

Beyond hesitancy: a suggestion for the transference of mediation skills and practice to planning

Paper to the sixth annual conference of the International Academic Association on Planning, Law, and Property Rights, School of the Built Environment of the University of Ulster on 7-10 February 2012 at the Hastings Europa Hotel, Belfast, Northern Ireland.

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Abstract: Mediation involves the intervention of a skilled and experienced intermediary who attempts to facilitate disputants in reaching a mutually acceptable agreement to issues in contention. A variety of approaches to mediation exist, and mediators combine a number of strategies and tactics to manage and resolve conflict. Repeatedly, mediation is identified as 'coming of age', reflected in emerging interest and use within a variety of domains. Despite burgeoning interest in mediation, hesitancy remains, in the transference of mediation skills and practice to the planning systems in operation throughout the United Kingdom (UK), with few but tentative studies occurring, and most of an exploratory nature. Yet, public sector planning is situated within conflict, where increasingly planning officers must contend with the conflicting views and interests of multiple stakeholders constituting society. Their role is to manage and mediate conflict in an increasingly complex society, yet few possess such skills.

Drawing upon various theories and findings from a variety of published research studies, this paper investigates the potential for mediation to be operationalised in planning practice throughout the UK. With emphasis on the context of Northern Ireland (NI), it begins by examining the attributes of conflict within the planning domain and a comparison made to those in other realms. With recent changes in the practice of planning and proposals for government and planning reform in mind, attention turns to the development of an approach to mediation specific to planning, and a suggestion for the transference of mediation skills and practice to planning.

Keywords: Conflict, Mediation, Planning

1.0 Background

The focus of this paper develops through a discussion that is built around the political and societal context in Northern Ireland, and an explanatory summary of government and planning reforms, under the 'modernising agenda'. Using Belfast as an overarching lens, the paper seeks to investigate the potential of mediation within the spatial planning framework, and to suggest an approach for the transference of mediation skills and practice to planning, in order to deal with the complexities of conflict in this domain.

The paper uses the contested city of Belfast to establish and evolve the discussion, and views the city as an appropriate case to learn from in the wider domain. For Gutmann and Klein (1980) 'there is no Belfast problem that exists independently of the Northern Ireland problem' (quoted in Bollens, 2000: 189), and indeed, the social and economic deprivation that remains prevalent in many wards of Belfast are characteristic of urban environments elsewhere in the United Kingdom (UK), and beyond. The use of Belfast, and to another extent, Northern Ireland (NI) as the platform to develop the wider discussion is substantiated throughout the paper, with comparisons drawn to the contemporary situation of the UK more generally. Whilst representative of urban environments in comparative post-conflict cities elsewhere, the unique situation of Belfast adds an additional layer of complexity to the operation of planning that remains largely absent in other cities within the UK. Characterised by its divided community, Belfast's social and physical fabric, is clearly demarcated in many places throughout the city.

2.0 Introduction: Segregation and deprivation in Belfast and beyond

The spatial distribution of Belfast has been well documented in academic literature¹. The persistent physical and human segregation in the city, and elsewhere in NI, has largely been the result of the instabilities and conflict between two ethnic communities; the Protestant / Unionist / Loyalist community and the Catholic / Nationalist / Republican community. The spatial redistribution of these communities enhanced most dramatically during the 'troubles', with major population movement occurring. Political preference prior to the onslaught of the troubles provided members of Protestant communities, with greater means to relocate "to 'safe' estates on the outskirts of the city, while Catholics moved back into their overcrowded and overpopulated areas, because they felt unsafe in new suburban estates where they were in a religious minority" (Barakat, 1993: 25). The cumulative result of these population shifts creates an environment unique to the city. Dilapidation

¹ For an overview of segregation and deprivation in Belfast, and how this has affect spatial distribution in the city, see Boal, F.W. (1996) Exclusion and Inclusion: Segregation and Deprivation in Belfast, in M. Sako and H. Van der Westen (eds.), Segregation and Inclusion in Western Metropolitan Areas, (London, Routledge)

and a surplus housing stock are characteristic of many protestant areas; a sharp contrast to those occupied by Catholic communities where development land and housing provision remains in short supply.

Despite data from the 2001 Census, illustrating the residential composition of Belfast is relatively equal with 47.2% from a Catholic community background and 48.6% from a Protestant and other Christian community background, the city remains highly segregated. Not only, 'exacerbated by the fact that religious identities coincide strongly with political and national loyalties' (Bollens, 2000: 190), but influenced also by social status, ethnic segregation in Belfast tends to be higher in deprived areas². The Northern Ireland Multiple Deprivation Measure 2010 (NIMDM 2010)³ combines the seven deprivation domains of: employment; health and disability; education, skills and training; proximity to services; living environment; and crime and disorder, to measure the spatial deprivation of Northern Ireland. In total, 'approximately one third (51) of Belfast's 150 [Super Output Areas (SOAs)]⁴ are in the most deprived decile in [NI]' (NIMDM, 2010: 28). Of these, 9 are in the top 10% of Northern Ireland's 1-100 ranked SOAs, and in all, the majority of Belfast's most deprived SOAs are situated in the north and west of the city.

The social contribution to segregation is 'undifferentiated' in terms of the Protestant and Catholic working-class communities, but within the city, 'spatial ethnic concentrations display all the basic features associated with a territory' (Barakat, 1993). Territoriality distinguishes clearly, the spatial boundaries of the Protestant and Catholic communities, and offers a sense of security and preservation of opposing culture and identity for one side, whilst creating fear and mistrust for the other. The nature and longevity of the troubles has created a situation in NI, unparalleled in Britain.

Gaffikin and Morrissey (2011: 240) suggest, however, that "the analysis of divided cities is now extended to Britain where there has been an equally turbulent debate about the position of ethnic minorities (and migrants) and their relationship with the mainly white populations." Some suggest, British society is 'sleepwalking to segregation' in the midst of unsustainable immigration and cultural misunderstanding, whilst Finney & Simpson (2009) allude to the mythology surrounding immigration and segregation, and warn of its danger in promoting division. Despite such divergent opinion, there

² For a wider analysis of these issues see Gaffikin, F. & Morrissey, M. (2011) *Planning in Divided Cities: Collaborative Shaping of Contested Space*, (Suffolk, Blackwell Publishing Ltd.).

³ The NIMDM 2010 can be downloaded from

http://www.nisra.gov.uk/deprivation/archive/Updateof2005Measures/NIMDM_2010_Report.pdf

⁴ Super Output Areas (SOAs) have been developed by the Northern Ireland Statistics and Research agency to provide a new geography to aid the reporting of statistics.

is evidence of segregation in British towns and cities, with Oldham being a notable example. The 2001 Richie Report conducted an independent review of the Oldham riots and inter-racial problems in the town, suggesting evidence of self-segregation amongst communities and furthering the claim 'that Oldham is the most segregated town in England' (Richie, 2001: 18). Statistical evidence is provided by Gaffikin & Morrissey (2011) to substantiate racial segregation in Oldham, and to locate it in the context of working class urban areas. They identify 'wards such as Werneth (58% non-white), Coldhurst (41% non-white) and Alexandra (30% non-white)' (2011: 240), to illustrate the spatial concentration of members of Black and Minority Ethnic (BME) Heritage in segregated neighbourhoods. Despite efforts to promote community cohesion in Oldham, deprivation in the town remains high, 'and segregation and divisions between [its] communities is still deeply entrenched' (Cantel et al., 2006: 49).

Thirty years of conflict in NI have produced an environment of ethnic and social-class based segregation that is more pronounced than elsewhere in the UK. Within Belfast and other urban areas in NI ethnic segregation is based on religion and sovereignty, and whilst it has been shown that comparative examples of ethnic segregation are to be found in Britain, these are at an earlier point in the spectrum, being based around issues of race. Nonetheless, it is these characteristics of the urban environment that add to the complexities of conflict in planning, and which provide opportunities for mediation in planning.

3.0 Public Issue and Social Conflict in Planning

Such conflicts have their own distinct features that align to conflicts in particular domains whilst differentiating significantly from others. The characteristics of public issue and social conflicts in planning are well documented by Brown and Marriot (1993: 234) who suggest "issues are often complex and polycentric (or "many centred") and any change to the situation will create a new set of tensions." The polycentricity of planning disputes is representative of the conflicting interests and considerations of the involved participants. In cities of division, these interests are often bounded by individual and group values, cultures and identity, which oppose that of the other community.

Where disputes aligned to labour relations, the divorce arena and those involving contractual issues in the commercial domain, are dyadic by nature, those involved in public resource allocations are typically multilateral, involving numerous public agencies and community groups. The bilateral nature of disputes in the aforementioned arenas and the established use of mediation techniques in resolving conflict carry certain benefits. Decades of experience, in the use of mediation to resolve

labour relations in the United States of America (USA) and the introduction of Alternative Dispute Resolution (ADR) clauses to business and commercial contracts, have institutionalised the mediation approach and established procedures for such. Such institutionalisation has not occurred in the planning arena, where multilateral disputes are evidently greater in their complexity and unpredictability. The predictability of disputes in labour relations and written contracts has been assured by years of experience, in both process and participation. Typically the parties involved in such disputes are easily identifiable and have developed, through experience, sufficient expertise to enable them to negotiate effectively. Frequently the parties are known to each other, having existing working relationships, or having had previous dealings with one another. Additionally the issues of contention between the parties are often narrow and definable. These parties share a mutual interest in resolving the dispute promptly – an interest induced by a desire to limit costs incurred financially.

The factors contributing to this situation are in stark contrast to many disputes arising in planning processes⁵. In such disputes, the participants affected are not always readily identifiable and may be insufficiently experienced in processes of negotiation and ‘assisted negotiation’, or lacking in the skills and resources to participate effectively. The entrance of fresh participants at various stages of the dispute and the exclusion of others from chosen dispute resolution processes can constrain efforts towards reconciliation and foster new instances of antagonism. Indeed, in many instances it may serve the interests of certain parties to wilfully constrain attempts at resolution in order to protect their self interest. In this way, disputes in planning become heavily political, concerned with economic and environmental factors, but compounded also in cities such as Belfast, by a desire for participants’ to protect and preserve territoriality, values, cultures and identity. Thus, the relationships of those involved in planning disputes can differ significantly from those in the labour relation and commercial contract arenas. Constrained by fear and mistrust of the other, participants with acknowledged antagonisms, may be burdened by the experiences of previous disputes or be meeting for the first time. Both instances, may add to the complications and unpredictability of planning disputes.

It is apparent that disputes in planning processes differ significantly from disputes in other domains that are more established in their dispute resolution procedures. Much of the existing research,

⁵ The planning processes referred to in this sentence and the subject of this paper include, development plan preparation and development management practices. Models of mediation from labour relations and commercial contract disputes may be applicable to planning enforcement disputes where similar characteristics are evident.

focussing specifically on investigating the potential role of mediation in planning, however, draws heavily from investigations of mediation in the civil justice systems where there are established procedures, particularly in dealing with divorce and family matters, commercial contracts, and regulatory disputes. In this respect, a preoccupation has been to investigate the potential to incorporate mediation into planning as a mechanism of dispute resolution that will act as an alternative to the more traditional and formal dispute resolution approaches within two particular subfields, namely planning enforcement (Stiftel and Sipe, 1992; Sipe and Stiftel, 1995; Sipe, 1998) and planning appeals (Stubbs, 1996a, 1996b, 1997, 1998; Pearce and Stubbs, 2000). Despite a recent report into 'Mediation in Planning' testing the use of mediation in a variety of planning disputes, few studies fully document how mediation works in practice, how it deals with difference, how it deals with issues of power, and how it deals with the complexities and politics of planning, to the extent that mediation remains largely absent from planning practice. It is apparent that an approach to mediation specific to planning is required in order to deal adequately with the complexities it presents, not least where differences in power, values, interest and culture exist. Prior to developing this discussion, a review of the historical and contemporary approaches to planning and proposals for government and planning reform are discussed.

4.0 The Planning Response

In the midst of the 'troubles', 'direct rule' was introduced to Northern Ireland and significantly altered governance arrangements. Sectarian bias in local government contributed to the removal of planning and housing responsibilities, (amongst others), from city and district councils and witnessed the creation of appointed boards such as the Northern Ireland Housing Executive, and central agencies including the Department of the Environment for Northern Ireland – with responsibility for planning matters. Bollens (2000: 197) suggests "this centralised policymaking structure [was] viewed as capable of depoliticising local planning issues and holding in abeyance the larger community struggles." Direct rule created a 'silo' mentality within many government agencies, and a technocratic approach to planning established a neutral stance which tended to 'gloss over' the relevance of division and segregation in planning disputes. And despite a move towards participatory forms of planning, the planning process and culture remains a largely consultative exercise, limited in its response to dealing with issues of ethnic segregation and conflict, and providing few opportunities for more effective engagement and mediation.

5.0 Government and Planning Reform

The move towards government and planning reform, however, provides an opportunity for planning to proactively address the issues of conflict, segregation and differences in culture and identity. This new era provides significant opportunities to develop mediation and to devise a framework for the integration of a mediation approach in planning, particularly where new forms of partnership working and enhanced community involvement are proposed. What follows is a discussion of these reforms.

5.1 Review of Public Administration

The political settlement of the 1998 Belfast (Good Friday) Agreement, established the institutions of devolved government in Northern Ireland, and prompted, 'the need for a radical overhaul of governance arrangements' (Knox and Carmichael, 2006). Rooted within the wider Programme for Government, the Executive initiated a Review of Public Administration (RPA) to consider the 'configuration of structures and the distribution of functions for the [administration and] delivery of public services' (Birrell, 2008) in Northern Ireland. In short, the review represents a fundamental programme of change in relation to local government reorganisation, under which, the majority of planning functions are to be transferred from the current unitary system, to a two-tier planning system similar to that in other jurisdictions of the British Isles. Providing for the rationalisation of the current 26 local council areas to 11 new council areas, the review process further proposes that councils will be granted responsibility for a new system of community planning involving partnership working, and supported by a new power of well-being related to local socioeconomic conditions.

Currently, however, the Executive, have decided to delay the RPA reform process and it is unclear as to their future intentions in taking it forward. The effect of this delay on the planned introduction of community planning, has been lessened by the then Minister of the Environment's decision to undertake a consultation exercise on how local government reform may proceed. In publishing the 'Local Government Reform – Consultation on Policy Proposals' in 2010, the Minister sought to maintain the momentum towards reform by seeking views on a number of proposals, including the proposed new system of community planning and the planned introduction of the new power of well-being. Following closure of the consultation period, it is envisaged that the proposals, will be translated into a draft bill, (previously termed the Local Government (Reorganisation) Bill), for consideration by the Northern Ireland Assembly (NIA).

5.2 Planning Reform

Running parallel and set within the context of RPA, progress is underway on the programme for the reform of the planning system. The reform agenda commenced in 2007, following, the then Minister of the Environment's recognition of the importance of a re-shaped planning system in contributing to the achievement of the Executive's aims. Subsequent to the consideration of an independent report into 'Planning Reform in Northern Ireland' and the publication of emerging proposals in 2008, a consultation paper entitled, 'Reform of the Planning System in Northern Ireland: Your chance to influence change,' was produced in order to obtain public response to the proposed reforms.

Having considered, the 264 written responses to the planning reform consultation document and the independent report which followed 11 stakeholder events, the then Minister of the Environment outlined the final policy proposals for planning reform. These proposals, including those necessary to transfer the majority of planning functions to the new local councils under RPA, received clearance from the Executive in February 2010, before being outlined to the Assembly in March 2010. The formal 'Government Response to the Planning Reform Consultation' exercise followed, and included a summary of the reform measures to be adopted.

5.3 The Planning Act (Northern Ireland) 2011

The legislative basis for these reforms is provided by the Planning Act (Northern Ireland) 2011. The reforms contained within the Act impact upon the processes involved in development plan preparation and the management of development proposals. Further, it gives effect to the changes under RPA as regards the transfer of planning functions to the proposed new councils. Whilst it is not proposed to transfer Planning ahead of local government re-organisation, the Act by replicating many of the instruments contained within the Planning and Compulsory Purchase Act 2004 and the Planning etc. (Scotland) Act 2006, provides an initial basis for the statutory introduction of 'spatial planning' in Northern Ireland.

The wider RPA process, in allowing for Community Planning and establishing the foundations for the move towards Spatial Planning in NI, provides opportunities for enhanced stakeholder engagement in service provision and planning processes. Whilst creating new opportunities for joint-working the forthcoming introduction of Community Planning and the turn to Spatial Planning provide the potential for new arenas of conflict and a requirement for the development of skills in managing and mediating disputes amongst stakeholders.

6.0 Community Planning

The Local Government Taskforce established a Community Planning Sub-Group, with responsibility for introducing proposals to enact the introduction of Community Planning and the power of well-being in NI. The sub-group devised 21 recommendations in this respect, including the suggestion “that a modified Scottish model [incorporating] best practice identified in other situations should be enacted in [NI], to create a model that is uniquely suited to the [NI] situation” (McCall, 2006: 5). Models of Community Planning vary throughout the UK. Within Scotland, Community Planning is defined as “a process which helps public agencies to work together with the community to plan and deliver better services which make a real difference to people's lives” (Scottish Government, 2010). Developed around this model, the Community Planning process provides a framework for real efforts of participation and engagement, so that stakeholders can exercise greater influence on decision making processes at the local level. Furthermore, ‘Community Planning will bring about a new relationship and potential tension between local and regional levels’ (Óg Gallagher, 2006: 4).

7.0 Spatial Planning

The spatial turn in planning represents “a significant shift in planning’s role within the local government structure shifting from a set of regulatory policies to being a delivery mechanism” (Morphet, 2011: 1). Characterised as being an integrated approach to planning with a concern for delivery, the spatial planning approach empowers local authorities to undertake a more proactive and coordinating role in the delivery and management of spatial development, whilst providing new opportunities for agency and community stakeholders to participate and engage more fully in the wider planning process.

Indeed, for Shaw and Lord (2007: 63) “the language of spatial planning is being used to engender or facilitate a renewal in the role of planning as central to empowering local communities.” Whilst demonstrating that effective and real community participation is a key component of spatial planning, Shaw and Lord’s statement also indicates that little knowledge or practical evidence exists to document how true engagement with stakeholders, under the spatial planning framework, will be achieved. Thus, there is potential for the changes to community involvement under the spatial planning framework to provide opportunities for more efficient and effective participation, but also, to create difficulties for local authorities. The complexities of planning have been well document (in Section 3.0) and it is envisaged that planning and other agencies affected by the proposed governance arrangements, will need to undergo a cultural turn to understand new ways of working

with agency and community stakeholders, and to develop skills and expertise in doing so. A greater understanding and knowledge of the practice of mediation may prove effective in this regard.

The forthcoming introduction of Community Planning and the turn to Spatial Planning, with the emphasis on more effective forms of engagement provide as many opportunities as they do difficulties. In positioning planning at the centre of delivering and managing spatial development, they provide opportunities for planning to work with other government agencies to bring forward development initiatives in a holistic way and to begin to take recognisance of the relevance of segregation and division in planning. The inclusion of a wider range of stakeholders under these processes create new arenas for joint-working and coordination, but also create difficulties in that these new arenas are likely to become battlegrounds for conflict, particularly when the complexities of planning are exacerbated by the complexities of planning in cities characterised by division.

8.0 Community Engagement in Planning

Despite planning having “a longer history of community engagement than other public policy sectors ... by the 1990’s the system was struggling to cope with increasing active involvement in (and often opposition to) development proposals” (Nadin, 2007: 46). New approaches to participation emerged in response, and within the UK, Healey (1997; 2006) promoted the idea of collaborative planning. Healey’s approach ‘emphasises collaborative consensus-building ... underpinned by an explicit inclusionary intention’ (1997: 237; 2006; 237) whereby stakeholders, through communication, co-operate together in order to manage their co-existence in shared spaces. The collaborative approach focuses on consensus and the removal of conflict whereby stakeholders come together in ‘power neutral’ forums. Here, affected stakeholders “engage in face to face dialogue, bringing their various perspectives to the table to deliberate on the problems they face together ... whether they are powerful or not” (Innes and Booher, 2010: 6).

A weakness in the collaborative planning approach is that it ‘pays insufficient attention to the practical context of power relations in which planning practice is situated’ (McGuirk, 2001: 196). In focusing on developing ‘power neutral’ forums, collaborative planning approach is neglecting to address tactical and strategic actions of individuals and groups inherent in communication. Mouffe (2000) argues the idea that power can be overcome through rational debate is an ‘illusion’, and that the collaborative approach fails to ‘acknowledge the ineradicability of antagonism and the impossibility of achieving a fully inclusive rational consensus’. Critics of the collaborative approach also question its excessive concern with consensus and rationality to the extent that Hillier (2003:

39) 'argues for dislodging an endorsement of this centrality of rational consensus, replacing it with a consideration of agonistic pluralism.' Both Hillier (2003) and Ploger (2004) draw on Mouffe's (2000) distinction between antagonism as the 'struggle between enemies' and agonism as the 'struggle between adversaries' in their criticisms of the collaborative approach. Both argue that debate in pluralist societies cannot be based on visions of a consensual agreement as there will always be conflicts around irreconcilable differences in the views, values and interests held by different groups. For Ploger planners have always struggled with conflict management, with these conflicts seen (by planners) as antagonism, only resolvable 'using (political, discursive, legal) power and other ways of ruling instead of practicing strife' (2004: 73). He defines Strife as "the expressive form of agonism, and essential to disputes about words said and written, and therefore to meaning, schemes of significance, interpretations and discourses in play" (Ploger, 2004: 75). Antagonism is thus considered a destructive force which must be domesticated "to a condition of agonsim in which passions are mobilised constructively (rather than destructively) towards the promotion of democratic decisions that are partly consensual, but which respectively accept unresolvable disagreements" (Hillier, 2003:42). Mobilised constructively, agonism does not try to 'eliminate power by subordinating it to rationality in a search for consensual agreement' (Hillier, 2003: 43). Rather, it is concerned with the value of conflict and may be appropriate for understanding power relations in land-use disputes.

9.0 Mediation in Planning

Whilst there are weaknesses in the collaborative approach and criticisms based on agonism, it is arguable that a relationship exists between collaboration and agonistic methods of engagement, with the former necessary in facilitating the later. It is in this respect that the use of mediation to manage participation and disputes under the processes of Community Planning and Spatial Planning may prove effective, as it emphasises the importance of joint working, yet acknowledges the value of conflict. Mediation involves:

"the intervention in a negotiation or conflict of an acceptable third party who has limited or no authoritative decision-making power, who assists the involved parties to voluntarily reach a mutually acceptable settlement of issues in dispute." (Moore, 2003: 15)

Mediation offers the potential to dilute the murky relationship between collaboration and agonism. Working in the midst of conflict, mediation provides a means of managing disputes and offers an alternative to consensual agreement. It has been shown (in Section 3.0) that particular models of

mediation have little or no relevance to planning, particularly when faced with the complexities of division and segregation. Planning may benefit from a model of mediation that is removed from the ideal of a 'consensual agreement' to one that recognises the value of agonism in conflicts and the possibility of reaching 'accommodative agreements'.

An agonistic re-conceptualisation of mediation may prove more efficient in reaching agreements in planning disputes – agreements not based on the ideal of consensus but agreements which can resolve the dispute whilst accommodating certain differences, through methods:

“...that explicitly [acknowledge] the origins, effects, and transformative potential of conflict. These transformations centre on developing human relationships, repositioning the analysis of the problems, identifying marginalised voices, defining prejudice generated within and out-with the community, identifying negotiation spaces, and transforming relationships, problems and actors.” (Murtagh & Ellis, 2011: 362)

In order for mediation skills and practice to be transferred to planning processes we need to learn from previous experiences of mediation efforts, what Forester (2009) terms 'practice stories', in both planning disputes, and conflicts displaying similarities in order that mediation processes can be tailored to the specific context. Susskind and Ozawa (2008: 187-188) suggest the role of mediators in international disputes, who maintain “overt control over the proceedings and [play] a much more active part in the development of the terms of settlement ... resembles more closely the appropriate role of mediators in public sector disputes.” In planning disputes, therefore, an 'activist' approach to mediation⁶ may be required which takes account of the resolution 'process' and the 'substantive' issues in the dispute. 'Specialist' mediators may be required that have sufficient knowledge of the historic and contemporary context of the locality, and in the technical aspects of planning.

The 'context in which mediation occurs is [also an] important' (Carnevale & Choi, 2000: 106) determination in deciding on the strategies and tactics a mediator may employ. Wall (1981) provides a descriptive list of approximately one hundred mediation strategies and tactics. These, coupled with

⁶ For an overview of activist mediation, refer to Forester, J. (1994) Lawrence Susskind: Activist Mediation and Public Disputes, in D. M. Kolb (ed.), *When Talk Works: Profiles of Mediators*, (San Francisco, Jossey-Bass Publishers), and Forester, J. & Stitzel, D. (2008) *Beyond Neutrality: The Possibilities of Activist Mediation in Public Sector Conflicts*, in L. Crump & L. E. Susskind (eds.), *Multiparty Negotiation*, (London, Sage)

the use of additional techniques in mediation such as conflict assessments,⁷ provide the skills to extract information, in order to analyse and understand local complexities and tensions, recognise the workings of power in conflict, the unethical strategies and tactics of disputants and to take greater account of the values, cultures and identities that inform much of the conflict behind planning in cities of division and segregation, in order to reach 'accommodative agreements'.

10.0 Conclusion

With an emphasis on engagement, Community Planning and Spatial Planning, offer opportunities for the development of new forms of partnership working between planning, other government agencies, and individuals and groups in the community, but in so doing, create potential arenas for conflict where approaches to collaboration based on consensus may prove inefficient. With interest growing in the potential for mediation in planning practice, there may be value in operationalising mediation to better deal with difference and conflict arising in the planning activities, but in order to ascertain if, and the extent to which this might be achievable, further research will be required to move beyond the dearth of understanding that presently exists in this area. A number of areas for exploration have been identified including the potential to investigate if a model of mediation specific to planning might be required and if this can be based around the value of agonism, so that 'accommodative' agreements, that respect difference can be reached. In re-conceptualising mediation for use in planning, it might also be possible to learn from its use in comparative domains and from the practice stories of mediators and others involved in the mediation of previous planning disputes to investigate if an approach to mediation can be fitted to the specific cultural and political context surrounding planning practice. Only through such investigations can our knowledge of mediation be increased, and perhaps then we can begin to look at effectively operationalising mediation in planning through the transference of mediation skills and practices.

⁷ For an overview of conflict assessments see Susskind, L. & Thomas-Larmer, J. (1999) *Conducting a Conflict Assessment*, in L. Susskind, S. McKearnan & J. Thomas-Larmer (eds.), *The Consensus Building Handbook: A Comprehensive Guide to Reaching Agreement*, (California, Sage).

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