

# marketer

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## best practices

### Building Consensus, Not Conflict, as a Marketing Strategy, Part 3

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O.K., so you are ready to enter the permitting process. After months (or years) of risk-taking, investment, and hard work, you are moving forward for final approvals. You know the permitting process might be just another step. On the other hand, it may be the one hill you won't be able to get over. Angry publics, overzealous officials, too many exactions, and unintended procedural mistakes — you are understandably nervous.

In Part 1 of our series, we discussed how consensus building is used to create a highly functional project team. In Part 2, we discussed involving stakeholders early in the pre-permitting process. In this part, we're ready to tackle the process that can propel you on to construction — or out of town. While we could provide direct political advice (how to get the majority to say 'yes'), we are instead going to focus on ways to build greater buy-in, increase general acceptance, and avoid common and, sometimes, fatal mistakes.

Why are we not focusing more on the direct calculus of the politics? After all, at the end of the day, approval depends on a vote. Indeed, at the end of day, getting your development approved is about politics and power.

Don't get us wrong: You should tend to these people, but there are four excellent reasons to pay attention to other stakeholders, as well. One, the decision-makers have constituencies and if you treat their constituencies with respect and decency (even if they don't reciprocate to the degree you would like), you may find the way to the decision-makers' hearts after all. Two, if you miss a key stakeholder that shows up at the 11th hour to raise new issues, interests, and concerns, you are going to be set back. No one likes a negotiation that gets derailed by the new entrant with new issues. It's better to know the issues and concerns as early as possible. Three, your treatment of the broader public, including being inclusive, is going to affect the perceptions of the "silent majority." These are the people you may otherwise have a hard time reaching. These folks don't go to meetings. They don't write letters to the editor. They don't call their elected officials. But they read the local newspaper, they talk, and they talk to one another, who talk to others, and public opinion is formed. Four, the ideas, information, and data that diverse stakeholders may bring to the issue should not be discounted.

Here's our advice.

#### 1. Learn from other's mistakes

The local planning staff and past advocates of one view or another have a wealth of experience about how to get approval (and rejection) in their locale. In addition to persuading these

individuals that your development meets all necessary requirements and is good for the community, they are an essential resource to your development team.

However, they might not be forthcoming without good questions, so, here are a few: What have past applicants done that has been particularly effective? What kinds of presentations and materials does the board expect? What are the three biggest mistakes applicants have made in the past? Which constituencies are likely to react with concern, skepticism, or outright opposition? Who represents them? Though perhaps unconventional, we encourage clients to seek the advice of citizens too. Ask them questions such as the following: What actions or efforts do you appreciate in a developer? What actions or attitudes offend you most? In addition to the standard application requirements, what else can we do or provide to you?

## 2. Avoid surprises

Whatever critics view of your substantive proposals — too much traffic, too much density, too little open space — one sure way to make the journey more difficult is to surprise those who will influence the decision-making. Hold no surprises as a steadfast rule. Let planning staff, key stakeholders, and the media know what you are doing early and often. Take extra pains to explain why you are doing what you're doing, where you are in the process, and if you make changes — especially where earlier plans might have set expectations — be very clear about where and why. Where you can, give people even more notice than that required by the application process. Be up front about the good and the bad aspects of the project and the best practices impacts upon the community. Don't roll out unpleasant aspects of your project quietly and last minute even though your most vehement critics are not likely to return the "favor."

There's one exception to no surprises: That is when you have learned your critics' interests and can make offers of amenities or other actions that they may not be expecting, but that they are happy to have.

## 3. Talk about the negatives, too

As tempting as it is to ignore the negative impacts and instead tout the benefits of a project, there's no quicker way for your client to destroy its credibility. Don't sweep under the rug the problems, risks, and costs to the abutters, the community, or the environment. If you don't articulate applications' adverse impacts, rest assured, someone else will. At this point, if they lead with the negatives: 1. you are put on the defensive; 2. questions surface as to your motives, integrity, and honesty; and 3. suspicions that there must be even more hidden bad news, if only people look hard enough, run strong.

The human mind naturally focuses more on fears, uncertainties, and potential losses than on possible or real benefits. To compensate for this magnification of the negative, you not only need to acknowledge and address the real and perceived costs and impacts, but you also must be willing to explore more alternatives to the project or offer more than you think you should in benefits. At the end of the day, developers will likely feel they gave too much. At least some neighbors will feel too little was gained. But the key questions at the end of the day include: Is the project 1. approved, 2. financially successful, and 3. integrated into the community?

## 4. Be ready to negotiate

Many projects get bogged down because developers think they can persuade people to their point of view. They frame the game as one of influence, sales, and persuasion, not negotiation. They believe that, with enough numbers, facts, drawings, and models, people will be won over. The problem is stakeholders expect development to be a negotiation. Using your persuasion skills to convince stakeholders of the merits of the project is, of course, part of the job. But equally important is negotiating to meet the interests of stakeholders at as low a cost to the developer as possible and at as high a value as possible for the community. That means listening carefully for the interests that underlie whatever initial position a stakeholder may take. It means creating value for them in order to create value for you.

By building components into a package that seek to address stakeholder concerns, reasonable citizens will view the developer as a "fair" dealer. You've engaged in problem-solving together, rather than creating problems apart. You're striking a deal that in the end is good for the developer and for the development's neighbors. Remember, development is not just about building a project; it is about entering into, altering, and even building a community.

## 5. Be prepared to take time out

This piece of advice is probably the hardest to swallow. Time is money: Every day the project isn't built, interest accrues, the market changes, consulting costs go up, and investors grow nervous. Taking time out to address issues or concerns may be time well spent as compared to the years of litigation that might transpire. Though some development can and does take place quickly, larger-scale development takes time, a lot of time. A story comes to mind: A developer kept reminding the city and citizens that time was money and they had little time left to give. They agreed to mediation, but only for a short time period and only on a very constrained set of issues. Frustration grew. Lawsuits were filed. Approvals were withheld. Only after

many years, two election cycles, a land swap, and a major change in ownership did the development go through. Ideally, you have done your homework and succeeded in the pre-permitting stage so this timeout is unnecessary. But if not, don't rule out the option out of hand. Keep the longer view. Be realistic about how much time or money this timeout will take when compared to the difficult situation before you and the likely outcomes of each.

## Summary

In our view, experience has proven that developers are better off if they engage in the public process fair and square. In fact, they are even better off when they enhance the public process with more openness and transparency than the formalized, and often imperfect, municipal laws require.

Transparency and openness build trust. Even if some of your opponents fail to agree with you, they will respect you (and that's money in the bank for this and future projects). Transparency and openness also build allies and, sometimes, unexpected ones. We certainly cannot guarantee that following our advice will assure project approval, but we can promise it will increase your chances for approval, and at the end of the day you and many of the public will leave the process feeling good about you.

*Next in the series: Keeping the consensus during the implementation of the project.*



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