

## Observations on Planning Advice Note Consultation Draft: Community Engagement

by John Sturrock QC, Core Mediation

1. It seems to me that there might be a greater explanation given of certain processes which are suggested in the PAN, namely negotiation, facilitation and mediation. Negotiation and mediation are mentioned in Paragraphs 21 and 40 and facilitation is mentioned in paragraph 49. There is a definition for Facilitator in the Glossary. However no definition appears for negotiation or mediation. I believe that this would be helpful for people seeking to decide which to use – and to know what they mean and can offer.

2. May I suggest the following:

**Negotiation:** *A process by which those involved in a discussion of issues seek to find a common understanding and to explore options for resolving differences between them by agreement.*

**Mediation:** *A process involving an independent third party, whose role is to help parties to identify the real issues between them, their concerns and needs, the options for resolving matters and, where possible, a solution which is acceptable to all concerned.*

3. It seems to me to be useful to provide those who might be engaged in the discussions which are anticipated in the PAN to be given guidelines regarding a process of engagement which they might follow. If the *process* can be emphasised and its objectives identified (to include ensuring that all involved gain a real understanding of the issues and that real communication is achieved amongst interested parties), those involved may feel that they have been genuinely listened to and valued, and had an opportunity to state their concerns, whatever outcome may be achieved ultimately.
4. I would suggest the following process which might be outlined in the PAN:
  - Preparation: Analysis of the main issues and objectives of the exercise.
  - Building rapport: Establishing working relationships with all those involved, before engaging in discussion on issues of substance.
  - Exploring the issues: Identifying the real needs, wants, concerns, aspirations, objectives, desires and fears of those concerned.
  - Examining the options: Identifying the different ways in which the issues and problems raised may be resolved.
  - Considering a possible outcome: Coming to a view as to a possible way forward.
  - Making a decision: how to take matters forward, whether as part of engagement or outwith that process
  - Implementation of decisions.
  - Evaluation of the process of engagement and the quality of decision-making as a result.
5. I hope that these views are helpful in the process of further refining the PAN.

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