ‘inspraak’ as a means for democratisation	- ‘inspraak’ as indirect participation in cities and regions  - supplement to representative democracy  - attention to effectiveness and representativeness
<i>‘Inspraak’ as an institute</i>  1978 – 1985	- establishment, institutionalisation  - planning as an instrument for co-ordination	- problem: administrative arrangement of ‘inspraak’  - objective: democracy	- ‘inspraak’ in procedures and rules  - ‘inspraak’ as an instrument for efficiency	- legalised ‘inspraak’ also at a national level  - ‘inspraak’ as a formal instrument  - supplement to representative democracy
<i>‘Inspraak’ as a problem</i>  1985 – 2000	- dissatisfaction with formal ‘inspraak’  - new participation	- problem: legitimacy and effectiveness of procedures  - objective: coalition building	- standardisation of procedures	- new experiments  - public acceptance as an aim in itself  - interactive planning as an informal replacement to ‘inspraak’

The explorations in this paper have stumbled upon some partly overlapping views about functions of public consultation in Dutch spatial planning. Perhaps the most distinct thread throughout is the transition from discussions about ‘inspraak’ as a standard for citizen participation and as an instrument for effectiveness (1970-1978), to ‘inspraak’ as an instrument to reach efficiency within forms of indirect participation (1978-1985), towards experiments and discussions about ‘inspraak’ as an archaic instrument within standards about direct participation (1985-2000).

The period 1970-1978 mainly reflects the normative attitude to what extent ‘the citizen’ should have the opportunity to participate in public decision making. In addition, much attention was devoted to the effectiveness of consultation. Consultation existed as a favour by representative administrative bodies. The ideological ‘load’ of ‘inspraak’

between 1978 and 1985 remained to be aimed at strengthening existing representative democracy. Initially, the idea of introducing notions of direct democracy was not cherished very much. In principle, 'Inspraak' rested on a model of representative democracy with indirect participation and a hierarchical government. Experiments with public involvement as an objective in itself or as a form of direct participation only emerge after 1985. In the last period (1985-2000), considerations about 'inspraak' as a problematic phenomenon which 'comes too late in the day', have the upper hand.

***What has been the development in the relation between formal public consultation ('inspraak') and informal participation, and where would be the balance between 'inspraak' and interactive, communicative planning?***

The preceding paragraphs already have suggested that interactive or communicative planning has a more distinct normative base than the 'inspraak' phenomenon. An important difference between communicative planning and public consultation from the period 1970-1978 is that the latter originated bottom up. According to one of our respondents, the new ways of citizen participation that emerged during the 1990s can easily be 'unmasked gifts'. Perhaps the most important difference between interactive policy making and public consultation is that the latter is more reactive. In many instances where interactive policy making is used, participants have an opportunity to have a say in the problem definition stage of the planning process. In 'inspraak' participants are only allowed to phrase their opinion later on – e.g. about alternatives. A majority of our respondents for a matter of fact mentions that the functions of interactive policy making – just like public consultation – is aimed toward gaining support for plans. From the interviews also the image arises that the boundaries between public consultation and interactive policy making have become more vague.

Based on our interviews, we divide the attitudes about the consequences of the 'communicative turn' in planning for legally prescribed public consultation in the Netherlands into two camps:

Some people think that problems arise as soon as new forms of participation and collaboration have been established legally. In this view, it is better to depart from the 'inspraak' instrument as soon as it is 'channelled' through universal rules. Public consultation regulations are then perceived as a virtually archaic construction which treats public involvement procedures in terms of management and control tools and which ignores social developments. In this view, 'inspraak' is best replaced by new arenas for communicative and interactive planning.

Using different wording, a majority of the interviewees thinks that formal 'inspraak' nowadays has to be seen as a part of a conglomerate of a variety of deliberations. In this view 'inspraak' should fit social needs by positioning itself as a supplement to new informal participation activities. That could well be a sensible view since changes in Dutch public consultation have generally been responses to social demands. Whereas in the 1970s, the mere existence of 'inspraak' was something special, people nowadays are emancipated in such a way that they are critical when, for example, a map turns out incorrect or when a civil servant is not able to express him/herself properly. 'Inspraak' processes have to harmonise with such demands.

***What are the developments in the topics for consultation, the actors who participate, and the stage and decision-making level at which 'inspraak' occurs?***

The topic about which participants phrase their opinion usually is restricted. One of the restrictions is related to decision-making level. Accordingly, the increased emphasis on infrastructure services in the 1990s has caused public consultation opportunities to shift towards larger projects at higher levels of scale (WRR, 1998). During all periods, 'inspraak' has gradually moved to supra local levels of scale. As from the 1980s, Dutch public consultation is featured at all decision-making levels. Another development is that the topics about which people are consulted have grown to be more concrete. A shift can be observed from consultation about objectives and comprehensive plans, towards an additional consultation about alternatives and concrete projects. The cause for this shift can be found in the 'bad' experiences related to a low willingness of citizens to get involved about strategic plans. Furthermore, the position of 'inspraak' within procedures is highly determinative. Sometimes, decision making has progressed to such an extent that government finds it impossible to still apply fundamental changes to the plan. This proves to be an intrinsic part to planning activities within a field such as Dutch infrastructure planning, which in its crux has been organised top-down for many decades.

With regard to the question who is involved in consultation, we can only say that planning practice shows a wide variety of 'inspraak' by administrative bodies, sometimes by citizens in general, or only by interested parties. It seems that the democratic aspect is paramount. Dutch 'inspraak' matches a model of representative democracy. This implies that representative administrators decide and that interest groups have a fairly prominent position. Problems arise when opinions about a transformation towards direct participation emerge. This is the case in communicative planning. The problems have a normative nature. In an instrumental way, however, new ways of public involvement and the participation within legally prescribed consultation do not exclude each other in any way.

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