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# Participatory Water Governance and Organisational Change: Implementing the Water Framework Directive in England and Wales

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**Abstract:** Public participation is central to the IWRM discourse and often associated with claims of improved environmental policy outputs and their implementation. Whilst the involvement of nonstate actors in environmental decision-making has attracted scholarly attention from various angles, our knowledge is scant as to the forces that drive organisational reform towards participatory governance. This article sets out to contribute to this largely neglected research area and explores conditions under which policy-makers would be willing to attend towards more participative water governance. Its ambition is twofold: first, to explore the conditions under which public officials attempt to institutionalise more participatory modes of water governance. To this end, I analyse the implementation of the Directive's active involvement provision in England and Wales. For many decades, water management in England and Wales had a reputation for being a technocratic exercise. In the past 15 years, however, the Environment Agency has made considerable efforts to lay the foundation for enhanced stakeholder participation. Second, with reference to the case of England and Wales, this study contributes to understanding the difficulties that reformers may meet when it comes to building support within an organisation and to implementing reforms towards participatory governance.

**Keywords:** integrated water resources management; IWRM; Water Framework Directive; WFD; participation; United Kingdom; England; water governance

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## 1. Introduction

Promoted by the Global Water Partnership and international heavyweights such as the United Nations, integrated water resources management (IWRM) brings together a number of principles to encourage “the coordinated development and management of water, land and related resources in order to maximise economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems” [1]. Arguably, the involvement of a wide range of state and nonstate actors in water policy and management decisions is key to achieving such coordination [2–5].

The Water Framework Directive (WFD, 2000/60/EC), adopted in 2000, is the most prominent piece of legislation to embody IWRM principles in the European Union [6]. It is also one of the most important policies to promote participatory water management in Europe. According to Article 14(1) WFD, “Member States shall encourage the active involvement of all interested parties in the implementation of this Directive, in particular the production, review and updating of the river basin management plans”. The provision raises a number of legal, political and practical questions. On the one hand, its legal status is somewhat unclear. While water managers are obliged to make policy documents publicly available and to invite comments from third parties, active involvement is merely ‘encouraged’. Not surprisingly, legal experts conclude that, “the obligation to encourage

involvement falls short of a duty to ensure that this actually occurs" [7] (p. 404). On the other hand, terms such as 'active', 'involvement' and 'public' remain undefined. According to the WFD's public participation guideline, developed within the context of the EU's Common Implementation Strategy, active involvement "implies that stakeholders are invited to contribute actively to the planning process by discussing issues and contributing to their solution" [8] (p. 11). Apparently, 'active involvement' requires a closer interaction between water managers and stakeholders than public hearings and consultation exercises.

Almost 20 years after the adoption of the Directive, assessments indicate that many European countries have established new forums for participation in water management or have broadened existing ones, and now manage their water bodies in a more participatory way than they did ten years ago [9,10]. This invites the question under which conditions are state actors willing to attend to participatory decision-making, or to change political structures such that participation can be ensured on a sustained basis. With a focus on England and Wales, this article explores why participatory forms of water management were adopted and why the attempts made were only partially successful.

In doing so, this article contributes to the already vast literature on public participation in water management and environmental management more broadly. This literature includes studies to showcase how participatory arrangements operate across countries and policy areas as well as evaluations using normative criteria from political theory or policy practice [11–16], comparisons of participatory and nonparticipatory governance arrangements with a view to policy delivery and outcomes [17–19], and many others. However, we know much less about the causal factors behind the transition from less participatory to more participatory policy making. Previous research has studied both European and non-European cases and largely focuses on combinations of contextual factors [20–22]. Although participatory requirements challenge existing policy networks, historically grown administrative cultures and predominant views on the merits of participation held by organisations, intraorganisational considerations have not received much scholarly attention in explaining the adoption of participatory management principles.

The ambition of this article is therefore twofold: first, to explore the conditions under which public officials attempt to institutionalise more participatory modes of water governance. To this end, I analyse the implementation of the WFD's active involvement provision in England and Wales. The United Kingdom (UK), and specifically England and Wales, is an exciting case to study; for many decades, water management in England and Wales had a reputation for being a technocratic exercise. In the past 15 years, however, the Environment Agency (EA) has made considerable efforts to lay the foundation for enhanced stakeholder participation. With reference to the case of England and Wales, this study contributes to understanding, secondly, the difficulties that reformers may meet when it comes to building support within an organisation and to implementing reforms towards participatory governance.

The article is organised as follows: the next section offers a brief overview of theoretical accounts related to organisational change and reform. Section 3 introduces the methods and data that inform this study. Section 4 analyses pre- and post-WFD water management in England and Wales and offers an in-depth case study of a reform initiative towards more participatory modes of water governance. The last section concludes.

## 2. Theory and Concepts

Many studies exploring the impact of the EU identify the pressure of legal adaptation as a key driver for domestic policy change [23–25]. This line of thinking, however, yields, little explanatory power with regard to EU policy initiatives with weak or no legal binding such as the WFD's active involvement provision. It is therefore plausible to prioritise, in the absence of any legal adaptation pressure, domestic factors over European factors in order to understand the adoption of participatory modes of water governance [26].

March & Olsen [27], Pierson [28] and H eritier [29] have conceptualised (domestic) institutional change from various theoretical angles. In the context of this study I mainly rely on Brunsson & Olsen [30,31], who apply the propositions made by March & Olsen on public sector organisations. Accordingly, government agencies and departments operate in an institutional environment that makes various, sometimes contradictory demands on an organisation. Consequently, organisations create two versions of themselves. The first one coordinates internal actions and produces services that are related to the tasks assigned to an organisation. The second one represents the organisation to the outside and is mainly concerned with building and maintaining an organisation's legitimacy and reputation. Organisations tend to keep these versions separate and therefore contribute to a decoupling of organisational components [30] (pp. 8–9). Public bodies are well aware of their double identity and, in fact, behave hypocritically when they present a set of values to the outside that they do not use internally because it is incompatible with their overall organisational mission [30] (pp. 8–9).

According to macro-theories of organisational change, reforms are responses to external demands which, in one way or the other, seem to threaten an organisation's legitimacy and reputation [32,33]. Organisations therefore tend to reform the version of themselves that is visible from the outside. They present strategies, goals and techniques that seem to be in tune with those demands, and offer procedures that appear to achieve these goals more legitimately. More often than not, these reforms are just a fa ade, without internal counterparts and demonstrate a loose coupling between external representation and internal operations [30].

Micro-theories, in contrast, assume a genuine intraorganisational interest to initiate reforms. This interest is typically motivated by insights from within the organisation that current practices fail, partly or fully, to deliver successfully whatever an organisation is supposed to deliver. Performance deficits threaten the identity and self-image of an organisation, and reforms are then attempts to realign practices, performance and identity. However, organisations may fail to fully implement those reforms. This is for two reasons: Paradoxically, practices themselves may have become part of an organisation's identity, and path dependency then makes it hard to depart from those established habits and routines. On the other hand, the suitability of a specific reform proposal may internally be disputed, resulting in intraorganisational opposition [34].

It is plausible to assume that these two approaches complement rather than exclude each other. As organisations are indeed subjected to external demands, one may expect them to be resistant and to engage in half-hearted efforts that are essentially window dressing. For example, we may expect an organisation, which operates in a nonparticipatory fashion and is confronted with external demands promoting more participatory modes of governance, to initiate reforms reluctantly. These reforms would appear to represent a move towards participation, but do not touch upon internal routines. Consequently, the key rationale here is to maintain or restore legitimacy whilst preserving organisational identity. In these situations, public sector organisations engage in political learning [35] (p. 339).

However, this description seems to capture only part of the reality. To illustrate, it is perfectly possible to imagine a situation in which an organisation has come to understand (or better, believe) that its performance is seriously undermined by nonparticipatory modes of governance. Plausibly, the organisation would then display a greater degree of openness to implement rigorous reforms which emphasise collective learning, deliberation and participation. The key rationale here is to lay the foundations for continued service delivery and performance. To this end, public sector bodies would take recourse to instrumental learning which includes the acquisition of knowledge about governance techniques, policy design, processes and instruments [35] (p. 335). However, for the reasons outlined above, these internally supported reforms are difficult to implement.

To sum up, organisational reforms may come in two forms. They may be initiated in response to external demands threatening an organisation's legitimacy and reputation. The typical response would be window dressing. Alternatively, organisations may realise that their practices and routines compromise their organisational goals. They would then reflect upon promising alternatives with a

view to realigning practices and performance. This has implications: a mere call for more participatory modes of governance is unlike to trigger genuine change within an organisation. What is required is the insight that current practices jeopardise the achievement of an organisation's mission and that public participation may be the best solution here. These two conditions are rarely fulfilled. I will use these propositions to analyse the implementation of the WFD in England and Wales.

### 3. Data and Methods

This study focuses on participatory water governance in England and Wales. In order to demonstrate that water is indeed managed in more participatory ways, I compare pre- and post-WFD water management. The UK environment is regulated nationally, which means that specific authorities are in place for England and Wales (up until 2013, afterwards regulated separately), Northern Ireland and Scotland. For this paper, I have studied one English river basin district, the Humber, in detail, and the other nine basins in England and Wales on a more general level, thereby not examining the basins in Northern Ireland and Scotland.

I rely on process tracing in order to explore the causal factors that contributed to the above reform initiative and its achievements. This method describes "the minute tracing of the explanatory narrative to the point where the events to be explained are microscopic and the covering laws correspondingly more certain" [36] (p. 66). Causal-process observations are the analytical tools employed in tracing that explanatory narrative. They describe "data that provides information about context, process or mechanism and that contributes distinctive leverage to causal inference" [37] (p. 353). However, causal process observations refer to a logic of causality that does not directly rely on covariation of variables taken from a specifically defined sample and comparable to each other because they belong into the same column of a rectangular data set. In the contrary, causal-process observations "are not different examples of the same thing; they are different things ('apples and oranges')" [38] (p. 179). They describe multiple types of evidence taken from very different units of analysis and unique populations. Accordingly, a causal path will be split up into subvariables: "The logic model deliberately stipulates a complex chain of events over an extended period of time. The events are staged in repeated cause-effect-cause-effect patterns, whereby a dependent variable (event) at an earlier stage becomes the independent variable (causal event) for the next stage" [39] (p. 149).

Process tracing requires the collection of different types of evidence, the above-mentioned causal-process observations. Between 2001 and 2006, a core group of people at the EA, the WFD Team, made decisions on the future course of water policy in England and Wales. In a first step, I used the snowballing technique in order to talk to members of this group, external consultants and EA staff holding leadership positions back then. This includes the EA's former Head of Water Quality (within the Agency responsible for the overall implementation of the WFD and chairing the WFD Team), one member of the Social Policy Group within the EA (the relevance of which will be explained later), one external consultant to the Social Policy Group, the EA's former Head of Stakeholder Relations as well as EA staff at the Agency's head office and at the regional level. I also talked to actors involved in drafting the WFD and related guidance documents. Further, I consulted legal acts, implementation guidelines, action plans, strategy papers and other materials prepared by the Department for Environment, Food and Rural Affairs (DEFRA) and the EA, some of them publicly available and some of them unpublished.

In a second step, I focused on the Humber basin. The purpose was to understand in detail how the newly established system of participatory water planning worked on the ground. I interviewed EA staff involved in organising the Humber River Basin District Liaison Panel, nine out of 15 stakeholders participating in the Panel, all of them representing industry sectors, public authorities and societal groups. I also interviewed seven stakeholders who had previously collaborated with the EA, but were not invited to join the panel. In order to ensure that my findings on the Humber river basin were representative for England and Wales, I interviewed four (out of seven) lead officials in river basin districts other than the Humber. These interviews also provided additional information about water management and stakeholder relations prior to the implementation of the WFD.

The total number of interviewees is ~40. Approximately 20 interviewees informed the first step of this research. These interviews were mainly carried out between 2009 and 2011; however, I interviewed some informants again in later years (up until 2017) to obtain additional information or documentary sources. Another 20 interviews contributed to the second step of this project; these interviews were conducted between 2009 and 2018, and quite a few people were interviewed multiple times to follow up on latest developments. I talked to a vast majority of my interviewees in person, but I also carried out telephone interviews. All interviews were semi-structured.

#### 4. Results

This study explores the transition towards more participatory water governance in England and Wales during the implementation of the WFD. Before I analyse the reform process and its achievements, I offer a comparison of pre- and post-WFD water management and the role that public and stakeholder participation played therein in order to substantiate the claim that there was, in fact, a paradigm shift that requires explanation.

##### *4.1. Anglo-Welsh Water Management and Public Participation from a Historical Perspective*

For many decades, secretive relations between inspectors and polluters were a key characteristic of British environmental policy and management [40–45]. Cooperation mainly followed functional imperatives; inspectors required additional information from polluters that they were unable to collect themselves due to low staff numbers. Transgressions were extremely difficult to prove so that informal negotiation was the most effective way to achieve behavioural change. Inspectors therefore relied on quasi-voluntary action and preferred to negotiate with, rather than impose measures on, polluters (see Ayres & Braithwaite [46] for a conceptual discussion of the underlying logic). “British pollution control policy is basically made and enforced in private” and “precludes opportunity for effective participation by other political constituencies” [47] (pp. 91–92).

This style came under fire through the Thatcherite reforms of the mid-1980s, which emphasised the privatisation of public services, the introduction of market mechanisms in the public sector and, most importantly in the context of this study, the creation of more or less independent regulatory agencies. Government agencies in the ‘British regulatory state’ [48] did not only begin to oversee privatised industries, but also to regulate sectors that were characterised by a high degree of specialism, including the environment and water. Agency operations, therefore, required expert knowledge and technical skills that elected politicians or bureaucratic generalists rarely possessed [49]. Consequently, the legitimacy of agency decisions relied less and less on democratic elections and competence delegation but on expert judgments made independently from the politics of the day [50,51].

Unlike similar developments in the US [52,53], however, endeavours in the UK to formalise the relationship between regulators and the regulated were not paralleled by public involvement programmes which compensated for the loss of democratic legitimacy. Supported by domestic legislation such as the 1990 Environmental Protection Act and the 1999 Pollution Prevention and Control Act, the EA and other regulatory agencies saw a window of opportunity to develop a more adversarial style towards regulatees, to enforce environmental rules more thoroughly and, despite industry-friendly rulings, to take polluters to the courts in cases of noncompliance [51] (p. 131).

Consequently, environmental regulators showed little commitment to participation in water management. Instead, these agencies put a high premium on the technical and scientific expertise within their organisations [51]. Nevertheless, the EA and their predecessors engaged in a number of participatory exercises, for instance during the preparation of Local Environment Agency Plans, Flood Alleviation Schemes, Catchment Management Plans and through various advisory committees. However, only a few of these opportunities for involvement went beyond note and comment procedures, none of them were applied consistently across the country, and only advisory committees were based on statutory obligations [54] (pp. 39–54).

To recap, the emergence of an expert-based, managerial regulatory style in the late 1980s marked a new approach to pollution prevention in England and Wales. However, neither the classic British regulatory style—cooperative yet secretive—nor the one adopted after the Thatcherite reforms were particularly compatible with the emerging paradigm that emphasised the involvement of nonstate actors in water management.

#### *4.2. Implementing the WFD in England and Wales*

The WFD was transposed into English and Welsh law through the Water Environment Regulations of 2003 (Water Framework Directive) (England and Wales). According to Article 10 (2ai), it is within the discretion of the competent authority to decide whether it provides “opportunities for the general public and those persons likely to be interested in or affected by its proposals to participate in discussion and the exchange of information or views in relation to the preparation of those proposals”. Active involvement in England and Wales is, therefore, not a legal requirement set by the British legislator, but a voluntary decision made by the EA.

At the time of transposition, the Agency had sole responsibility for managing nine river basin districts in England and Wales and two jointly with the Scottish authorities. Regional water authorities other than the EA regulated river basins in Scotland, Northern Ireland and Gibraltar. Things have changed slightly since 2013 when the EA Wales, as part of the EA for England and Wales, was dissolved and a new statutory body, Natural Resources Wales, assumed responsibility for water resources management in Wales.

Up until 2012, nonstate actor involvement took first and foremost place in so-called River Basin District Liaison Panels. Operating at the river basin district level, Liaison Panels discuss the content of river basin management plans and the measures needed to achieve the plan’s objectives. Furthermore, they are involved in the monitoring and enforcement of various management activities.

Liaison Panels operate with templates developed by the EA’s head office, in particular templates for three consultation rounds and the draft management plans. These templates considerably restricted ambitions developed at the regional level and the measures envisaged to achieve specific objectives (interviews, EA officials 22 and 23). EA river basin managers justified this procedure with reference to saving resources and, more importantly, to ensuring consistency across all river basins in England and Wales (interviews, EA officials 22 and 23). Further, regional offices were requested to use a list of statutory governmental bodies and organised interests which were to be approached for membership of the Liaison Panels.

Interview evidence suggests that the organisers of the panel seemed to restrict discussions about the ambition of water management goals as compared to economic and social concerns. Instead, the panel focused entirely on measures to achieve the goals that the EA had identified beforehand. Accordingly, the EA structured Liaison Panel meetings in a way that only reflected the technical challenges of WFD implementation. While EA staff deny one-sidedness and claim that there was scope for discussions about procedures and objectives (interviews, EA officials 19, 22 and 25), Humber panel members tend to disagree (interviews, stakeholders 15 and 16).

Top-down framing through the EA’s head office and a technocratic way of handling the panels resulted in disappointment among stakeholders and a lack of ownership for the final management plans. In the Humber basin, stakeholders comments ranged from “worthwhile” and “reasonably pleased with it” to judgments which suggested that panel members found “the whole process difficult to understand”, “slightly frustrating” and “of not much use” (interviews, stakeholders 12, 14, 16, 17 and 21). In particular, an environmental nongovernmental organisation held that they had been “hijacked” by the EA and had been exposed to a process of “acceptance management” (interview, stakeholder 12).

In the past seven years, however, the UK has begun to experiment with a catchment-based approach to water management [55]. The idea is to utilise existing catchment partnerships and to promote the creation of new ones, during the implementation of the WFD with a view to bringing

water management activities closer to affected communities. However, catchment-based arrangements did not replace public participation at river basin district level, and while it is plausible to assume that the catchment-based approach has relaxed the degree of control held by the EA, published research suggests (and my own fieldwork confirms) that a final judgment is still due [56–59].

In brief, the regulatory style that Anglo–Welsh authorities have adopted indicates a new emphasis on stakeholder involvement. However, while these developments could be construed as the institutional basis for more participatory modes of water management, there is little evidence that the cognitive disposition with regard to using these new possibilities has been fundamentally altered. Both state and nonstate actors report instances of exchange and mutual learning in these newly created participatory arenas yet the templates and guidance provided by the EA’s head office seem to restrict these spaces for deliberation. The observations above suggest that the hopes of advocates of participation have certainly not been completely fulfilled as yet. Nevertheless, it is fair to conclude that the authorities in England and Wales have taken steps towards managing water more participatory. So, how can this reform initiative be explained?

#### *4.3. Understanding Administrative Reform in England and Wales*

Since the election victory of New Labour in 1997, participation and network governance have become mantras that have further developed the regulatory changes which started in the late 1980s. While certainly none of these efforts marked a revolutionary turn towards participatory democracy, New Labour’s agenda had a profound impact on the political landscape in Britain and put the EA under considerable pressure from governmental bodies and nonstate actors. These organisations were consultees in various contexts and became potential stakeholders of the EA (interviews, stakeholders 16 and 21). As a result, the more participatory modes of governance reflected the societal mainstream, and at the same time were less compatible with the EA’s technocratic regulatory style. This style was in part inherited from its predecessor organisations and implied, as I will show in the following, a potential barrier in terms of legitimacy and performance.

##### *4.3.1. Challenging the EA’s Legitimacy*

After New Labour assumed power in 1997, the EA’s regulatory style was subject to an investigation by the Royal Commission on Environmental Pollution in 1998 [60] and two House of Commons Select Committees in 2000 and 2003 [61,62]. The findings of all three reviews were remarkably negative.

The Royal Commission report analysed the ethos and practices of British inspectors and concluded that environmental decision-making was a closed process in Britain. It suggested that the values of citizens, rather than of standard setters and scientists, should guide the definition and analysis of problems as well as the development of policy proposals. In order to resolve current shortcomings, the Royal Commission called for a public debate on values and preferences related to environmental problems, and recommended the establishment of participatory arenas, which would enable the involvement of various stakeholders [60].

While the Royal Commission’s study was an attack from a body of academic experts, the two reports published by the House of Commons Select Committee [61,62] came from the centre of political life in Britain. Based on evidence which reflected the day-to-day experiences of stakeholders, EA staff and regulated industries, the Select Committee revealed that Agency operations suffered from a legitimacy deficit [61] (oral evidence 42). This was not the least because the EA showed great reluctance when it came to providing information to affected parties and to including stakeholders in environmental decision-making [61].

Carpenter [63] studies the reputation of government agencies and distinguishes the following ideal types: ‘performative’, achieved through service delivery; ‘technical’, achieved through the scientific soundness of decisions; ‘moral’, achieved through the satisfaction of public interests; and finally, ‘legal-procedural’, achieved through fair and transparent procedures. The three investigations discussed above seemed to indicate that citizens, stakeholders and experts were increasingly developing

a notion of organisational reputation that was at great variance with perceptions held by the EA. The Agency's regulatory style was, after all, a consequence of the function which it and many other science-based regulators in the UK had been given. Many stakeholders, however, have come to believe that the Agency's managerial approach has caused a serious legitimacy deficit. The challenge for the EA was to process these insights.

The theoretical observations made earlier suggest that external demands which are not directly related to organisational performance will fail to trigger rigorous and durable reforms towards participatory governance. Instead, agencies will engage in half-hearted efforts of window dressing whereby internal operations remain intact.

EA actions taken in response to the Royal Commission's report and the Select Committee's inquiries do indeed support this expectation: in October 1999, EA board meetings were made public in order to increase transparency and openness; in June 2000, the EA agreed to collaborate closer with local communities. Further, acknowledging that "public expectations of public bodies are also changing, with increasing demands for accountability and transparency in how they operate" [64] (p. 8), the Agency published 'An Environmental Vision' that was supposed to outline organisational key values. However, these three initiatives were the only measures taken to respond to the above-mentioned criticisms. They were therefore nothing more than a footnote on the EA's path toward more participatory policy making.

#### 4.3.2. The EA's Regulatory Performance

In 2002, the EA published a 'General Quality Assessment of Rivers and Classification of Estuaries in England and Wales' [65] with a view to identifying challenges related to the forthcoming implementation of the WFD. The Agency claimed to look back on 'a Decade of Improvement', and reported significant advancements with regard to the biological and chemical quality of water bodies since 1990. The assessment suggested that the EA would not face any major difficulties in achieving the WFD's ambitious water quality goals. However, the 2003 Select Committee was not convinced.

First, the 2003 Select Committee expressed serious doubts regarding the EA's quality assessment. Based on oral and written evidence, the Select Committee criticised the methods used to assess biological and chemical status and disputed the validity of the findings. It claimed that "there are in fact a number of factors which adversely affect the quality when it is assessed against the criteria set out in the Water Framework Directive" [62] (item 33) and implied that the indicators developed by the EA were not in line with the criteria suggested in the WFD. Therefore, according to the Select Committee, the EA's report painted an erroneous picture of the degree of anticipated compliance with the Directive [62].

Second, the Select Committee established that the EA's working relationship with agriculture was unlikely to resolve problems related to nonpoint source pollution, which would make the achievement of the WFD's water quality goals unlikely. The Select Committee acknowledged that pollution through agricultural nonpoint sources was a result of practices that were, in the view of many, necessary and desirable in order to ensure supply of various agricultural products. However, at the same time, the enforcement of any legislation related to pollution through farming was extremely difficult. In order to tackle the environmental problems that result from farming, "wholesale changes in such practices" were required [62] (item 47). The Select Committee went on to say that the agency would therefore "have to work with the farming communities on getting them to put in place positive environmental management systems that will reduce their impact on rivers in a way that fits in with their farm business" [62] (item 47). When the Select Committee investigated the EA's management practices, such collaboration was nonexistent and was unlikely to be achieved as long as the EA maintained its predominant regulatory style.

Third, the Select Committee found that the WFD required a high degree of policy integration. During the inquiry, stakeholders and experts pointed out that, in order to achieve the ecological goals of the WFD, the EA must collaborate with a plurality of statutory authorities involved in land use planning, development planning and pollution control, and to exert influence on a number of policy

fields outside the EA's area of competence [62] (item 67). Tunstall and Green [54] (pp. 23–24) map the degree of cooperation required between the EA and other statutory or private actors. The authors list 26 activities related to water planning that the EA or any other competent authority designated in England and Wales has to undertake or supervise during the implementation of the Directive. The overview suggests that, under the then legal and administrative framework, the EA neither possessed the political competences to regulate all these activities, nor was in control of all funds necessary for their implementation. After all, only three of the 26 activities could have been carried out without interaction with other statutory organisations or regulatees [54], thereby suggesting once again that the EA was, thanks to its regulatory style, ill-prepared for the coordinative and communicative tasks set by the WFD.

Theory suggests that evidence of current or anticipated underperformance constitutes a powerful trigger for organisational reform that would go beyond window dressing. Accordingly, reformers will attempt to implement more participatory modes of policy making if they identify instances of underperformance and relate these instances to the nonparticipatory approach taken by their organisation. In 2003, only one of these two conditions was fulfilled: the Select Committee's report provided ample evidence that the EA's regulatory style was unsuitable for tackling the challenges posed by the WFD. During the investigation, the EA's Chief Executive openly conceded to be in panic: "First of all, if I can say we are not complacent. We are a bit like swans, we may look very serene on the surface, but we are paddling like hell underneath the water" [62] (oral evidence 221).

However, while the Agency slowly came to realise that its regulatory approach was the source of many shortcomings, it had difficulties identifying the lack of participation as the heart of the problem. As a consequence, the EA decided to create a specific subunit, the WFD Team, in order to deal with the upcoming challenges. This response stands in stark contrast to the reaction shown when the Agency was confronted with concerns related to legitimacy. In line with theory, the Agency was much more willing to engage in an open-ended endeavour of self-reflection and analysis and to go, potentially, beyond mere window dressing once organisational performance, rather than legitimacy, was at stake.

#### 4.3.3. Intraorganisational Learning

Right after the Directive had been adopted, the EA established a team to analyse the implications of WFD transposition and to design proposals for implementation. The WFD Team consisted of experts who represented a variety of disciplines, including hydrology, ecology and toxicology (interview, EA official 9). In the context of this study, the Social Policy Group is of particular relevance. The establishment of this group in 2002 reflected the insight gained during the Select Committee's inquiry that the WFD posed a number of organisational challenges to the core competences of the EA, i.e., hydrological and ecological science (interviews, EA officials 9 and 10). During the parliamentary investigation, stakeholders and experts suggested that these competences might not play out very well unless supported by organisational development towards improved cooperation with nonstate actors and statutory agencies [62]. For many EA staff, this meant a journey into the previously unknown realms of the social; hence the somewhat curious name, the Social Policy Group (interview, EA official 10).

The Social Policy Group decided to work with external consultants from academia to develop an understanding that would be compatible with the spirit of the WFD and with the way the Agency worked (or could realistically be expected to change). These consultants would provide the necessary outsider perspective, ensure a high level of analytical sophistication, and carry the image of objectivity and science that is sometimes required to implement unwelcome reforms in a defensive organisation. To this end, scientists affiliated to WRc plc were contracted in late 2002 (interviews, consultant 5, EA officials 9 and 10).

The Social Policy Group and their consultants introduced the concept of 'social learning' to initiate an internal process of reflection and to communicate the insight that the WFD would require permanent institutional arrangements enabling self-reflection and critical examination of management practices

(interviews, consultant 5, EA officials 9 and 10). This concept, which is closely related to participatory governance [66], provided the intellectual device through which the idea of stakeholder involvement could be explained and made acceptable. However, while the Social Policy Group successfully used the concept to introduce the idea of public involvement, they failed to translate the core idea of fair and open-ended deliberation typically associated with social learning. In particular, the physical scientists in the WFD Team found it hard to accept that stakeholders should be involved in the definition of policy goals (interviews, consultant 5, EA officials 9 and 10).

In an attempt to showcase the merits of their ideas, the Social Policy Group, therefore, tested in March 2003 a first draft of what would later become the 'Framework for Stakeholder Engagement' [67] in the Ribble basin. Project design, involvement opportunities and the outcomes of the pilot have been described extensively elsewhere [68,69]. The Ribble pilot will go into the history books as a gold-plated exercise, i.e., an overfulfilment of Article 14 WFD. The pilot project successfully demonstrated that well-designed stakeholder involvement improves accountability and legitimacy and promises better environmental outcomes. On this score, the pilot strengthened those in the Agency who favoured participation over hierarchical approaches to water management. However, the Ribble Pilot still assumed that the EA should take a leadership role in WFD implementation. This implies that decision-making powers were not to be shared with other participants who would instead become 'codeliverers'. The project also revealed that active involvement is expensive in terms of staff, time and money. It appears that the EA was neither in possession of such resources nor willing to acquire them through private donors (interviews, EA officials 10 and 24). This provided ammunition for those in the Agency who favoured lower levels of involvement or no involvement at all. In the absence of anything that resembles a cost report, the members of the Social Policy Group were reluctant to draw such conclusions (interview, EA official 10). Nevertheless, with reference to budgetary considerations, the pilot project did not receive the support from DEFRA.

At the same time, the EA's directorate and members of the WFD Team vetoed a proposal based on the Ribble pilot because it conflicted considerably with the EA's traditional regulatory philosophy. Relying on an instrumental understanding of participation, the concept of social learning was radically reinterpreted. For the Head of Water Quality, social learning in participatory arrangements implied that stakeholders get to know about government imperatives while the competent authority extracts information required for effective policy implementation from state and nonstate actors: "Scientists determine good ecological quality; the social thing is how you optimise that" (interview, EA official 9).

Nevertheless, the EA generally bought into the participatory agenda, recognising that it represented a new way of management: "The Environment Agency's role in river basin planning will be distinct from its role of enforcing environmental regulation ... the Environment Agency should see itself as the chair or co-ordinator of a group of key decision makers and deliverers which is responsible for investigating a set of collective problems and devising and negotiating solutions to them" [70] (Section 11.2).

This episode of intraorganisational learning confirms two theoretical observations made earlier. First, public officials tend to initiate more rigorous reforms if compliance with long-standing modes of operation jeopardises the fulfilment of tasks with which an organisation is entrusted (in the absence of legal or hierarchical pressure of course). The way members of the WFD Team reinterpreted and contextualised the concept of social learning demonstrates an instrumental understanding of participation typically associated with notions of policy delivery and effectiveness. The prehistory of this episode, i.e., the unsuccessful attempts of the Royal Commission and the Select Committee to revise the EA's position, suggests that concerns related to organisational legitimacy (would) have failed to trigger such a reform.

Second, policy-makers need to be fully convinced of the merits of participation in order to implement respective modes of governance. This implies that advocates of participatory governance must frame their arguments such that they are compatible with the political environment in which public officials operate and that they may meaningfully be linked to their sociolegal context and

task assignments. In England and Wales, some EA staff considerably changed their way of thinking. However, as they were operating within an organisation which was concerned with environmental protection and pollution reduction, members of staff reframed the advice given by the Social Policy Group and its consultants, resulting in a very incomplete adoption of more ambitious participatory governance principles.

Organisational learning does not necessarily imply that the entire organisation is involved in a process of reformulating established beliefs. This was definitely not the case here, and perhaps rarely is in general. During the early 2000s, the EA had some 13,000 staff, and it is fair to argue that initially, the analysed organisational learning process did not involve more than 30 individuals. Crucial for the relative success of this learning episode, however, was that key individuals who were in charge of implementing the WFD in England and Wales were among the learners. Hence, the Social Policy Group, as part of the WFD Team, received the support required in order to propose a framework for stakeholder involvement that would be applicable to all river basins and would imply a major change in how the EA interacts with nonstate actors and other statutory organisations (interviews, EA officials 9 and 10).

#### 4.3.4. A Framework for Stakeholder Engagement

Supported by the WFD Team, the 'Framework for Stakeholder Relations' had to overcome its final hurdle: to receive approval from the Agency's directorate. Previously, the EA's managing director held a sceptical position vis-à-vis public participation. This is not the least because opportunities for involvement were considered to be a deviation from the EA's core activities: "The touchstone for us will be whether the environment gets better or not, it has to be outcome-based" [62] (oral evidence 248). Even years later, when the Liaison Panel system was already up and running, the EA's director remained sceptical about any activities that might distract the Agency from its true mission: "I would like to put a nail through the heart of this public participation thing right from the start . . . To spend a lot of public money trying to get the intricacies of the Water Framework Directive over to the man in the street, when he has already told us that he does not want to know that, seems to me to be not what we are about. I want action. I do not want discussion. I want doing. I want outcome. I want river basins to get better" [71] (oral evidence 24). In this sense, the EA's directorate was a perfect representative of the Agency's technocratic approach to managing the environment.

In the summer of 2004, however, the EA's Chief Executive had finally given the green light to make the Agency (appear) more participatory. This change of face was mainly a result of pressure exerted by DEFRA which, even though it has no direct influence on the EA's decisions, controls the Agency's budget, appoints the Chief Executive and management board and can, upon request, review regulatory decisions. Although such influence is rare in practice, it constitutes a shadow of hierarchy that the EA cannot ignore. Apparently, DEFRA had been receiving more and more stakeholder complaints with regard to the Agency's closed-shop approach: "They wanted industry to be friend of government, New Labour, you know. Labour in the old days has never gotten on particularly well with industry... And they didn't want to get into conflict with virtually all the big green organisations. It wasn't so much the more radical ones like Friends of the Earth or Greenpeace. It was much more the mild ones, RSPB, most of these organisations with huge membership bases. So they told me the problem had to be resolved" (interview, EA official 7). DEFRA proposed a swift and sustainable improvement in relations between the EA and its stakeholders.

In response, the EA established a Stakeholder Relations Team in 2004, which implemented improvements to the Agency's external communication with stakeholders and other interested parties (interview, EA official 7). Further, the EA's Chief Executive finally endorsed the WFD Team's proposal for stakeholder engagement (interviews, consultant 5, EA official 9). The final document, which outlined the planned structure for the involvement of nonstate actors during the implementation of the WFD, reflected the instrumental understanding of participation and was made public in 2005 [67].

#### 4.3.5. Improving Internal Compliance

In light of the EA's prevalent managerial style, the reformers expected many middle managers and on-the-ground inspectors to be unwilling or unable to collaborate effectively with stakeholders and other government agencies. In order to improve internal compliance, the Agency employed multiple strategies.

First, the EA engaged in an intraorganisational marketing and promotion process, offered training to regional directors and river basin district managers and initiated a countrywide information campaign for state and nonstate actors. The Stakeholder Relations Team coordinated this process together with the Social Policy Group (interviews, EA officials 7, 9 and 10). Second, the Head of Water Quality successfully approached DEFRA to publish the template for stakeholder engagement as an official departmental guideline [70] (interview, EA official 9). Finally, the EA used the EU as a lightning rod. In order to improve internal compliance, the Stakeholder Relations Team constantly claimed that active involvement was a legally binding EU requirement. This claim was presented in meetings with regional directors, during the road show and in training modules: "We did tell people that it was a European requirement, yeah it is true. You know because they have a regulatory mindset" (interview, EA official 7). Utilising the WFD in this context was an effective strategy "to break resistance" and to shift the blame (interview, EA official 7).

Interviews suggest that this strategy was successful. In the view of most EA staff at the regional level, public participation and active stakeholder engagement is a legally binding EU requirement (interviews, EA officials 19, 20, 22, 23, 24 and 25).

### 5. Conclusions

While the concept of participation has attracted scholarly attention from various angles, our knowledge is scant with regards to the forces that drive organisational reform towards participatory governance. Studying the implementation of the WFD and its public involvement provision in England and Wales, this article set out to contribute to this largely neglected research area and explored under which conditions policy-makers make attempts towards more participative water governance.

The findings of this study suggest that public sector organisations begin to reflect on their standard modes of operation and to develop more participatory policy arrangements when they are challenged either with regards to their legitimacy and reputation or in relation to their current or future performance. The former typically results in window dressing. In the case studied in this article, widespread criticisms as to the EA's technocratic management style, increasingly undermining the Agency's legitimacy and reputation, did not receive much attention. The EA nonetheless began to release minutes of their board meetings, published a vision statement and promised closer bonds with communities, yet none of these measures responded to the nature of the criticisms or were effectively followed up. Underperformance, in contrast, motivates organisations to engage in learning exercises and to reflect on the tools they apply when fulfilling the tasks they are entrusted with. On the basis of the Anglo-Welsh case, I propose that organisations add participatory modes of governance to their regulatory canon if they conclude, rightfully or not, that the lack of involvement opportunities was a major cause for previous instances of underperformance. This supports findings in organisational studies and research on public sector reforms [30,32].

It is up to future research to test an alternative explanation according to which the EA's WFD Team developed their participatory agenda not, or not only, in direct response to performance considerations. Failure to successfully implement the WFD and to deliver the WFD's ambitious water policy goals was then a concern for the EA only insofar as this would have had negative implications for the agency's reputation as a science-based regulator. Both hypotheses centre on the notion of performance. The explanation offered in this article, however, focuses on potential underperformance in WFD implementation. The alternative explanation, in contrast, emphasises reputational effects of potential underperformance as a driving force for organisational reform within the EA. The two explanations are not in contradiction to each other and could well form the basis for a more nuanced interpretation

of the events. However, this calls for further research, in particular with regards to the relationship between DEFRA and the EA.

Likewise, the long-term effects of the reform examined in this article, and their causes, require further scholarly attention. I have argued that the implementation of the WFD has enhanced in quality, quantity and opportunities for involvement. However, these measures were not as far-reaching as optimists back in the time hoped they would be, not as creative and innovative as the legally nonbinding guidelines published by the European Commission [8] suggest, and not as thorough as others think is necessary. This confirms findings published elsewhere [4,14,59,72]. However, while I am confident to explain why public participation was adopted and why specific governance arrangements were chosen back in the time, I am less confident to link current practices solely to the events described here. The reasons are, essentially, methodological. The 2008 financial crisis had a major effect on the resources available to WFD implementation, the incoming 2010 Tory government left their own trace on environmental policy making in the UK, the 2013 devolution of environmental competencies to authorities in Wales distracted the Agency and, most importantly, the implementation of the catchment-based approach in the same year brought about fundamental changes, in particular as to the relations between actors at different policy levels. While first assessments of the catchment-based approach are available [56–59], we know too little about its prehistory, and relevant considerations within central government and the EA about it, to fully assess the causal effect that the new approach and the other events had on the way public participation operates. This reflects a typical challenge in implementation and evaluation research: external factors influence the implementation of a programme and make it harder to isolate its effect on the ground [73].

Now, returning to the overall contribution of this article, I claim that a current or future performance deficit in conjunction with the insight that the active involvement on on-state actors may be an effective way out, are two necessary conditions [74] for the adoption of public participation. Their absence would constitute a major obstacle. This may sound like common sense, but nevertheless flies in the face of many academic works and policy documents promoting public participation. We are informed that participation represents a superior way to organise our democracy, empowers and educates communities, inputs local information into decision-making processes, enables reflexive deliberation, enhances acceptance of policy decisions, resolves conflicts between stakeholders and so on [75,76]. This may all be true under certain conditions. However, the beneficiary of public participation is, in many of those rationales, society as a whole. While some rationales for public participation may well be compatible with the narrow and pragmatic perspective often taken by government bodies operating on clearly defined legal mandates [77], other rationales may be largely irrelevant from an agency perspective or even contradict the values and interests held and organisational mission pursued by agency staff. Given that active involvement and other ambitious forms of participation are no legal requirement in many jurisdictions across the globe, the ability to link rationales for participation to the constraints experienced by regulatory agencies is a major factor that deserves further consideration.

That said, the above-mentioned factors may be necessary but not sufficient [74]. The case study presented here suggests that two additional factors are conducive at the intraorganisational decision-making stage: first, a general willingness to be open-minded regarding new practices and procedures; this was facilitated by committed individuals in leadership positions. The importance of leadership in public sector reforms is undisputed [78], and future research may benefit from studying its role in more depth in a public participation context. Second, the presence of norm entrepreneurs, here in the form of external consultants with established industry experience, surely aided this process of reflection and reform. The consultants were very effective in analysing the EA and its internal operations and suggested a perhaps overly ambitious, but generally appropriate, set of measures—public participation—which seemed to reflect well the needs of the organisation. Again, the field may benefit from targeted studies exploring the role of norm entrepreneurs when it comes to reforming public sector organisations. In their book on water policy entrepreneurs, Huitema &

Meijerink [79] discuss leading approaches in the water sector, but the country-specific focus leaves little room for in-depth studies of public participation.

Keeping in mind that the societal mainstream in the UK back at that time, as well as discourse at EU level, were very much in favour of public participation in environmental management, planning and policy making, this study identified two intraorganisational factors as the key obstacles to implementing public participation within the EA. The first one refers to the well-known concept of path dependency. Procedures may become an important part of organisational identity, reflecting professional values and best practices, and agency staff are not always waiting for the latest fad in town to irritate their day-to-day practices. This is not a new insight, but it nevertheless remains important. The second obstacle refers to well-founded arguments presented from within the organisation according to which public participation simply did not represent a viable solution to the problems that the Agency faced. Although staff acknowledged that the EA did not always perform well, the question remained whether more and better and, perhaps most importantly, better funded technocratic regulation would not be the preferable alternative. Provided that the empirical evidence for improved environmental outcomes, a term that lies at the heart of the EA's identity, through participation are still inconclusive [17,19], this scepticism was not entirely unsubstantiated. More than ten years ago, McMahon [51] has published a fantastic study about the organisational identity of the EA and the US Environmental Protection Agency and the technocratic mindset of many agency staff. My research has identified a transition period in which many long-term members of staff defended views that have characterised the EA in the mid-1990s already, whereas new appointments and a few top management people have opened up to new discourses brought in from academia, other industry sectors and overseas. At the time of completing this research, it was certainly too early to carry out a follow-up study to McMahon, but it in a few years it would be worthwhile to analyse the degree to which technocracy, participation and deliberation characterise the Agency; ideally in a comparative setting as this question is of global relevance.

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