

THE POLICY (INTENTION -) IMPLEMENTATION GAP IN THE ENVIRONMENT AND PLANNING ACT FOR CITIZEN PARTICIPATION

A case study on the municipal level

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Abstract

In the near future the new environment and planning act (omgevingswet) will be introduced in the Netherlands. One of the fields the new act changes most is citizen participation. Because of the complexity and width of the new act there is a high change for the existence of a gap between the policy intention and the eventual implementation especially within the field of citizen participation.

The research focuses on the nature of the policy intention- implementation gap within a municipality in the field of citizen participation. The intention of the act was uncovered by analysing the legal text of the new act. The (planned for) implementation was uncovered by interviews with experts from the municipality. When the nature of the gap was uncovered the reasons for the appearance of the gap were identified. The main research question that has been formulated for this research is as follows: *'What is the nature of the policy intention- implementation gap that will emerge with citizen participation in the new environment and planning act?'*

The intended level of citizen participation in the new environmental and planning act is lower than the implemented level of citizen participation in practice. This means that there is a positive gap between the intention and the implementation of the new act. The reasons for this can be found in societal pressure, political pressure, the lack of hard requirements in the new act and the culture of the implementing party.

The conclusion for this research project is that there is a gap between the intention and the implementation of the new environment and planning act in the field of citizen participation. The nature of this gap is positive, this means that the implementation is of a higher level than was originally intended by policymakers.

Keywords: implementation gap, omgevingswet, citizen participation, positive implementation gap

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1. Introduction

1.1. Background

In the near future it is planned that the new environment and planning act will be introduced in the Netherlands (Dutch: omgevingswet). The implementation of the new act has already been delayed several times, but according to all involved parties this is the final delay before implementation (Rijksoverheid, 2022). The new act promises to reform how actors interact with the environment of the Netherlands. This interaction extends to building, exploiting, managing and maintaining the environment. The law brings forth new standards for (local) environmental policy, data sharing between actors, citizen participation and other environmental and planning aspects. It does this by bundling 23 laws, 60 administrative measures and 75 ministerial regulations into one new law, four administrative measures and one environmental regulation (Rijksoverheid, 2022). One of the areas that the new act changes things most from the old situation is in citizen participation. The intention of the new act is to increase the level of citizen participation through a multitude of different instruments. Municipalities and provinces have to establish a policy for participation, participation is also a required item in the new environmental plan and -vision. These plans and visions are mandatory under the new act for provinces (vision) and municipalities (plan) and outline how the local governments plan on dealing with all matters related to the environment (Informatiepunt leefomgeving, 2022). There is however uncertainty in the implementation of said citizen participation by lower governmental organisations, mainly municipalities (Pieter van den Brand, 2021). The law leaves many gaps for municipalities to fill in because there are little mandatory parts to the new act. This means that there is a potential gap in which municipalities give an interpretation of the act that is not identical to the goal of the lawmakers (Boeve & Groothuijse, 2019). The nature of this gap can be 'negative' or 'positive'. A negative gap is far more likely when looking at the precedent set by other policy implementation and means that the municipalities would do the bare minimum regarding citizen participation (Hudson, et al., 2019). But there is also a change for a positive gap in which municipalities do more than the original intention of the new act (Schweizer, et al., 2013).

1.2. Societal relevance

The societal relevance of this thesis can be found in the relation between citizen participation and the (built) environment. The higher the level of citizen participation, the more influence citizens can have on their own environment. The research aims to uncover the nature of the gap between the intention and the implementation of citizen participation under the new law. Citizens and academics can potentially use the method described in this thesis to test the implementation of their own local government and hold these accountable. The method can also be used by said local governments themselves to test their implementation of the new act.

1.3. Academic relevance

The academic relevance of this thesis can be found in two ways, with the first being found in the analysis of the new environment and planning act. Up to this point only a limited number of papers have been written on this topic from a citizen participation perspective. This thesis will be a part of the emerging literature around the new act. The second way in which academic relevance can be found for the thesis is in the field of policy implementation science. Most of the literature in this field of study about implementation gaps relies on negative implementation gaps (Hudson, et al., 2019). Only a small number of papers actually talks about the possibility of positive implementation gaps (Schweizer, et al., 2013). It is hypothesised that with the case study that will be performed in this thesis the occurrence of a positive gap is likely. Via this way the thesis will add to the academic literature about positive implementation gaps.

1.4. Research Problem

The aim of the research is to identify the nature (positive or negative and to what degree) of the policy intention and implementation gap for citizen participation that will emerge, according to precedent (Hudson, et al., 2019), when the new environment and planning act is implemented. It seeks to furthermore understand the reasons for the existence of the gap. It does so by conducting a case study for a municipality in the Netherlands named Enschede. A modern version of Arnsteins ladder of citizen participation will be used to measure the gap between intention and implementation. From this aim the following main research question can be formulated:

‘What is the nature of the policy intention- implementation gap that will emerge with citizen participation in the new environment and planning act?’

The secondary research questions that follow from the main question are then as follows:

1. *‘Where does the intention the new environment and planning act stand on Arnsteins ladder regarding citizen participation?’*
2. *‘Where does the implementation of the new environment and planning act stand on Arnsteins ladder regarding citizen participation in the municipality of Enschede?’*
3. *‘Is the intention and implementation gap negative or positive in the municipality of Enschede?’*
4. *‘What are the reasons for the existence of this negative or positive gap in Enschede?’*

1.5. Reading guide

The thesis has five chapters. The second chapter has more theoretical background on the concepts used in this thesis, while the third chapter explains the research methodology. The fourth chapter presents the results for the case study in Enschede. The fifth and final chapter describes the conclusions that can be drawn from the results, discusses recommendations that can be drawn from these results and reflects on the overall research process.

2. Theoretical framework

2.1. Policy implementation

This thesis borrows heavily from a field of science called policy implementation science. This field describes the theoretical concepts behind the implementation of (government) policies. It also studies the reasons why the implementation of policies does or do not work. The implementation of the new environment and planning act can be regarded as a policy implementation here. Policy implementation science has gone through a few phases throughout the years, reflecting changing views on how to analyse and evaluate the implementation of policies. This history has been given in table 1 to give a background and show the most important concepts of the field (deLeon & deLeon, 2002) (Nilsen, et al., 2013).

Phase	Timeframe	Leading principles	Scholars
I	1950 -1980	Discovery period, specific case studies and the discovery of the complexion of policy implementation.	(Lasswell, 1948; Derthick, 1970; Bardach, 1977)
Ila	1980-1990	Empirist views and theories, command and control, top-down view.	(Sabatier, 1988; Berman, 1977)
Ilb	1980-1990	Bottom-up approach, implementation based on street level public servants, alternative second generation.	(Hjern & Porter, 1983; Lipsky, 1984)
III	1990-2000	Realisation of the complexity of implementation, use of auxiliary theories like principal agent and game theory. The goal of making the field more scientific.	(Schneider & Ingram, 1993; Kraft & Scheberle, 1995)
IV	2000-2020	Revival of the bottom-up approach, discovering of the limits of the top-down approach. Start of research with complexity theory.	(deLeon & deLeon, 2002; Newman, 2004; Room, 2011)

Table 1 phases of policy implementation science.

2.1.1. Bottom-up approach

The bottom-up approach to the analysis of policy implementation was first mentioned by Hjern & Potter (1983). They stated that to analyse the implementation of policy in organisations analysis should be done on the employee level (bottom), not on the level of management (top). Lipsky (1984) built on this statement for implementation of government policy. He concluded that the implementation was mostly based on street level public servants. deLeon and deLeon (2002) built further on the bottom-up approach to the analysis of policy implementation. They added an important part to the bottom-up approach, namely the influence of the power that local people have on implementation. Local public servants and politicians are influenced in their implementation of policy by the local populace, through various means. Building further on this it can be said that while the local populace influences the implementation of policy something else influences the local populace in its opinions. There are a multitude of reasons for this (local events, population health/age etc.) the best way to describe these are local circumstances. Another important part to take into consideration when working with a bottom-up approach to analysis is the level of discretion afforded to the street level public servants. The greater the level of discretion given the greater the effect of street level public servants is on the eventual implementation of the policy (Thomann, et al., 2018).

2.2. The Policy intention- implementation gap

One of the central concepts of the field of policy implementation science is that of the intention-implementation gap. It describes the difference of the intention of a policy (as said by the policy maker) and the eventual implementation (as implemented by the policy implementer. There is a precedent in the literature for the existence of such a gap in almost all forms of policy implementation. (Teddy, et al., 2019). There are many reasons given for the existence of the gap, four categories wherein these reasons fall have been identified. These categories are as follows (Hudson, et al., 2019):

- Overly optimistic expectations: policy makers that have expectations that do not match with the reality upon implementation.
- Implementation in dispersed governance: the problems that arise when implementing policy over different levels of government (national, provincial, municipal).
- Inadequate collaborative policymaking: not involving all the stakeholders when drawing up a new policy.
- Vagaries of the political cycle: politicians making policies and then leaving office before the new policy goes into effect.

2.2.1. Driving forces

Behind the 4 categories of reasons for the existence of an intention- implementation gap there are greater driving forces. The driving factor for overly optimistic expectations can best be called the strategic misrepresentation of policy makers. With this phenomenon political pressure leads policy makers to overestimate the effectiveness of their policies to appease their voters (Flyvbjerg, 2008). This phenomenon is also responsible for the existence of the gap when there are vagaries of the political cycle. Policy makers making a popular but not optimal decision that goes into effect when they have already left office. The driving force for gaps coming from implementation in dispersed governance can be found in unclear problem ownership. When policies are implemented over three levels of government it can become unclear who is responsible for implementing each piece of the policy (Hughes, et al., 1993). Inadequate collaborative policymaking comes forth from a mixture of both unclear problem ownership and strategic misrepresentation.

2.2.2. The positive gap

In the literature there is a precedent about the nature of the intention- implementation gap. This precedent states that the nature of the gap is negative, a situation where the implementation is of lesser nature than the intention (Teddy, et al., 2019). There is in the literature also a small mention of a phenomenon known as the positive gap. A situation in which the implementation is of greater or nature than the intention (Schweizer, et al., 2013). The existence of a positive gap has been theorized but has only been partially observed in case studies. The hypotheses for this thesis states that there is a high change of a positive gap appearing in the casus that will be studied. No driving forces or reasons have yet been identified for the existences of a positive gap.

2.3. Citizen participation

A large amount of literature has been written and published about citizen participation. It is of no surprise then that the definition of the term has become somewhat fuzzy throughout the years (Malek, et al., 2019). Citizen participation has always been closely linked to the classic working of democracy. This means that in both citizen participation and democracy the many only get to say something about their governance or environment. It also means that those who are the loud majority usually overshadow and impose their will on the silent majority (Fagence, 1977). It can be reasoned from this that good citizen participation occurs when the will of the silent majority is not overshadowed by the will of the loud minority. Another avenue of looking at participation is the level of commitment that people must contribute to the development of their environment. This way of looking at citizen participation is closely linked to the concept of good citizenship (Roberts, 2008). Malek et al (2019) concluded in a large study that citizen participation can be defined as the following: citizen participation is an activity that empowers citizens to exert influence over those in power (government). This extortion of power can be hindered by those in power (government) since they set the rules for citizen participation. While citizen participation when done right can be an invaluable asset to make sure projects are well received and comply with the wishes of the citizens. But citizen participation can also be used as a way of therapy for the population to conjure up the illusion of choice.

2.3.1. Measurement of citizen participation

With the definition of citizen participation as discussed in the paragraph 2.3. it can be said that when measuring citizen participation, the lower levels of the measurement scale should be situations where participation is used as therapy or a to conjure up an illusion of choice. While the higher levels should be those where citizens can exert influence over projects and their environment. Such a model was first described by Arnstein (1969) in her ladder of citizen participation (see figure 2). Several additions have been made to the base model of Arnstein. The latest and most complete version of the ladder can be found in the extended ladder of citizen participation created by Connor (2003) as can be seen in figure 1.

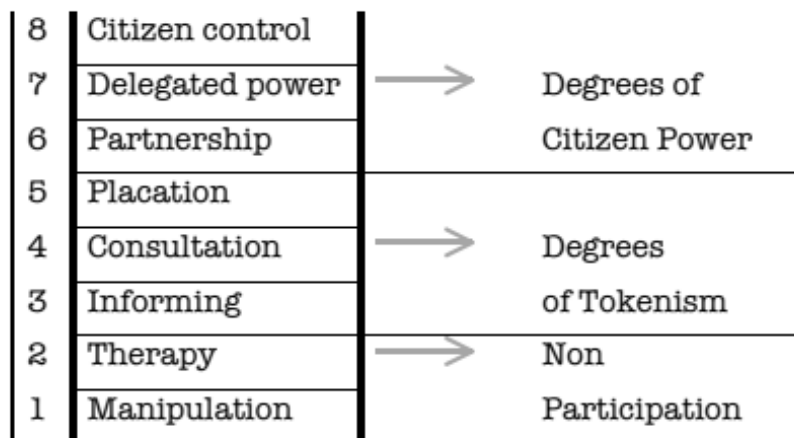


Figure 2 Arnsteins' ladder of citizen participation (Arnstein, 1969).

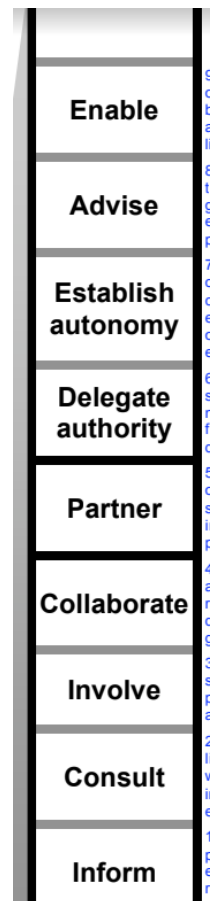


Figure 1 an extended ladder of participation (Bruns, 2003)

2.4. Conceptual model

From the theoretical framework a conceptual model can be constructed, see figure 3. The model consists of the intention- implementation gap as the dependent variable with the independent variables being the forces affecting the nature of the gap (negative or positive).

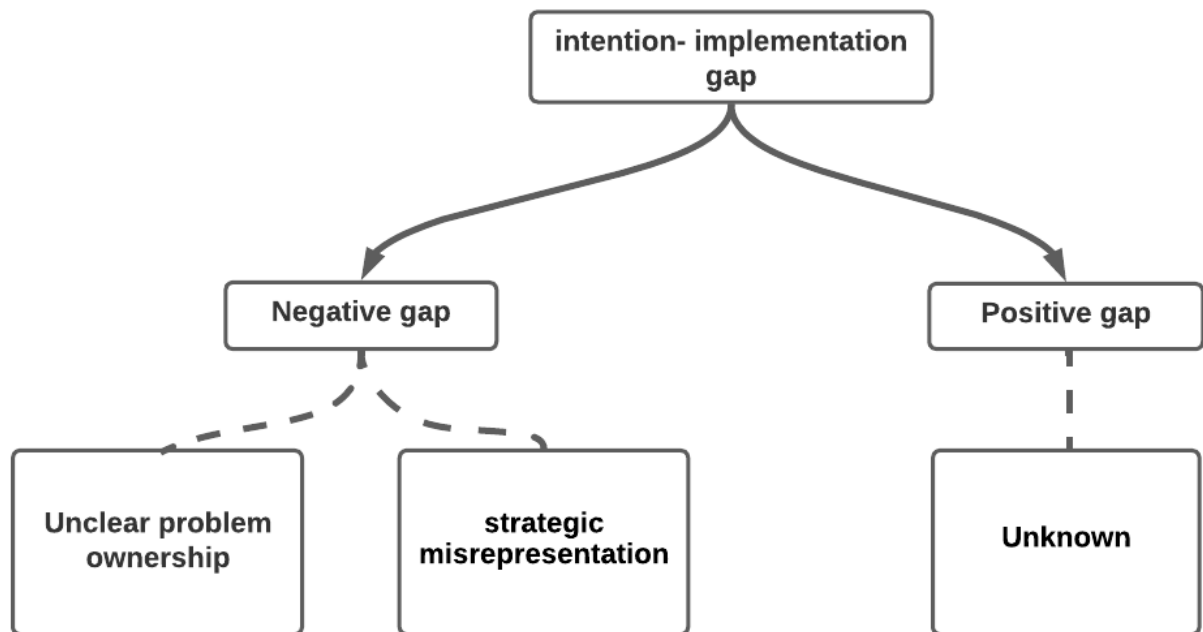


Figure 3 conceptual model

3. Methodology

3.1. Casus

To research the nature of the intention-implementation gap it has been chosen to make use of a case study. The method of a case study has been chosen because of the large population size (all local governments in the Netherlands). By choosing a representative sample in the form of a casus a general conclusion can be made about the entire population (Flyvbjerg, 2011).

For the selection of a casus three requirements were drawn up. First, the casus needed to be a municipality. This is because on this level of government most of the direct measurable citizen participation takes place. Second, the municipality needed to be a representative for as many municipalities in the Netherlands as possible. This requirement was put into place because of the want to make a general claim about the implementation of the new act in the entire Netherlands (Yin, 2004). And third, the municipality had to be known to already have a policy of some sort around participation. This because if this was not the case there is a change that data collection would be impossible. Not all municipalities have yet made concrete plans for the implementation of the new act because of the constant delays.

The municipality of Enschede has been chosen as the casus for this thesis. This municipality is in the east of the Netherlands near the German border. With a population of around 160000 (Allecijfers.nl, 2022), Enschede can be classified as a medium to large municipality. Large enough to say something about the larger municipalities but small enough to say something about the smaller municipalities in the Netherlands. Enschede is known to be a forerunner in citizen participation, being one of the first municipalities in the Netherlands with a participation ordinance (De Koster, 2022). Although there are other municipalities that fulfil the criteria that are mentioned in the last paragraph the municipality of Enschede has been chosen because of the connection of the author with said municipality. The author is an employee of the municipality and thus has easy access to experts and information inside the municipality.

3.2. Data gathering

Data gathering has been achieved through two ways. The first part of the data has been collected through reading the new environment and planning act. Mainly the legislative text of the new act and the environmental decree (omgevingsbesluit in Dutch). The environmental decree is an appendix to the new act with more concrete explanations of legal passages. All passages of the new act that were relevant for participation were extracted for data analysis. A list of the relevant passages can be found in appendix 3. This data is used to determine the intention of the policy. The second part of the data was collected through two interviews with experts of the municipality responsible for the implementation of the new act. Within the municipality the implementation of the new act was constricted to a small team. Only two members of this team had the required knowledge of participation and the new act to be considered for an interview. This is the reason why the number of interviews has been limited to only two experts. After the interviews were conducted, they were transcribed to be analysed. This data is used to the implementation of the policy and the reason for the difference between the intention and implementation of the new act. The interview guide can be found in appendix 1, the consent form can be found in appendix 2. The transcripts of the interviews can be requested by contacting the author.

3.3. Data analysis

Data analysis was done through the process of coding both the data obtained through reading the new act and the interviews. The coding was done in two rounds. The first step consisted of deductive coding of all the data. The codes for this round were selected from the theoretical framework and the sub-questions. Three main branches were constructed, with the first being the intended level of citizen participation according to the new act. With the different levels of the new ladder of citizen participation forming the subcodes of this branch. The second branch constituted the (planned) level of citizen participation that was actually implemented. The subbranches also consisted of the different levels of the new ladder of citizen participation. The third branch consisted of the reasons for the existence of the intention- implementation gap. The subbranches consisted of the four reasons that were found for a negative gap and the unknowns for the positive gap. The data was then coded according to the deductive coding tree that can be found in appendix 4.

The second round of coding consisted of inductive coding of the data. This was done according to the following process (Kawulich & Barbara, 2017) (Medelyan, 2022) :

1. Reading a piece of the data (an interview or the relevant articles of the new act).
2. Creating new codes to accompany the codes that were already there from the first round of coding.
3. Rereading the piece of data and applying the codes.
4. Reading a new piece of data and applying the codes created for the last piece of data.
5. Create new missing codes and applying them to the current piece of data and any already coded data.
6. Repeat step 4 and 5 until all the data is coded.

The new codes that were created were then added (and code that was obsolete was deleted) to a new complete coding tree that can be found in appendix 5. This code tree combines the original deductive coding tree with the new codes found in the inductive coding step. The tree now includes fewer levels from the new ladder of citizen participation because some of the higher levels never appeared. The branch for the intended level of citizen participation was split in two subbranches, that was written in the law and that was envisioned by policymakers. Lastly the reasons for the existence of a positive gap were added.

3.4. Ethics

There are two major concerns about ethics in this thesis. The first can be found in the interview and the rights of the participants. Both participants were made aware of their rights and the reason for the interview. They were asked to sign a consent form where their rights were clearly stated. They were also offered the option to opt out of the interview at any time for any reason, even after the interview was already done. The other can be found in the positionality of the author. The author is a public servant working as a technical advisor for the municipality of Enschede. This means that there is a chance for the data and the analysis of the data to be biased. There are many ethical models that could be used to make sure the biases are as small as possible, but a common denominator between most of them is the aspects of informed consent and confidentiality (Maxwell & Beattie, 2004). When both aspects are translated to this thesis it is important to inform the reader of the background of the author. The author himself is also aware of the fact that biases may form. This awareness will help to limit the number of biases in this thesis.

4. Results

4.1. The intention the new environment and planning act

The new environment and planning act has very few hard requirements regarding citizen participation. In article 10 of the environmental decree (omgevingsbesluit) it is stated that municipalities must implement participation into their policies. It does however not state anything further, as stated by one of the experts that was interviewed:

“It is just checking a box, if I said I did nothing with participation that is also sufficient.”

On the extended ladder of citizen participation this would be the lowest level, informing if not even lower. But the law also provides opportunities for municipalities to implement higher degrees of citizen participation than those explicitly stated in the new act. This means that there are possible opportunities for levels 3,4 or even 5 on the extended ladder of participation. Possibilities like these provided in article 17.6 for the possibility of setting up advise counsels. Although the experts do not fully agree with this statement:

“I think it is more of a marketing tool to sell the new act. In every letter about the new environment and planning act in the last 6 year it was said to solve the energy transition, the housing crisis and climate change.”

The raw data from the coding of the legal text of the new act together with the opinions of the experts on the level of citizen participation that the new act propagates. can be seen in figure 4. It can be said that that there is a disconnect between that which the law expressly states and that which was the intention of policy makers. The act itself states that nothing more than the lowest level of the ladder, informing, is necessary. While the act leaves options for participation up to level 5 to be implemented by municipalities. Municipalities can even introduce higher levels of participation, although this is not propagated by the law. It can then be concluded that the intention for the level of participation for the new environment and planning law is somewhere around level 2, consulting. On this level citizens participate in some discussions about planning and their environment, but their opinions are never binding.

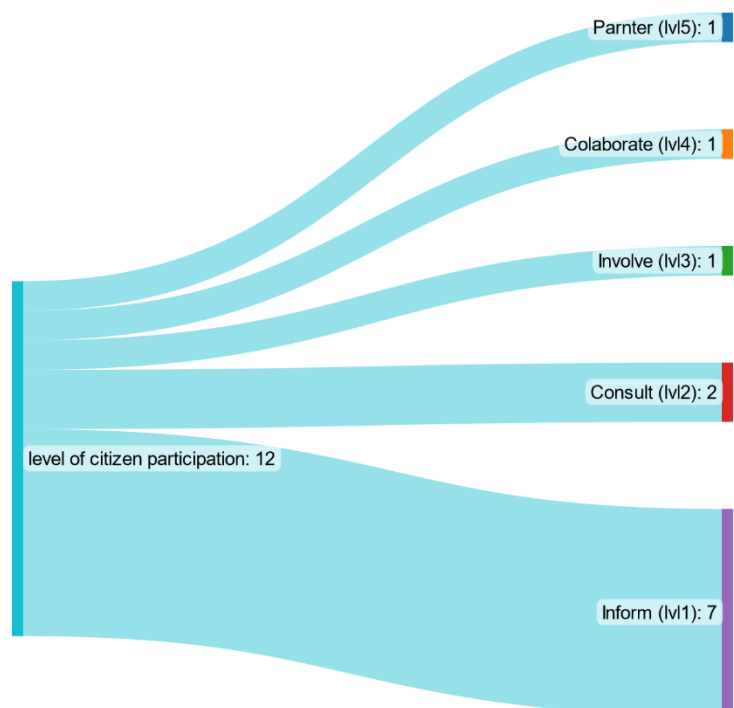


Figure 4 Swankey diagram for the coding for the intended level of citizen participation for environment and planning act.

4.2. The implementation of the new environment and planning act

The implementation of the new environment and planning act in the municipality of Enschede is already going on before the law is stated to go into effect. The municipality has already made a participation ordinance and is working on a policy regarding citizen participation. This policy will standardise citizen participation for the whole municipality, where before this was more ad hoc. This new policy has both elements of level 4 and 5 on the ladder. These levels are respectively called collaborate and partner. The new act is not the only reason for this level of participation but is part of a wider trend. The municipality has chosen to anticipate for these upcoming changes. The raw data of the coding can be found in figure 5.

It can then be concluded that a level of 4.5 on the ladder of extended citizen participation is the best qualification for the level of citizen participation with the implementation of the new act. On this level joint decision making becomes possible just as stakeholders being represented at the table in big projects.

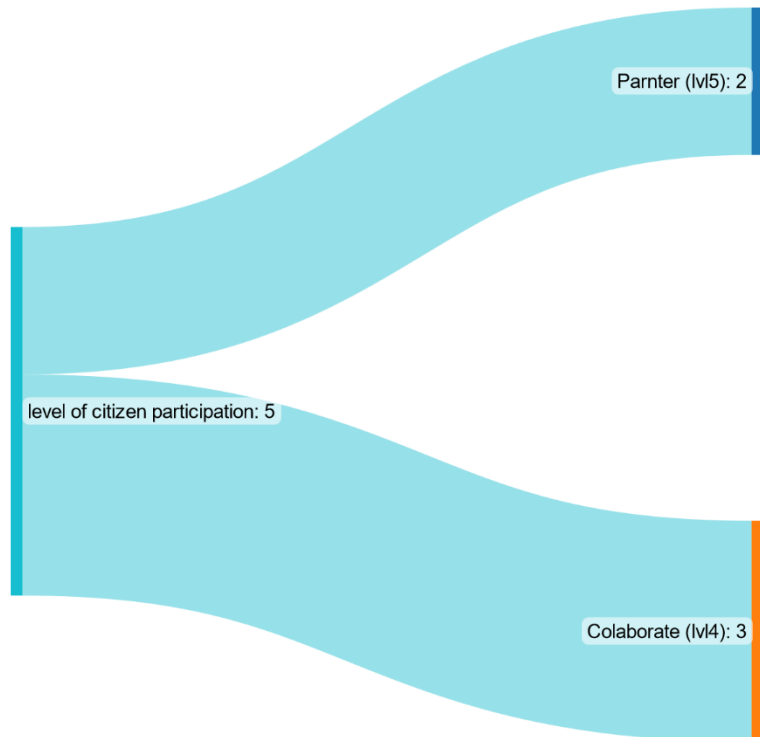


Figure 5 swankey diagram of the coding for the planned for level of citizen participation with the environment and planning act.

4.3. The intention and implementation gap

With the values of both the intention and the implementation of the new environment and planning act known statements about the gap can be formulated. With the intention having a value of level 2 and the planned implementation having a value of level 4.5 on the ladder of citizen participation, the gap is planned to be positive. There is no certainty that what is planned for will actually be implemented. But if this is the case we will be dealing with a positive gap.

4.4. Reasons for the planned positive gap

In the literature reasons are given for the existence of a negative gap, but not for a positive one. In the interviews 4 reasons could be identified for the existence of the positive gap. The first reason can be found in societal pressure. Pressure emanating from changing societal outlooks and trends.

“Citizens become more and more empowered and know how to find their way to government better and better.”

“It fits in the trend of lower trust in government, the municipality wants to do something about it.”

“It is an felt moral obligation to not look down from our ivory tower.”

“It is a search for us [how to deal with questions from citizens]”

The second reason is closely linked to the first one and is about political pressure. This is about pressure coming from (local) politicians to change the way policies are implemented.

“It is just not only swallowing that which the mayor and aldermen say and present”

“Politicians know way better who to ask, look at Omzicht in the second chamber.”

The third reason can be found in the fact that there are almost no hard requirements in the law. These requirements can stimulate implementing parties to do more than was originally intended.

“I don't think there are many hard requirements in the law”

“The new act stimulates....”

The fourth reason can be found in the culture of the implementing party. If the culture of the implementing culture is very innovative like in the case of the municipality of Enschede. While the new act says very little the municipality is already implementing many measures to assure citizen participation is well represented within policies and the daily workings of the organization.

“From within the municipality it was said we want the exact same [better bond with citizens].”

“You slowly see a shift in our organization culture”

“Newer generations more easily pick up the phone and talk to citizens”

The reasons for a positive gap that were found during the research project are nor mirrored for the reasons for a negative gap that were found in the literature. While the negative gap reasons were mostly caused by strategic misrepresentation and unclear problem ownership. The reasons for the positive gap are all ultimately caused by greater societal change. For instance, the influence it has on the culture of implementing parties. Even the absence of hard requirements can eventually lead back to societal change.

5. Conclusion and Discussion

5.1. Conclusion

There exists a gap between the intention and the implementation of the new environment and planning act for citizen participation. The nature of this gap is positive, this means that the implementation has gone further than was originally intended. There is a disconnect between the level of citizen participation that is mandatory and the citizen participation that is optional. The intention of the new act is citizen participation is on level 2: consulting. In the casus studied in this thesis, the municipality of Enschede, the implementation of citizen participation is higher than the intention of the new act. In the municipality of Enschede the implementation is on level 4.5, between collaborating and being a partner. Reasons for the existents of such a positive gap have not yet been described in the literature but have been identified in this study. These reasons are:

- Societal pressure: the pressure coming from societal outlooks and trends
- Political pressure: the pressure coming from (local) politicians
- No hard/low requirements: the absence or near absence of hard requirements in a policy.
- Culture of implementing party: the culture/ideas of the individuals working for the implementing party.

The results of this thesis can be seen in a wider context, namely the implementation of the new environment and planning act in other municipalities throughout the Netherlands. It stands to reason that the implementation of the new act will also produce positive gaps in other municipalities. There will most likely also be municipalities where a negative gap will exist. Reasons for this will be the absences of the reason listed in the last paragraph. Another way to look at the results of the thesis is through the lens of the entire Netherlands. It can be seen that the implementation strategy of the national government for lower governments is slowly changing, but this is something to answer in another study since the casus of Enschede is too small to say much about the entire Netherlands.

5.2. Discussion

The results of the research matched the hypothesis. The gap that was discovered was indeed positive in nature. The reasons for the existent of the positive gap were however not as expected before, they were not contractionary to the reasons for a negative gap. The existence of a positive gap can however be questioned, since the new environmental and planning act has not yet been introduced. When the new act is introduced, the implementation may be on a lower level than has been planned at the moment. Another limitation of the study can be found in the number of expert interviews that were conducted. There were only two experts within the municipality with the needed expert knowledge. Because of this the opinion of these experts can be overly represented in the thesis. For further research more research needs to be conducted in other municipalities. This to confirm or deny the suspicion that there is a positive intention- implementation gap at other municipalities in the Netherlands. Research should also be done to confirm the four reasons for a positive gap that were found are more universally applicable. This research can be combined with casus research into other municipalities but can also be conducted with research into the implementation of different policy. The existent of a positive gap is then a precondition of course. From the research a negative image of the new environmental and planning act came forward. The law is propagated to fix most spatial and environmental questions, yet almost nothing concrete or mandatory can be found in it. The question can then be asked: do we even need this new law? The answer to this question is most likely no. Everything that the new law propagates can already be done under existing laws. And with the endless delays and push backs it is only a question how long it takes for the new act to actually take effect. But at this point the act has become too big to fail, we are stuck with it. That is if it ever is implemented.

6. Bibliography

Allecijfers.nl, 2022. *Héél véél informatie over Enschede (update 2022!)*. [Online] Available at: <https://allecijfers.nl/gemeente/enschede/> [Accessed 4 mei 2022].

Arnstein, S., 1969. A ladder of citizen participation. *Journal of the American Institute of Planners*, pp. 216-224.

Bardach, E., 1977. *The implementation game: What happens after a bill becomes a law*, s.l.: s.n.

Berman, P., 1977. *Federal programs supporting educational change Vol. VII: Factors affecting implementation and continuation*, s.l.: s.n.

Boeve, M. & Groothuijse, F., 2019. Burgerparticipatie onder de Omgevingswet: niet omdat het moet, maar omdat het kan?!. *Recht der Werkelijkheid*, Issue 2.

Bruns, B., 2003. Water tenure reform: developing an extended ladder of participation. *Politics of the Commons: Articulating Development and Strengthening Local Practices*.

Bruns, B., 2003. Water tenure reform: developing an extended ladder of participation. *Politics of the Commons: Articulating Development and Strengthening Local Practices*.

Choguill, M. G., 1996. A Ladder of Community Participation for Underdeveloped Countries.. *Habitat International*, pp. 431-444.

Connor, D. D., 1988. A New Ladder of Citizen Participation.. *National Civic Review*, pp. 248-257.

De Koster, Y., 2022. *Eigentijdse participatie dwingender en breder (binnenlandsbestuur.nl)*. [Online] Available at: <https://www.binnenlandsbestuur.nl/bestuur-en-organisatie/aan-de-slag-met-participatieverordeningen> [Accessed 4 mei 2022].

deLeon, P. & deLeon, L., 2002. What Ever Happened to Policy Implementation? An Alternative Approach. *Journal of Public Administration Research and Theory*, pp. 467-492.

Derthick, M., 1970. *The influence of federal grants: Public assistance in Massachusetts*. 1 ed. Harvard: Harvard University Press.

Fagence, M., 1977. Citizen participation in planning . In: Hill Hall: Pergamon Press , pp. 20-50.

Flyvbjerg, B., 2008. Curbing Optimism Bias and Strategic Misrepresentation in Planning: Reference Class Forecasting in Practice. *European planning studies*, 16(1), pp. 3-21.

Flyvbjerg, B., 2011. Case Study. In: N. K. Denzin, ed. *The SAGE handbook of qualitative research*. London: SAGE publications , pp. 301-316.

Hjern, B. & Porter, D. O., 1983. Implementation structures: A new unit of administrative analysis. *Physica*, pp. 265-277.

Hudson, B., Hunter, D. & Peckham, S., 2019. Policy failure and the policy-implementation gap:. *Policy Design and Practice*, pp. 1-14.

Hughes, J. N., B. D., Kemenoff, S. & Hart, M., 1993. Problem Ownership, Causal Attributions, and Self-Efficacy as Predictors of Teachers' Referral Decisions. *Journal of Educational and Psychological Consultation*, 4(4), pp. 369-384.

Informatiepunt leefomgeving, 2022. *Participatie in de Omgevingswet*. [Online]
Available at: <https://iplo.nl/participatieomgevingswet/>
[Accessed 15 may 2022].

Kawulich & Barbara, B., 2017. Coding and Analyzing Qualitative Data. In: *The BERA/SAGE Handbook of Educational Research: Two Volume Set*. s.l.:SAGE Publications Ltd, pp. 769-790.

Kraft, M. E. & Scheberle, D., 1995. Environmental justice and the allocation of risk: the case of lead and public health. *Policy Studies Journal*, 23(1), pp. 113-122.

Lasswell, H. D., 1948. The structure and function of communication in society. *The structure and function of communication in society*, Issue 37, pp. 136-139.

Lipsky, M., 1984. ureaucratic disentanglement in social welfare programs. *Social Service Review* , 58(1), pp. 3-27.

Malek, J. A., Lim, S. & Tahir, Z., 2019. Understanding the issues of citizen participation. *Journal of Nusantara Studies*, pp. 1-22.

Maxwell, G. & Beattie, D. R., 2004. The Ethics of In-company Research:. *Journal of Business Ethics*, Issue 52, pp. 243-256.

Medelyan, A., 2022. *Coding Qualitative Data: How to Code Qualitative Research*. [Online]
Available at: <https://getthematic.com/insights/coding-qualitative-data/>
[Accessed 25 May 2022].

Newman, J., 2004. Constructing accountability: Network governance and managerial agency.. *Public Policy and Administration*, Issue 19, pp. 17-33.

Nilsen, P., Ståhl, C., Roback, K. & Cairney, P., 2013. Never the twain shall meet? - a comparison of implementation science and policy implementation research. *Implementation Science* , Issue 8, p. 63.

Pieter van den Brand, 2021. *Nog veel vraagtekens rond invoering Omgevingswet*. [Online]
Available at: <https://www.gemeente.nu/ruimte-milieu/omgevingswet/nog-veel-vraagtekens-rond-invoering-omgevingswet/>

Potapchuk, W. R., 1991. New Approaches to Citizen Participation: Building Consent.. *National Civic*, pp. 158-168.

Rijksoverheid, 2022. *Kabinet besluit tot nieuwe invoeringsdatum Omgevingswet 1 januari 2023*. [Online]
Available at:
<https://www.rijksoverheid.nl/onderwerpen/omgevingswet/nieuws/2022/02/24/kabinet-besluit-tot-nieuwe-invoeringsdatum-omgevingswet-1-januari-2023>
[Accessed 14 June 2022].

Rijksoverheid, 2022. *Nieuwe omgevingswet maakt omgevingsrecht eenvoudiger*. [Online]
Available at: <https://www.rijksoverheid.nl/onderwerpen/omgevingswet/vernieuwing->

omgevingsrecht

[Accessed 15 may 2022].

Roberts, N. c., 2008. The age of direct citizen participation. In: Oxon : Routledge , pp. 3-19.

Room, G., 2011. *Complexity, institutions and public policy: agile decision-making in a turbulent world*. Cheltenham: Edward Elgar Publishing Limited.

Sabatier, P. A., 1988. An advocacy coalition framework of policy change and the role of policy-oriented learning therein. *Policy sciences*, 21(2), pp. 129-168.

Schneider, A. & Ingram, H., 1993. Social construction of target populations: Implications for politics and policy. *American political science review*, 87(2), pp. 334-347.

Schweizer, R., Dupuis, J. & Buren de, G., 2013. *Innovative implementation" by non--state actors in environment--related areas: towards a "positive" implementation gap ?*. s.l., University of Grenoble.

Teddy, G., A Lembani, M., Hwabamungu, B. & Molosiwa, D., 2019. policy and implementation gap: a multi- country perspective. *International journal of advanced research*, pp. 678-704.

Thomann, E., Van Engen, N. & Tummers, L., 2018. The Necessity of Discretion: A Behavioral Evaluation of Bottom-Up Implementation Theory. *Journal of Public Administration Research and Theory*, 28(4), p. 583–601.

Yin, R. K., 2004. Middletown a study of modern american culture- preface. In: R. K. Yin, ed. *The case study anthology*. s.l.:SAGE Publication, p. 25.

7. Appendixes

Appendix 1: Interview guide

The interview has been divided into different themes; this is done to ensure that there is a clear structure throughout the interview. The interview will be conducted in Dutch, transcription and coding will be done in English.

Introduction

- Can you tell me what your function is within the municipality of Enschede?
- How is your function connected to the new environment and planning act?

Participation within the municipality

- What ways of participation exist with the municipality of Enschede?
 - Are alle of these open for any actor to join? Or are there different ways to participate for different actors?
 - What level of power/ how much influence do these ways of participating have?
 - Are there any ways of participating that are unique to Enschede?
 - Do any of these ways work better than others?

Influence of the new environment and planning act

- What does the law say about participation according to you?
 - Does it increase or decrease, do people get more or less influence?
 - Are there many strict requirements that stem from the law?
- How do the ways of participation change with the introduction of the new environment and planning act?
 - Do some ways get more open or more closed, can more or less actors partake?
 - Do some ways get more or less power/influence?
 - Are there ways of participating that become obsolete?
 - Are there new ways of participating that need to be added?
- Does the municipality of Enschede do more than is described in the law or does the municipality that what is written in the law and nothing more?

Conclusion

- Are there any more comments you would like to add?
- Are there any more persons within the organisation I should talk to within the municipality?

Appendix 2: Consent form

formation about the purpose(s), the data, and the data processing

This interview contributes to a bachelor thesis about the Policy intention - implementation gap in the Environment and Planning Act for citizen participation. The interview will be used for qualitative analysis about the implementation of the new environment and planning act. The interview will be recorded by use of an audio recording device. After the analysis the audio recording of the interview will be destroyed.

The rights of the participants

Final results that are used can be shared via e-mail when the bachelor thesis has been graded. Participants can withdraw from the project at any time without prejudice, now or in the future.

Information on the person that will have access to the data

Persons that have access to the data:

- Interviewer, author of the thesis: Niels Haveman
- Supervisors: dr. Tim Busscher, Assistant Professor Infrastructure Planning, Faculty of Spatial Sciences

Contact details

For further information please contact Niels Haveman: n.w.haveman@student.rug.nl

Please check the box if you agree

- I agree with my real name being used in the report
If not, I agree to the pseudonym: _____
- I agree the interview is recorded
- I agree with the interviewers using the acquired data at the end of the research project.
- I understand that I can withdraw at any time without giving a reason.
- I read and understood the information about the research project and the purpose of the data processing.
- I have the opportunity to ask questions.
- I voluntarily agree to participate in the interview.
- I have been informed about my rights for this interview.

Respondent

Name:

Date:

Signature:

Interviewer

Name:

Date:

Signature:

Appendix 3: relevant passages from the environment and planning act

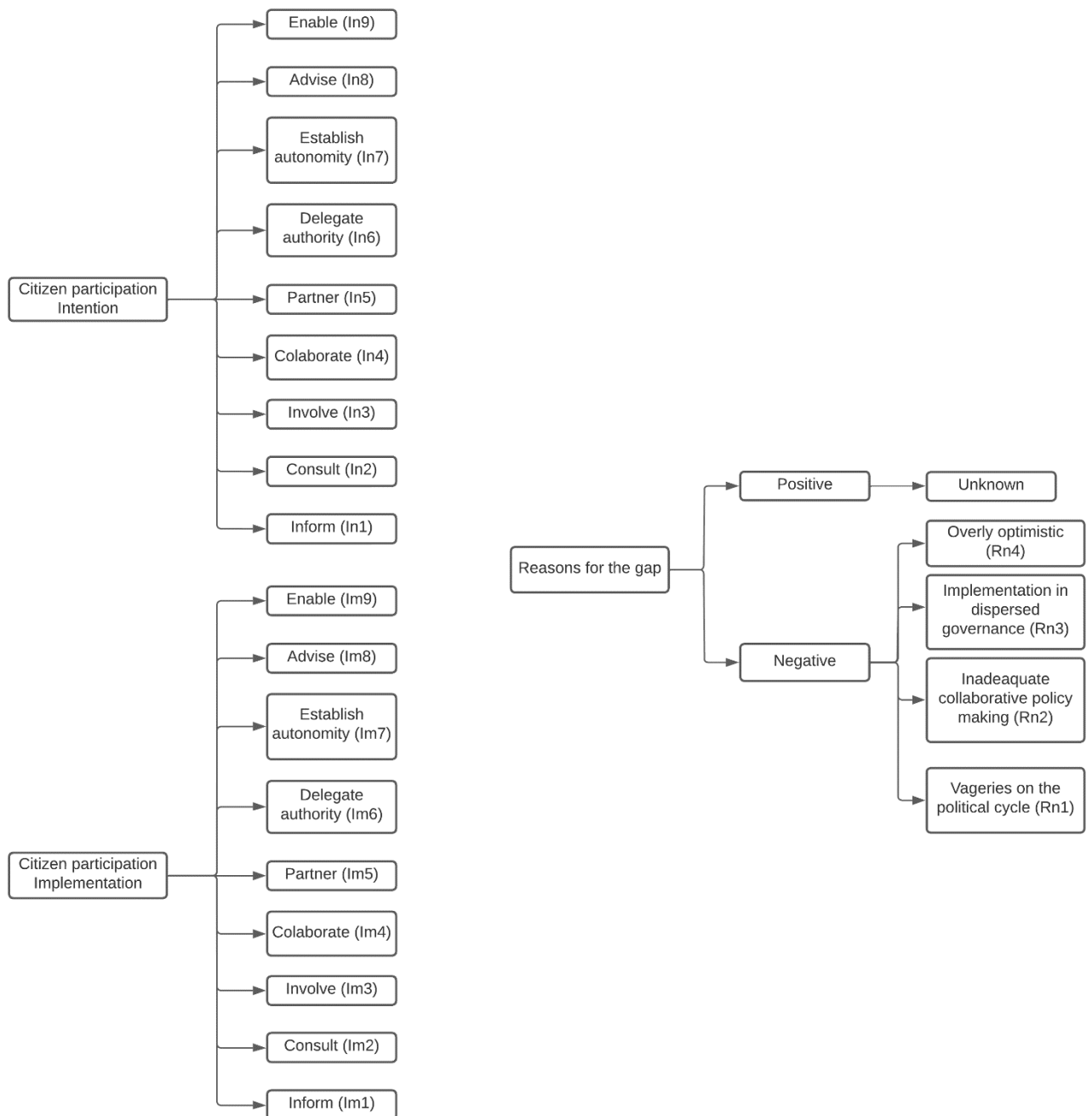
Environment and planning act

Article	Relevance
5.37	Delegates the duty of care to make sure everyone respects the environmental license from the local authority to the permit holder. This is a form of power delegation (if only a soft one, the permit holder can not enforce the permit).
5.47	Only section 3 and 4, talks about the obligation of the municipality (or other authority) to enable any actor or citizen to give views about new projects.
16.23	Talks about the fact that views on different topics and projects can be brought forward by anyone that has some sort of interest in a project.
17.6	Allows for the creation of advice boards or other advice organisations. Enables a potential form of power delegation, although this is not mandatory.
20.8	Talks about the need to inform the public and other actors in the environment about projects and policy. Enables citizens to stand up for participation because they are better informed.

Environmental decree

Article	Relevance
10	Has different practical terms and instructions for articles 5.47 and 16.23 of the environment and planning act. Not much beyond terms and some vague instructions are mentioned about citizen participation.

Appendix 4: Deductive code tree



Appendix 5: Complete code tree

