

Social Impact Assessment: A look at the coal power plant in the Eemshaven



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Picture front page: Venema, J. RWE coal power plant in the Eemshaven, 17 April 2013.

Summary

In 2006 the RWE energy company from Europe initiated a plan to build a coal power plant in the Eemshaven. The Eemshaven is located in the province of Groningen which is in the north of the Netherlands. This region got faced with various energy plans like windmill parks and energy power plants in the last decade. Advertisements and representations was initiated as well to praise the region as the 'Energy Valley'. The discovery of a big gas supply beneath Groningen soil was in 1959 which marked the as an energy region.

In 2005, the national government in The Hague wanted to increase the energy production to prevent costly electricity import. Therefore, the German RWE energy company planned and proposed a coal power plant and decided very quickly to use the Eemshaven in Groningen as ideal location. Sea accessibility and the amount of vacant land were crucial for this decision. Since then the RWE started preparation work to request the needed permits. Despite the approximate enthusiasm from Groningen, protests and objections were coming through from environmental organisations, companies and people who reacted negatively against this coal power plant. Neighbouring villages like Oudeschip, environmental organisations and neighbouring German isles were the main opposing force. What came next was a long juridical process with several law suits which challenged the already approved permits. As a result, the approved permits got reassessed by court and the Court of Appeal (Raad van State). Remarkably, Greenpeace and other opposing parties succeeded in their challenge in which the Court of Appeal reversed one of the permits. To conclude, the syrupy planning process which got followed by the authorities and RWE faced high juridical costs and major delays to complete the coal power plant in which the last permit is still in dispute. In addition to the RWE coal power plant there are more cases in the Netherlands in the energy sector which faces the same problems of objections and protests

Social impact assessment (SIA) could have provided a better alternative process than the process that was used. SIA is in general relevant for project interventions from a normative and a business perspective, because of (1) preventing risks in conflict-sensitive interventions and additional risks; (2) sustainable development and community empowerment which underpins the various principles and guidelines from Social impact assessment and the main definition of social sustainability. The thesis explained why social impacts are important to consider and why people are attached to places and make them oppose. As a result another approach got described to involve all the stakeholders in advance which could be an answer on the additional risks. Instead of the RWE approach through Dutch regulation and mandatory formal participation through letter correspondence, does SIA involve the public in advance, through stakeholder analysis, SIA, negotiation and mediation and finally to gain the Social license to operate for the proposed project.

To conclude, this thesis explains the relevancy of social impact assessment in the RWE case which gives a better understanding of the Dutch regulated Environmental impact assessment (EIA) process and project approval in the Netherlands. Social impact assessment provide new insights on handling in conflict-sensitive projects. Its relevancy and importance of SIA is explained in connection with the RWE case. The main thoughts and theoretical ideas from the

literature are used to build a new model which explains another SIA alternative planning process towards the RWE case. The alternative got tested by its sustainability measures and it turns out that the SIA perspective do provide a better alternative than the used approach from RWE. The new approach strives for less conflicts and a better sustainable biophysical, social and economic environment in major energy interventions in the Netherlands.

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Preface

My interest in social science started to grow along with my graduation of the bachelor Human Geography in 2012. This was the study I wanted to do because of my unlimited interests in geography. However, social science and planning intrigued me as well because of the wider horizontal view in dealing with planning issues. Actually it addresses to a more abstract concept, namely the way of how we live together on this planet. Planning is all about facing values, norms that got represented in opinions and politics and are connected with culture and our understanding of nature. What surprised me the most is the importance of political and social issues which actually determines the most decisions and planning issues instead of rational objective thought. Cases like these express the power game and zero-sum game in which relations, power and persuading is more determined than the actual facts.

In February, 2012 I followed the course Social Impact Assessment (SIA) given by prof. F. Vanclay and got triggered by the importance of its use in planned intervention. For this course I decided to write an essay about the coal power plant of RWE in the Eemshaven. My interest went especially to this topic because it is alive and a current case. The essay gave an overview of the main problems during the plan of the coal plant and reported the main process of this particular plan. Like stakeholders, the acquired permits, the used planning process and impact assessments which all had been described in the essay. However, the most important step was to describe a real SIA solution and how this might work in the Eemshaven. The essay gave a limited analysis and was not an alternative to this controversial plan in the Eemshaven. This master thesis is going to research an alternative with the aid of SIA theory and this case analysis. Together with planning theory, law and practice from the Netherlands does this provide a new approach to certain cases in the energy sector. In the Netherlands and other countries is there already a growing attention on the social, public involvement and participation. Like in *Kenniscentrum* at the national government ministry of infrastructure and the environment. Despite these efforts and growing importance are lot of approaches of various energy projects still juridical and regulatory which only obtained the mandatory process of requesting permits.

Writing the thesis about a controversial subject like the RWE coal power plant was for me very difficult to do. First, it was my first time to write a thesis in English. Second, the subject knows many causes and interconnections and involved individuals, groups, governments and stakeholders in which this case became very complex. Nevertheless, I wrote about this subject and I hope I gave a clear overview of these complexities which are, in my opinion, always at present in any case.

Before you start to read this thesis I would like to thank all my teachers from start on at primary school till high school and university. I did geography teaching for half a year and since then more and more I admire their passion and energy for sharing their knowledge to anyone. Without them I cannot imagine how I was even able to write this thesis. Last but not least I would like to thank my supervisor Frank Vanclay for the crucial moments when I needed so.

Chapter 1. Introduction

1.1 Reason of this master thesis

The first motive of this master thesis is the project of a new coal power plant at a port in the north of the Netherlands named "Eemshaven" (Eems port) which causes major objections from Non-governmental organisations (NGOs), stakeholders and diverse communities. The company RWE AG, with its headquarters in Essen, Germany, is a big energy producer in Europe and planned a new coal fired power plant in the Netherlands because of the necessity of new alternative power resources in this country in which most of the power is generated by natural gas. However, the discussion about its necessity is still in dispute due to more climate neutral alternatives. Just like this case are there more to find in the Netherlands which can be considered as 'contentious' and undergo major delays and juridical costs. Delays and additional costs are often, not always, considered as self-evident: 'It is self-evident that the planned impacts will always be there; negative or positive, and the affected people will always stand against such intervention'. The following question arises: is a conflict really something to take for granted? Is it self-evident that any intervention knows major opponents and resistance? In this sense, objections and opponents are explained as somehow unavoidable and as an unpleasant circumstance caused by a planned intervention. "Project developers and other parties involved in such developments often react surprised, and sometimes annoyed, impatient and dejected when faced with opposition against their projects" (Wolsink, 2000: 50). So is it really that simple to consider this as something unavoidable? In planning and infrastructure planning there are already some new attempts to avoid major juridical procedures, however the Dutch regulation and practice of project approvals explains otherwise.

This study tries to provide a new approach and explanation from Social impact assessment in Dutch planning interventions in the energy sector. The case of RWE is at the centre of this study and looks at the deeper cause of these repeating oppositions and protests in general. Objections and oppositions exist in infrastructure, housing, water management and urban planning. Cases in which the energy sector faced opposition and conflicts are for example, a windmill farm at Urk and in Drenthe; 'Drentse monden', gas drillings in Groningen and the Wadden Sea, nuclear power plant proposals and off shore oil/gas drilling have all found difficulties in implementation because of protests from the surrounding communities and environmental organisations. Social impact assessment as a discipline tries to involve the community in the decision-making in conflict-sensitive projects and tries to manage the social issues of a planned intervention.

1.2 Scientific relevance

In the last decade the growing attention on public participation and consultation is visible. By getting the approval and agreement from the people there is a lesser chance of major protests and delays. Commission Elverding (2008) for example was installed to research on another

approach towards infrastructure planning in which planning should be more efficient with less law suits and juridical procedures and implies a better and earlier participation in the planning process. On the other hand, the Dutch system featured a very regulated process of assessing projects, programs or policies. Therefore there is limited space to act beyond the regulation on major objections and juridical delays in which there is less practice of extensive participation and community values. The RWE case is one of the example in which the regulatory juridical process is still the most followed approach.

Social impact assessment (SIA) as a discipline supports participation as well. Social impact assessment is about monitoring, scoping and analysing the social impacts of a planned intervention. As a matter of fact, SIA could possibly helpful in this kind of conflict-sensitive situations to avoid major objections and juridical delays which are very common in the Netherlands. The contemporary SIA discourse shows another perspective to the Dutch system and wherein the local harm and resistance from planned interventions can be handled through a different way. SIA has a formal normative, ethical idea of defining the right practice of assessing impacts. For example, SIA is inspired to follow the Social licence to operate (SLO), Universal Declaration of the Human Rights, Earth Charter, industrial standards and sustainable development principles which all aim for a brighter sustainable future and benefits for everyone.

1.2.1. Discourses

The used literature for this master thesis comes from different discourses: Planning theory, SIA and sustainable development. From these discourses it became clear that there is a new theory and practice needed to see the interconnections of economic, social and ecological dimensions. Most of the assessed impacts before the realisation process are environmental and not social at all. As well in Planning theory has been a growing attention for a more participated and fair planning process and project approval. Remarkably, since the communicative way of thinking from Jürgen Habermas, this has not changed the perception of planning in the Netherlands at all. Boelens (2010) explained that the Netherlands still know a very modern approach of planning in which the government plays still an important regulated role.

As Rapoport (1970: 95) mentioned: "Since the future of the environment to a great extent depends on an informed public this is a most important consequence of a broader approach to the problem of all aspects of environmental quality".

In theory and from these different disciplines it becomes clear that there is a need for a new approach to manage the new problems in which a modern way of thinking is not sufficient. As explained, this thesis tries to find it from the contemporary discourse of Social impact assessment (SIA). However, it is also important to consider the Dutch context of planning which has a considerable influence in Dutch planning by policies and regulations. On the other hand, Planning theory itself as a discipline has its base in planning over the world. An ongoing discussion in the planning theory is the public interest; what it is, how to define the public interest and should planners serve this interest? (Fainstein & Campbell, 2012). A latest trend in the planning theory is the emphasis of the 'just city' and 'just planning' including the rights of the minorities. Over different literatures the conflict between the 3 main dimensions are relevant

and maybe timeless: (1) social justice, the community or the social; (2) the environment and (3) the economy (Campbell, 2012; Affolderbach, 2011; Holling, 2000). Planners, sociologists, biologists and probably SIA practitioners always work on the boundaries between these 3 dimensions which represent the potential conflict that can emerge. This explains the RWE case and its background better as a clash of economic, ecological and social interests.

SIA and its discourse have become more important than ever by its underpinning of different rights and principles. The *Zeitgeist* or spirit of time in all different disciplines in planning and above all society incline to a more collaborative, cooperative way of thinking which make it more useful to research SIA and its possible implementation in the Netherlands.

1.3 Case study of RWE coal power plant

The case in this study is located in the north of the Netherlands next to the Wadden Sea. In 2006 the planning project start of the RWE coal power plant in the Eemshaven. The Eemshaven was built in 1973 and became known for its vacant lots and got labelled as a 'failed experiment'. The port did not flourish in the growing economy in the last 50 years. The region surrounding the Eemshaven has its major employment in agriculture and chemical industries at the Delfzijl port and Hoogezand. In general, the region is economical weaker than other parts of the country, considering the unemployment rate, house prices and land prices. Surprisingly enough, in the last 10 years the Eemshaven became a booming and attractive place for energy producers and industries like Google, RWE, Nuon, Advanced Power, VOPAK and other big energy companies for data storage, producing or storage of natural gas and coal. Major advantages is the port's accessibility for big vessels from the North Sea which are needed for coal transport.

The national Dutch government headed by prime-minister Balkenende from 2002 till 2010 negotiated with several energy producers throughout Europe. The Netherlands have built up a shortage of electricity and the import of electricity grew year by year. Besides, the electricity production was too dependent on gas. As a result, the Dutch government contacted with several energy producers like RWE to plan new power plants fuelled by coal. Possible locations were Rotterdam or the Eemshaven. RWE was interested and decided to build a coal power plant in the Eemshaven because of its suitability for the designed power plant.

RWE started to plan the coal power plant in 2006 and estimated an total investment of 2.5 billion Euro. At first sight it seemed like a jackpot for the area of Groningen. Local governments reacted with moderate enthusiasm about this plan. As following RWE requested the needed permits from the Dutch authorities: the province, the national ministry in the Hague and the local municipality. Initially, there was no negotiation or involvement of other parties. Only the regulatory process demanded some participation measures and gatherings. However, soon major problems were coming through during the permit process. Several juridical objections from Greenpeace, communities and others made this plan a big juridical challenge.

The major important permits were acquired in Dutch regulation and the right for objection from different stakeholders were immediately used. The main stakeholders that got involved were different ENGO's (environmental non-government organisations) including Greenpeace, private

individuals and the German municipalities, like the island Borkum. Most of the procedures for the permits went immediately to the *Raad van State* (Court of State) which is the formal Dutch Court of Appeal. As a result, these delays to the permit process caused far higher juridical costs than estimated. The circumstances made this plan controversial and the necessity of the RWE became disputable.

Major concerns were the CO₂ deposit the pollution of sulphur and nitrogen and the location next to the protected Nature area; the Wadden Sea. To finish the story off; the head of the provincial government of Groningen, commissioner Max van den Berg said the following about the power plant: "If I would decide today about the coal power plant, I would not have done that" (Rtvnoord report, 2012).

1.4 Aim and research question

This thesis uses and represents this case of RWE as a representation to other examples in the energy sector from the Netherlands. The main goal is to provide more insights and information to conflict-sensitive projects in the energy sector and if Social impact assessment (SIA) do provide a useful and better alternative. This study analyses the RWE case and the relevant literature from Dutch planning, Planning theory and Social impact assessment. Together it provides ideas and information about the concept of place attachment, social impact assessment, Dutch planning and regulation and public participation.

The goals is to provide a better alternative to the process that was used for the development of the RWE coal power plant substantiated by the SIA literature, Planning theory and the experience of the RWE case.

For this master thesis the main question of research will be the following:

- *Does the discourse of contemporary Social Impact Assessment provide a better alternative to the process that was used for the development of the RWE coal plant in the Eemshaven.*
- *And to what extent could contemporary SIA inform planning in the Netherlands in the energy sector (in theory, Dutch law and practice)?*

This research question contains 2 parts. First the analysis of SIA involving the RWE coal power plant and then the involvement of SIA in Dutch planning. The research question can be divided over 6 sub questions. The first sub question is about what contemporary SIA is; in its ideas, thoughts, process and background. Second, the used approach supported by Dutch regulations is explained. Then third, the causes of the conflict from oppositions and the deeper root causes are explained considering its project approval regulations and the Dutch EIA process. This part of the research contains the 'what' questions and got mainly discussed in the literature review:

1. What is SIA?
2. What is the used approach from the RWE case?
3. What are the causes of the RWE conflict?

The other sub questions are going a step further and are 'why' and 'how' questions which aims for a result and concluding answer and contains parts of the main research question and conclusion. These are the final questions that are answered in the conclusion.

4. Why is SIA important?
5. How could SIA handle the RWE conflict?
6. How could SIA inform Dutch planning?

1.5 Methodology

This thesis consider different scholarly discourses, among others, SIA, Planning theory and Dutch regulation of project approval to provide an answer on the main research question.

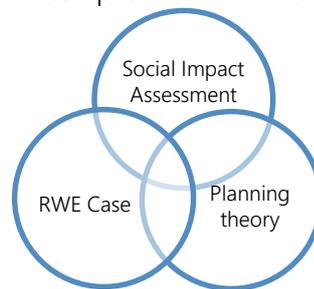


Figure 1.1 Topic map: a conflation of different backgrounds.

The main research will be a literature research of the relevant theories to seek relationships or connection between the different discourses (Figure 1.1). In addition, interviews are done with different players and experts about the RWE case and Dutch planning. These depth-interviews provide a better understanding about the used process and the impact assessment measures in general.

This research aim to review and analyse the legislative Dutch process using in conflict-sensitive cases and provides another approach to these cases from the Social impact assessment (SIA) discourse. The literature analysis and some interviews shows how the key findings could be explained and interpreted. The methodology for this research has been as follows:

- (1) Scoping the literature to provide a literature review: in this thesis the main literature of SIA were analysed (chapter 2). From this the main Dutch relevant literature on Environmental impact assessment and planned intervention was analysed as well (paragraph 3.3). In addition, the literature of Planning theory got explained and how this is connected to SIA. Main sources were articles, scholars and journals from these discourses.

The literature analysis explains what social impacts are and how an impact could take place. Concepts like place attachment, feelings among the project and experiences make people feeling involved or not.

- (2) The MER process in the Netherlands is explained and shows the letter correspondence of the formal participation and the juridical procedure in which all suggestions and ideas did not took part of the consultation. In the RWE case the consultation was only meant

to inform or to announce the coming projects in the Eemshaven. Documents from the province and Commission MER were very useful to analyse these issues.

Contemporary planning theory and SIA do show important similarities in which both are taking the same perception of the communicative turn. Wherein communication and the dialogue of a subjective rationality (agreement) become more important than the objective rationality. Literature from the Planning theory supports the understanding of the SIA and Planning philosophical and scientific backgrounds.

- (3) The case study. The RWE case got explained and analysed. The RWE approach including its environmental impacts, MER environmental impact assessment, involved stakeholders and parties got described. Documents, reports, judgements, letter correspondence and permit declarations were, among others, from the government like the province of Groningen, local newspapers and Commission MER.
- (4) In addition to the literature research are the depth-interviews which involved the following individuals. These persons were interviewed about the RWE coal power plant and how the permit process and MER mandatory regulation were followed during this process. Conversations were about the Eemshaven, the consultations and the entire process. One professor of infrastructure planning gave a more wide view of how the MER regulation works in the Netherlands. The 2 anonymous interviewees were considered as the community leader in which they played an important community role in the RWE, Nuon and other activities.
 - Mr. Harm Post, director of Groningen Seaports since 2001, responsible of the exploitation of the two ports Eemshaven and Delfzijl. He was involved with the proposed plans, among others of Vopak, Nuon and RWE. Groningen Seaports counselled these companies during their permit process.
 - Mr. Erik de Waal, studied environmentalism or ecologies, works now at an environmental movement, 'Natuur & Milieu Federatie Groningen' [Nature & Environment Federation], and was involved in the negotiations with Vopak and RWE.
 - Professor, specialised in environmental and infrastructure planning, Dutch 'm.e.r.' and/or environmental impact assessment.
 - Mrs. Anonymous, she lives in Oudeschip and would like to stay nameless.
 - Mr. Anonymous, he lives in Oudeschip as well and would like to stay nameless.

The emphasis lays on the interfaces between them and shows a meta-analytical approach where different researches and backgrounds comes together. The sub questions as mentioned in paragraph 1.4 gives the main idea of the research.

1.6 Research diagram

Title	Social Impact Assessment: A look at the coal power plant in the Eemshaven.					
Reason of research	The controversies of the RWE case which show problems and protests from several stakeholders like communities or environmental organisations. Just like this case are there more to find in the Netherlands which can be considered as 'contentious' and undergo major delays and juridical costs.					
Research objective	This study tries to provide a new approach and explanation from Social impact assessment in Dutch planning interventions in the energy sector. The case of RWE is at the centre of this study and looks at the deeper cause of these repeating oppositions and protests in general. The main goal is to provide more insights and information to conflict-sensitive projects in the energy sector and if Social impact assessment (SIA) do provide a useful and better alternative. This study analyses the RWE case and the relevant literature from Dutch planning, Planning theory and Social impact assessment.					
Relevance of research	As well in Planning theory has been a growing attention for a more participated and fair planning process and project approval. Remarkably, since the communicative way of thinking from Jürgen Habermas, this has not changed the perception of planning in the Netherlands at all. To research the possibilities of SIA in the Eemshaven could provide a new alternative towards impact assessment in the Netherlands.					
Main question	<ul style="list-style-type: none"> • <i>Does the discourse of contemporary Social Impact Assessment provide a better alternative to the process that was used for the development of the RWE coal plant in the Eemshaven.</i> • <i>And to what extent could contemporary SIA inform planning in the Netherlands in the energy sector (in theory, Dutch law and practice)?</i> 					
	WHAT QUESTIONS			WHY and HOW QUESTIONS		
Sub questions	What is SIA?	What is the used approach from the RWE case?	What are the causes of the RWE conflict?	Why is SIA important?	How could SIA handle the RWE conflict?	How could SIA inform Dutch planning?
Aims	To explain what SIA is as a discipline, method and tool.	To explore the used approach of the RWE case.	To explain how it caused the observed effects and problems.	To explain SIA's relevance in general and for this case.	To explore the use of SIA in a Dutch context.	To explore the way of how SIA could improve project approvals in the Netherlands.
Methods	Literature reviews.	Literature: documents, newspapers and depth-interviews.	Literature: documents, newspapers and depth-interviews.	Literature reviews and depth-interviews.	Literature review, documents, newspapers and depth-interviews.	Literature review and depth-interviews.
Findings Conclusion	<ul style="list-style-type: none"> • Analysis of the RWE case and an SIA perspective (chapter 5). • Answering the 'why' and 'how' questions and the research question (chapter 6). 					

Table 1.2 The research diagram

1.7 Reading guide

The master thesis is developed as following. The second chapter is about the SIA discourse which elaborates on the important issues and theories about SIA and why this is relevant in general and for planning in the Netherlands. In addition, does this part formulate an SIA framework or model to guide you in an SIA process in practice. The last part of this chapter formulates the core issues of the RWE case.

Chapter 3 elaborates on the important relevant issues from planning theory. In addition, the Dutch planning system is explained that does appear in the RWE case in the Eemshaven. It highlights also its major connection with the SIA contemporary discourse which both shows the influences of the Communicative turn. The end of this chapter conflates the different ideas, theories and thought from SIA, planning theory, Dutch planning. As a result some major similarities can be found between SIA and planning theory. Finally, the used EIA process in the Netherlands as a form of planning approval shows its limits.

Chapter 4 describes the RWE case. Most importantly, it highlights its connection with involved actors and governments. As a result some conclusion can be seen from the used permit process which shows the main omission within the process of RWE project.

Chapter 5 is a results and discussion chapter. This chapter describe some interviews that has been done for this research; it contains different interviews with some key players of the RWE process and explains the main outcome of a Dutch government-led regulated approach. The outlined literature and interview results are discussed in which major points are reconsidered. Different ideas and thoughts concerning SIA and its interpretation are discussed In addition, the Dutch law has an active part in the Dutch planning and the assessment of impacts which got linked to this study as well.

Chapter 6 summaries the key conclusions that can be found from this research. Its major research question and sub questions will be mentioned with some important points to consider.

Chapter 2. Social impact assessment

This chapter specifies the theories of SIA and planning. The main aim of this chapter is to elaborate on the relevancy and main important theories that could be involve in the RWE case. Important to consider in this chapter is, among others, where does SIA come from and what is the reason to implement SIA? In addition provides this chapter the main contemporary ideas of SIA in theory and practice. SIA has known a major shift towards a more holistic meaning of social impact assessment instead of just the literally meaning of assessing the social impacts.

2.1 Social Impact Assessment

In short, Social Impact Assessment (SIA) is the process of analysing, monitoring and managing the social issues associated with planned interventions (Esteves *et al.*, 2012; Vanclay, 2003b). SIA came into being with the National Environmental Policy Act (NEPA) in the USA in 1969. The definition of SIA has been changed several times since. Its main change was the shift from a regulatory context to a deliberative and holistic context. SIA used to be only part of regulatory context, environmental impact assessment (EIA) in the traditional discourse of SIA to fulfil the legislative requirements. A lot of new ideas of society popped up in the 60s and 70s and also SIA can be called a product in a time of social changes and new ideas of the environment and justice. In the 90s, there was a greater demand to internationalise SIA without the regulation from the USA that prescribed the best SIA practice in *Guidelines and principles for social impact assessment* in 1994 (Esteves, *et al.*, 2012). The question of how SIA could be relevant without the regulation was the main challenge for its new approach in the 90s. SIA is not only a tool as the assessment of impacts, but it is a “field of research and practice, a discourse, paradigm, or sub discipline in its own right” Esteves, *et al.*, 2012: 35). SIA could be seen as a discipline like planning in which both has the origin from social science and knows connection with philosophical discussions (Esteves *et al.*, 2012; De Roo & Voogd, 2007).

Box 2.1 The core values of SIA

These core values create a base for the fundamental principles and specific principles of SIA. The core values sets a base for SIA practitioners.

The SIA community of practice believes that:

1. There are fundamental human rights that are shared equally across cultures, and by males and females alike.
2. There is a right to have those fundamental human rights protected by the rule of law, with justice applied equally and fairly to all, and available to all.
3. People have a right to live and work in an environment which is conducive to good health and to a good quality of life and which enables the development of human and social potential.
4. Social dimensions of the environment – specifically but not exclusively peace, the quality of social relationships, freedom from fear, and belongingness – are important aspects of people’s health and quality of life.
5. People have a right to be involved in the decision making about the planned interventions that will affect their lives.
6. Local knowledge and experience are valuable and can be used to enhance planned interventions.

Adapted from Vanclay (2003b, p. 9)

2.1.1 Shift to contemporary SIA

Initially SIA was seen as a tool for predicting social impacts, within or as part of an environmental impact assessment (EIA) (Esteves, *et al.*, 2012). Therefore, the first SIA definitions “tended to be inherently linked to a regulatory context” (Vanclay, 2003a, p.1). From its origin, SIA stands was predicting the social impacts within the environmental impact assessment (EIA) (Esteves, *et al.*, 2012). Vanclay (2003a) referred to the SIA definition of the Interorganisational Committee on Guidelines and Principles for SIA in 1994 as an indicator of the formal regulatory discourse of SIA. In 1995 Burdge and Vanclay considered the following definition:

“Social impact assessment can be defined as the process of assessing or estimating, in advance, the social consequences that are likely to follow from specific policy actions or project development, particularly in the context of appropriate national, state or provincial environmental policy legislation” (Burdge and Vanclay, 1995, p.32; Vanclay, 2003a, p.1).

This proponent-led process of SIA was to meet only the regulatory requirements and as a predictive measure (Nish & Bice, 2011; Vanclay & Esteves, 2011). This is also very common with the Dutch system. Vanclay considered a more holistic approach to SIA and that SIA could also be a communicative-led process by assisting the affected communities and give them the opportunity and understanding of the proposed intervention (Vanclay & Esteves, 2011).

Among others, Finsterbusch (1985) shaped SIA in the 80s to say that impact assessment was and is partly a policy research. SIA was situated before the real implementation of an intervention and after the devise of an intervention. Like Vanclay’s (2003b) proposition; the main SIA was within a regulatory context or EIA. This article from Finsterbusch (1985) endorsed this statement saying that its main impact assessment is comparing alternatives policies or programs, mainly regulatory in the traditional definition. The definition of SIA from Franks (2012) emphasises the iterative process which implicit an SIA process or framework: “SIA is focused on how to identify, avoid, mitigate and enhance outcomes for communities and is most effective as an iterative process across the life cycle of developments, rather than a one-off activity at the outset of mining” (Franks, 2012: 6).

Finally, Vanclay (2012: 150; 2003b) defined SIA as “the processes of analysing, monitoring and managing the intended and unintended social consequences, both positive and negative of planned interventions”. Planned intervention is a very common word referring to projects or plans as a construction, implementation or operation; “policies such as the planned implementation of new biodiversity policy of habitat directive, plans such as to increase tourism in a region and programs which might be the implementation of a policy or plan” (Vanclay, 2012: 150). In the Netherlands are regional structure visions and zoning very common in practice and regulated in the Dutch legislation which by itself can be considered as planned interventions. This study aims to look at planned interventions as specific energy projects in the Netherlands like the wind farm in Urk and the coal power plant in the Eemshaven.

2.1.2 The International Principles of Social Impact Assessment: a new definition

The old definition shows not the relevancy of SIA but only what SIA contains. In 2002 Vanclay concluded that SIA practitioners emphasised democracy and development, such as the universal human rights and the right to have those fundamental human rights. So in 2003 the International Principles of Social Impact Assessment was the next holistic step of this new definition. These principles are part of the paradigm of SIA and throughout the SIA discipline there is “a strong view that there is a professional value system that an SIA practitioner should uphold” (Vanclay, 2003a, p.3). There was a need to internationalise SIA and how it could be embedded in a context without the regulation in a developing world (Vanclay, 2003b). The International Principles of Social Impact Assessment provide a standard for SIA in an international context. The International Association of Impact Assessment (IAIA) assisted the project as well (Vanclay 2003b; IAIA, 2009). The IAIA “endorsed the international principles as being its official understanding of what SIA should be about” (IAIA, 2009), and these principles formed the official foundation of the contemporary SIA, as shown in box 1.1. This holistic approach and the international principles including the universal human rights became a new dimension to the purpose of SIA. The new definition became thus as following:

“SIA is the process of analysing (predicting, evaluating, and reflecting) and managing the intended and unintended social consequences on the human environment of planned interventions (policies, programs, plans, projects) and any social change processes invoked by those interventions so as to bring about a more sustainable and equitable biophysical and human environment” (Vanclay, 2003a: 2).

SIA’s contemporary definition and its practice extended in several ways. First, internationality; SIA has become more involved in developing countries. Second, SIA’s values considering the international principles and especially the human rights (Vanclay, 2003b; Kemp & Vanclay, 2013). Also the consideration and definition of social impacts has been more advanced in which social impacts can be human impacts, community impacts, heritage impacts and psychological. All impacts which change the way of life can be conceptualised as a social impact (Vanclay, 2003a; Armour, 1990). Third, and more important it extended from a regulatory context of predicting impacts to “the process of managing the social aspects of sustainability”(Vanclay & Esteves, 2011: 3). By the internationalisation of SIA and the change to a more communicative-led process, it meant that SIA should benefit all stakeholders by a planned intervention. It is more important to research the benefits of SIA for the communities, government and the private sector instead the regulatory agencies only (Vanclay & Esteves, 2011). It could be said that the new definition is a more abstract definition, but the combination with the principles of SIA provide an advance of SIA and its contribution in development and community development. SIA has become a methodological approach or framework to achieve sustainable development in which SIA practitioners could provide better projects for development together with the private sector, regional agencies and communities (Esteves, *et al.*, 2012).

"Like all such fields, it has established theoretical understandings and methodologies, case study experience, and shared norms and values" (Vanclay & Esteves, 2011, p. 5).

In practice SIA seems still a regulatory measure and are these key points not involved. This argument is similar to Nish & Bice (2011). Arguing that SIA in practice and especially regulatory SIA is still very common and compliance to the law or regulations, despite the theoretical advancements: "In this broad and varied field, there are many assessment methods which are community focused and empowering, such as gender impact assessment and human rights impact assessment; however, common practice tends to be concerned only with fulfilling requirements" (Nish & Bice, 2011: 60).

2.1.2.1 Standards and principles

In addition to the International Principles are there other standards that SIA have mentioned, that inform planning and the assessment process. Principles and guidelines are there to set up a template for further social impact management like the industry standard from Franks *et al.* (2009), the concept of free, prior and informed consent (FPIC) and the international standards. In highlight of the RWE coal power plant in the Eemshaven are here some principles more elucidated than others. The following principles and guidelines are probably the most important ones by analysing the case of the RWE coal power plant.

The social license to operate (SLO). The social licence to operate is an alternative of the 'environmental license' to operate. The environmental licence could be supported by an environmental impact assessment and the social license by a social impact assessment. The social license is the "demands on and expectation on a business enterprise that emerge from neighbourhoods, environmental groups, community members and other elements of the surrounding civil society" (Lynch-Wood & Williamson, 2007: 321-322). The main idea is that businesses need to require the approval from their surrounding civil society like communities and neighbourhoods to get their social license. A social license would not be bestowed when there is a disagreement about the business behaviour between the stakeholders and the business. The social license draws the attention from businesses to their social behaviour their impacts on their biophysical and social surroundings. In the Netherlands there is no need for a social license; it is not really regulated or required to be operational. Just like SIA and the social licence concept goes it beyond the legal requirements to involve non-contractual stakeholders (Browne *et al.*, 2011). SLO underpins the main ideas of SIA as well about involving the neighbourhood and effected communities in the decision-making and to mitigate or prevent the planned impacts. In addition to SLO are the Equator principles are adopted by the Equator Principles Financial Institutions (EPFIs) "in order to ensure that the projects we finance are developed in a manner that is socially responsible and reflect sound environmental management practices" (Equator principles, 2006). Remarkable is the implementation of these principles realised by EPFIs which finance projects that fulfil the equator principles.

2.1.3 Framework of SIA

The main goal of this chapter is to answer how SIA could be a better alternative for the RWE case and how it could inform planning. This part explains what SIA exactly is and explains a contemporary framework of SIA to provide a base theory of SIA, its process, method and practice.

SIA was in development since the 70s to establish general methods to proceed in practice. Studies of the framework of SIA has shown in the beginning a simple hierarchal overview of an SIA process with the simple steps that got involved (Finsterbusch, 1985; Wolf, 1983; Taylor *et al.*, 2003; Slootweg *et al.*, 2003; Kauppinen, 2011). However, a more concrete framework has been provided by Becker (2003) and Franks *et al.* (2009; 2011) which can be a good handle to understand SIA as an implementation of SIA theories in practice. The reason for Becker's article is finding the link between the practice and practitioners of SIA and the 'scientific' questions of epistemology and ontology of SIA theories. In addition, Franks *et al.* (2009) shows a clear practical example of contemporary SIA in Australia and other cases in Canada. For this master thesis the study of Franks *et al.* (2009) was the most detailed work about a contemporary SIA.

From the beginning SIA evolved in its definition and so in its framework and method which can be noticed throughout the literature. The main question is: how does SIA actually work and what is its main effort in advance of a planned intervention? SIA, in short, Social Impact Assessment does emphasise the social impacts. The framework of SIA and its practice has become more broadened. For example, Taylor *et al.* (2003) described the process of SIA and how to learn from experiences by using SIA. The reason of his research was to improve the SIA process by research input. In his model the clear differences are shown between the conceptual world and the empirical world that refers to the practice. In short; the conceptual design SIA would be formed and second be implemented in a real project. By comparing different cases a new framework can emerged.

"SIA is a process that uses methods of social research and analysis, as well as monitoring and public involvement" (Talyor et al., 1995; 2003: 13)

Taylor *et al.* (2003) research focuses on implementing research in the SIA process. By doing this Taylor uses the main framework of SIA as a simply process of (1) scoping, (2) profiling, (3) analysis and alternatives, (4) estimation of effects, (5) monitoring to inform mitigation and management and (6) evaluation (Taylor *et al.*, 1995; 2003: 20). This model is simple but not enough to understand the SIA process completely in practice as an alternative for the RWE case. Slootweg *et al.* (2003) model of SIA is conceptual and as Slootweg *et al.* (2003: 69) says it is rather a way of thinking than really concrete guidelines of SIA in practice. It underpins the boundary between the environment and the social which are related to each other. This model aims to emphasise the relation between the nature and the social and could be helpful to provide an overview of how an environmental impact can have an effect on the social and finally turns out in a social impact or human impact.

The interface between nature and the social is recognisable in the RWE intervention and probably in any case in areas where this interface is very visible like in the energy sector,

forestry, mining and fishery for example. This shows the interconnection and interface between these dimensions. Not only in this dualism is there a relevancy but also in the used approach from RWE which expose a one-line process. More details about the RWE project can be found in chapter 4.

2.1.3.1 Formulating an SIA framework

The RWE case is a single case study and assessed by a single impact assessment instead of multi-stage studies which involve cumulative plans and a variety of cases which could be an analysis of the entire cumulative impacts of the entire Eemshaven projects (Becker, 2003). In a single project Becker described the difference of EIA and SIA as two models for project cycles (Becker, 1997; 2003). The scoping of different SIA frameworks focused on single-case SIA frameworks, like the single RWE case. (More information for multi-stage studies is in Becker, 2003)

By comparing all these theoretical frameworks it has become evident that all of them are very similar. There are sometimes slight differences in the labelling and the amount of steps in the SIA process, however they all are trying to explain the same way. The major difference can be seen from the early SIA frameworks from the 80s (Finsterbusch, 1985) and the present SIA frameworks. Slootweg *et al.* (2003) provide an model to combine the environmental impacts and social impacts. Taylor *et al.* (2003) gives simple 6 common steps and emphasise on the methodology. There are a lot of specialities of SIA; for example SIA knows expertise in forestry, mining, resource development and social development (Franks, 2012; Esteves & Vanclay, 2011). Becker (2003) represent an SIA process within 15 steps. This framework was represent as a comparison between an EIA (Environmental Impact Assessment) and an SIA.

All of them highlight some major steps or phases in which a similar SIA process can be found and start from the monitoring and end with the evaluation. Probably Franks (2012) provides the most clear simple model of an SIA process which cover all the other ones. After all, it can be said that all the SIA models are trying to tell the same process which contains: (1) scoping, (2) profiling, (3) predictive assessment, (4) management strategies, (5) monitoring and (6) evaluation toward the new activity . This model could be represent an SIA framework for addressing the RWE case in the Eemshaven. Figure 2.1 shows the iterative SIA process of Franks (2012).

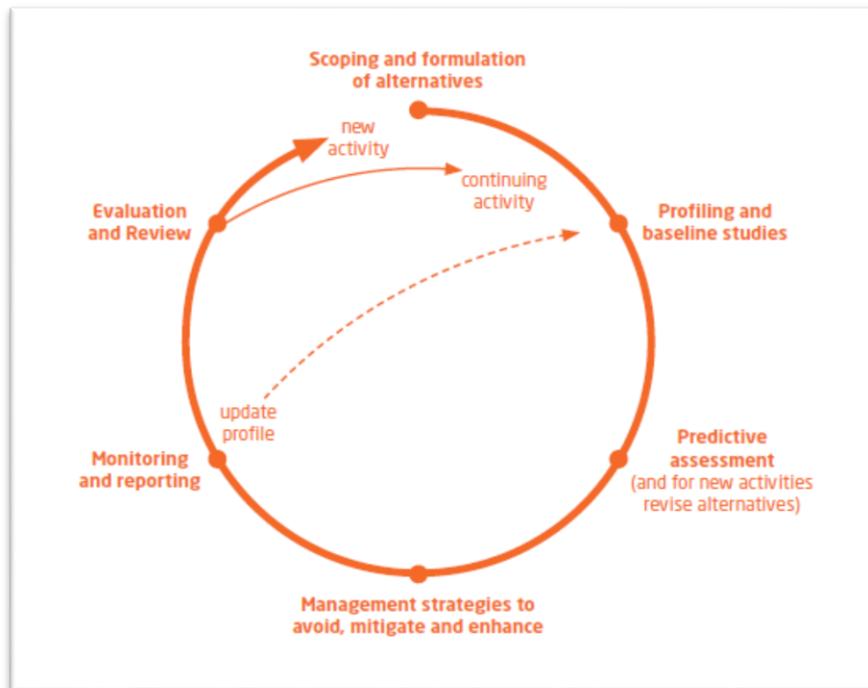


Figure 2.1 The phases of social impact assessment within an iterative adaptive management process (IM4DC, 2012: Franks, 2011).

This model from Franks (2012) substantiates the growing attention around the world from authorities, communities and NGO's towards resource interventions. His study focuses on practical initiatives "that have improve outcomes for the communities and social groups impacted by projects" (Franks, 2012: 3). His understanding of contemporary SIA shows an iterative model based on different SIA literature. Besides, Franks (2012) gives a good overview of how SIA could work as a simple SIA process. This contains in short; 6 major steps and feedbacks within the process-cycle. Rather than a hierarchical process from Finsterbusch (1985), this model provide a process-cycle which featured the evaluations and feedbacks within an impact assessment. Combined with this figure from Franks (2012) the basic of SIA can also be described within 4 phases based from Burdge & Vanclay (1995) and adapted by Esteves & Vanclay (2009: 140):

- (1) "Identifying and understanding the issues associated with the project/intervention;
- (2) Projection and prediction of likely impacts from change strategies or development projects that are to be implemented;
- (3) Development of mitigation strategies in order to minimise potential or unforeseen social impacts; and
- (4) Development of monitoring programs to identify unanticipated social impacts that may develop as a result of social change."

These 4 phases implicitly shows how an SIA works. It shows some practice tools which should be done properly. Esteves & Vanclay (2009: 141) mentioned this practice as a Social Development Needs Analysis (SDNA), which tries to help a company "to contribute to the sustainable

development of the local community over time” and most important for companies; “while creating value for the business”. This concept was created for the mining sector, however the SDNA could also be implemented for other sectors and companies like in the resource and power sector. Contemporary SIA has become more holistic due to its new principles and expertise in public involvement, gender issues and its attention on developing countries. The article about SDNA is one of the holistic expands in social development of SIA and does show what contemporary SIA is actually about and that it evolves.

SDNA gives a participatory SIA process with a social development orientation (Esteves and Vanclay, 2009). Social development is “the processes of fulfilling the basic needs of people, achieving a fair distribution of wealth gained as a result of economic growth, building human and social capital, expanding the scope of opportunities of individuals and communities, promoting social justice and equal opportunities, and eradicating poverty and illiteracy” (Esteves, 2008: 43). The definition implies that economic growth should promote human development in every dimension. In short, economic development should enhance the social, culture and ecological dimension. This concept of social development does also underpins the main ideas of social sustainability which got addressed a lot by different disciplines. More information about social sustainability is among others to find in Moulaert *et al.* (2011), Cook & Swyngedouw (2012) and Parra (2013). Figure 2.2 shows the SIA model from Esteves & Vanclay (2009) with the 4 phases of an SIA process including social development.

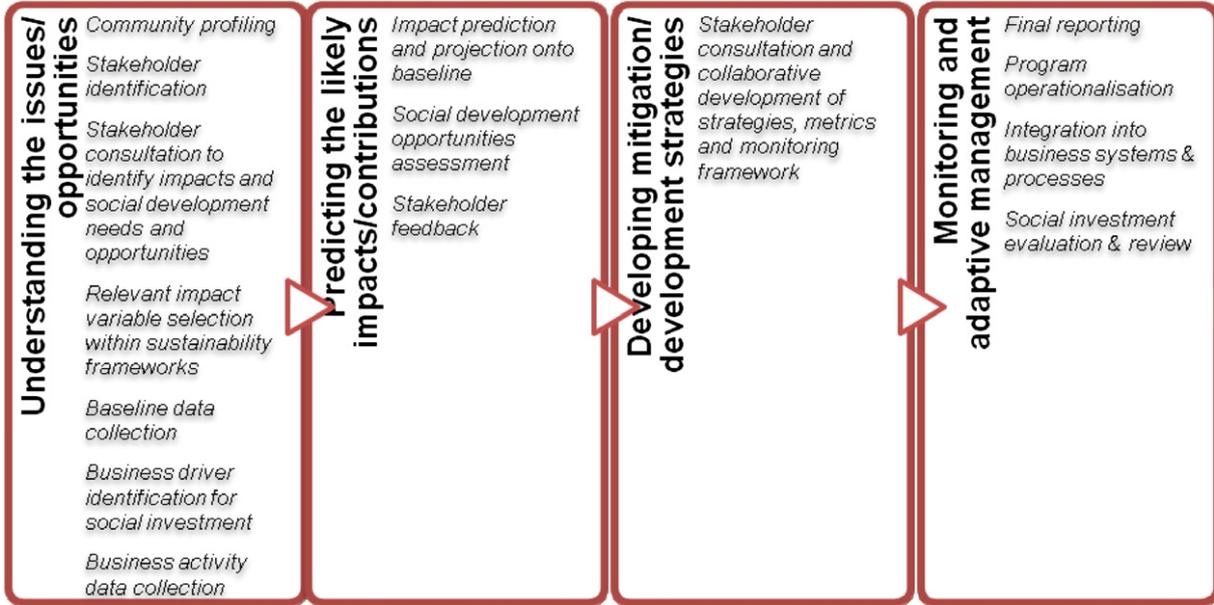


Figure 2.2 Participatory SIA process with a social development orientation. Adapted from Esteves & Vanclay (2009: 142).

2.1.3.2 SIA phases

In here the main important practice of SIA are outlined which shows a detailed view of SIA and its purpose. In the first section, the understanding of issues and opportunities, is the profiling of the community one of the most important steps. It shows the current and past conditions of the “human environment in which the proposed action is to take place” (Esteves & Vanclay, 2009: 142). The current location, the point in time and the identification of the stakeholders are here mentioned as the baseline data collection. Franks (2012) mentioned it as social profiling to understanding the communities and stakeholders. Becker (2003) mentioned it in an abstract term as the decomposition of problems which clears all the specifications. Basically, the baseline data collection tells how the current situation is. By profiling, identification and business activity (see Figure 2.2), and by knowing that, it is possible to predict in what extent the impacts would be.

The second phase is predicting the likely impacts. “Likely impacts are identified and predicted and their scale and significance evaluated” (Franks, 2012: 7). The significance, scale and nature of the impact will be considered. Practical examples could be dialogue techniques in an open setting for information gathering of everyday people (Hartz-Karp & Pope, 2011). The choice of method depends on the nature of the impact (Franks, 2012). “The assessment phase may involve methods such as expert panels, stakeholders, engineers, project-developers (Esteves & Vanclay, 2009; Franks, 2012). This phase could also be described as the research step or facts gathering. By measuring and assessing, depends on the certain impact, impacts can be determined. The effort to take care ‘together’ of the probable impacts is a more common used and proposed setting in different projects and ideas (Affolderbach, 2011; Boelens, 2010).

Third part is developing mitigation/development strategies; “to avoid and mitigate negative social impacts and enhance the positive impacts” (Franks, 2012: 7). This implies activities like, “forming social programs, site plans, agreements” (Franks, 2012: 7). Mitigation plans need a partnership between the company and the community, especially considering social development. This phase of SIA can extend to various plans of mitigation and enhancements considering social development, sustainability, like community trust and human rights (Esteves & Vanclay, 2009; Franks, 2012). A key for success are partnerships or coalitions between the different actors involving the plan; “Partnerships are widely promoted as vehicles for corporate social investment” (Esteves & Vanclay, 2009: 143). Successful partnerships are depending on different organisations and key players who are involved in the coalition. On this phase of partnership building and coalitions could especially planning theory could especially inform Social impact assessment on this phase of partnership building and coalitions. Innes & Booher (1999) explains how consensus building works with roleplaying and to look for shared values instead of differences. In this setting participants should step out of their own context in the dialogue. The dialogue is the skill to search for the common interests with brainstorming and deliberative settings. In addition, consensus building is not only communicating but above all a sense of learning together. Chapter 3 will explain more about the different strengthens factors to inform planning and Dutch planning.

The fourth part contains monitoring and adaptive management; which “is developed by stakeholders during the previous phase and formalized through partnering agreements” (Esteves & Vanclay, 2009: 143). It contains the tracking of the progress of the impacts the identifying of changes (Franks, 2012). The partnerships or coalitions agreements are needed for further monitoring and review of the used mitigation measures. Main goal is that the evaluation and review of the used impact assessment compares the predicted impacts with the actual impacts that are experienced.

This SIA framework of 4 phases shows the main idea of a complete SIA process including the effort for partnership building to enhance social development. SIA, as it is, shows a vision or an normative ambition for a better sustainable biophysical and human environment.

2.1.4 SIA in practice

The framework provides a theoretical understanding what an SIA process should contain and does. In addition to the theoretical models are the practical outcomes of an SIA process. An SIA process got implemented differently and therefore could turn out differently (Nish and Bice, 2011; Kemp, 2011). This paragraph describes the gap between the practice and the theory which also got experienced in planning. Further are there relevant cases where SIA got implemented or where SIA got experienced in practice which shows the difficulties between theory and practice. Allmendinger (2009: 23-29) describes the use of theory and practice from a planners approach. His conclusion is that theories are influenced within a part of society that varies through time and space. This means that theories are not exactly true or determining. It contains subjective features, emphasises from researchers.

During the 80s and 90s, SIA theory and practice got shaped. SIA’s theoretical outcomes are not completely realised in practice: “whether SIA is most effectively accomplished by technocrats or through a participatory approach with the impacted communities” (Hartz-Karp & Pope, 2011: 253).

2.1.4.1 The practice-theory gap

Allmendinger (2009) explains that analysis of theories are approximately from the planning discourse. To speak of discourses implies also the idea that theories are formed within a social construct or an idea that stands on itself that create a framework of theories like SIA. This approach comes from the idea that there is not such a thing like ‘the truth’ (Allmendinger, 2009: 12). In this statement the normative aspect of theories or how to world ought to be become more present and important. SIA supports the message of a normative way of acting which become more present in the last decade by the International Principles as a guideline for further SIA practice and research. Allmendinger (2009) describes an approach to understand theories like SIA theories. The most important quote from Allmendinger (2009: 29) is probably this: “Instead of asking whether a theory ‘works’, we should be asking questions about why this particular theory was used, who is using it and for what purpose”. So just like in planning and

SIA is there a gap between the real implementation and the ideas, thoughts and theories. In the following paragraph are some practical assumptions and examples.

2.1.4.2 Practical examples

Some initiatives that Franks *et al.*(2009) describe are from Queensland, Australia which introduced Social Impact Management Plans (SIMPs) as a base of continuously management of impacts identified through SIA (Franks *et al.*, 2009: 12). A research from Franks *et al.* (2009; 2012) set an important step for defining SIA in practice and by endorsing its relevancy which provide a better understanding for the involved authority about SIA's importance. Franks *et al.* (2009) described some important practice strategies for resource development which is interesting for the energy sector and the RWE case.

One example is the use of SIA in closure planning in which the closure of a company or activity could have enormous impact on the area, like out-migration and decreasing quality of the living environment. Evans (2011) describes the closure of mine activities in New Zealand in which the particular mine is responsible of 20-30 percent of the local economy. Studies followed: "Both involved consultation with the community via key informant interviews and other mechanism, and fully reports were posted on the website" Evans (2011: 228). As a result the mining company kept monitored on the area which brought a level of engagement and brought groups together. By this research new opportunities became visible like extending the workforce and the increase of community-housing.

In other countries SIA is required as part of the regulation in approval processes, "but is also commonly undertaken voluntarily at different stages of the project life cycle" (Franks *et al.*, 2009: 33). One example is the community consultative committees in Australia, New South Wales. "Committees provide the ongoing form for consultation and engagement across the lifecycle of the mining operation" Franks *et al.*, 2009: 35).

In general, SIA methods are various in public consultation and participation, social impact assessment and management, partnership building and plan making. Sometimes one of these are at present in a project approval and sometimes early in the project life cycle and sometimes late (Franks *et al.*,2009; Esteves & Vanclay, 2009; Ross, 2003; Roberts, 2003).

Coming back on Allmendinger's question of why we use SIA and for what purpose, it is clear that SIA theory is used to manage the social issues on an intervention to mitigate the harm for a more sustainable environment. In addition, it addresses the social impacts and the social and biophysical changes that could lead to a social impact. What is then the purpose of SIA? As Esteves *et al.* (2012) explains SIA practitioners use SIA as a methodological approach to contribute to the development process of communities. One important aspect of SIA is social impacts which are an important part to understand SIA's purpose.

2.2 Social impacts

The concept social impact and social development are mentioned very often in social impact assessment. The concept of social impact is widely discussed in the literature and gives a view of what exactly social impact assessment is about. Therefore does the next part provide a better understanding of what social impacts is about.

Social impacts explains how far an impact can extend by an intervention and how social impacts can turn out as an effect of social change processes. The literature repeatedly substantiated that social impacts are highly underestimated or not recognized (Esteves *et al.*, 2012; Vanclay, 2003b; Hartz-Karp & Pope, 2011). Without considering these impacts could cause denounced feelings and actions like protests from people who feel bounded or have a sense of belonging to that certain place. In that case it can activate people to react. As a result, for example juridical costs and lawsuits are no exception in the Netherlands concerning projects and interventions in the public and private space.

Social impacts or human impacts are difficult to define, however it is clear for anyone that any intervention at a certain spatial place would have a certain impact that could be cultural, political, economic and ecological. Holling (2000: 7), for example, identified these dimensions as well which interact with each other: "sustainable development and management of global and regional resources is not an ecological problem, nor an economic one, nor a social one. It is a combination of all three." In short this combination of all three can be found in the impact assessment as well, where all different kind of impacts and social change processes are interlinked with different dimensions. Why this got mentioned is the reason that social impacts and other impacts are indeed, as Holling (2000) outlined, connected and there is no one good theory like free-market models, ecology evolution or social organization which set out the answer for these planning problems.

2.2.1 Social impacts and environmental impacts

The difference of environmental and social impacts are clear. Environmental impacts are in many cases measurable and easier to assess to put it very simple. Instead of a difference there is a connection between environmental and social impacts (Slootweg *et al.*, 2003). First, social impacts is about people and people are at first sight complicated creatures. A simple example is about cutting a tree: when someone cuts a tree in front of your house, without letting you know. It is a clear environmental destruction which is relatively small. However the social impact could turn out differently, and the outcome is to some extent undeterminable. The probable consequence is that people will react to this and act. For example the neighbour and other close inhabitants are going to decide to intervene in the situation. The reason why some people will react and some will not is that people add value and meaning to a place differently. People feel being bonded or a sense of belonging to a different places and can differ per individual and group. This humanistic approach is deeper described in 'People and Place' by Holloway & Hubbard (2001).

Theories of exploring behaviour from actors are important for SIA (Becker, 2003). As Becker (2003) say “We look at (A) the past behaviour of actors, (B) their preferences, (C) their resources, (D) the constraints that confront them, (E) the options they have for their behaviour, and (F), their future behaviour” (Becker, 2003: 130). These steps are useful to consider the varied stakeholders about a planned intervention and can tell why and how someone is involved and to what extent someone will feel harm from an intervention. Considering the SIA process as explained in part 2.1.2.1 about formulating an SIA framework this exploring of behaviour is important in the first step of base data collection.

Slootweg *et al.* (2003) had created a model to show the interaction between social impacts and environmental impacts. Any intervention pops out in different environmental and social impacts. Slootweg *et al.*'s goal was to provide a better understanding between the two of them and how

Human impact: the effect resulting from social change processes or biophysical impacts, as experienced by an individual, family or household, community or society, whether in corporeal (physical) or perceptual (psychological) terms (Slootweg et al., 2003: 72).

human impacts derived from environmental issues. Figure 2.3 emphasise the idea that social impacts are connected with the environment. From the cultural geography the sense of place and how places are constructed within human minds described this more detailed. This model explains the connections from an intervention.

For example, the case of this thesis about the RWE coal power plant is the proposed intervention which got implemented in the region. The biophysical changes can be derived from the coming air pollution the impacts on birds and seals in the Wadden Sea, to put it shortly. Social change processes which take place independently could be the presence of newcomers and temporary workers and the change of waged labour. Social impacts resulting from these social change processes are called direct social impacts (Schooten *et al.*, 2003).

These could be negative or positive feelings to the project, impacts on your standard of living, work load, social tensions or social differentiation. These human impacts can invoke social change processes which could result to another social impact (2nd order) (Schooten *et al.*, 2003; Slootweg *et al.*, 2003).

An intervention like the RWE coal power plant does affect the biophysical sphere on some certain aspects like seals, birds, water plants and fish due to its location near the nature area of the Wadden Sea. As Slootweg *et al.* (2003) show in figure 2.3 that these biophysical aspects do have an indirect effect on humans. For the RWE coal power plant this could mean that the effects on seals, birds and the nearby UNESCO world heritage of the Wadden Sea indirectly have an effect on humans as a social impact.

An environment provides things for people like resources of food, water, gas, building products and so on. These connections between the environment and humans are actually very clear. But the environment does also provide a cultural ‘product’ or a social product. People and their

sense of place represent their identity like the place where you come from. Holloway & Hubbard (2001), from cultural geography, spoke about a sense of geographical segregation. A home becomes partly a home “through their ability to spatially exclude certain people” (Holloway & Hubbard, 2001: 77).

This implies that people feel bonded to places and add meaning to places differently. So is it the same with the RWE coal power plant area considering the Wadden Sea and the importance of nature for different kinds of people. Fear and the sense of losing this nature resulted in human impacts, like a change in cultural values. In addition, the emissions from the coal power plant can cause fear, prove or no prove, to physical health. In that case biophysical changes and its impacts indirectly have an human impact. This reasoning could be applied to the model of Slootweg *et al.* (2003) in figure 2.3. (The landscape filter emphasise only the relevant impacts in the biophysical sphere).

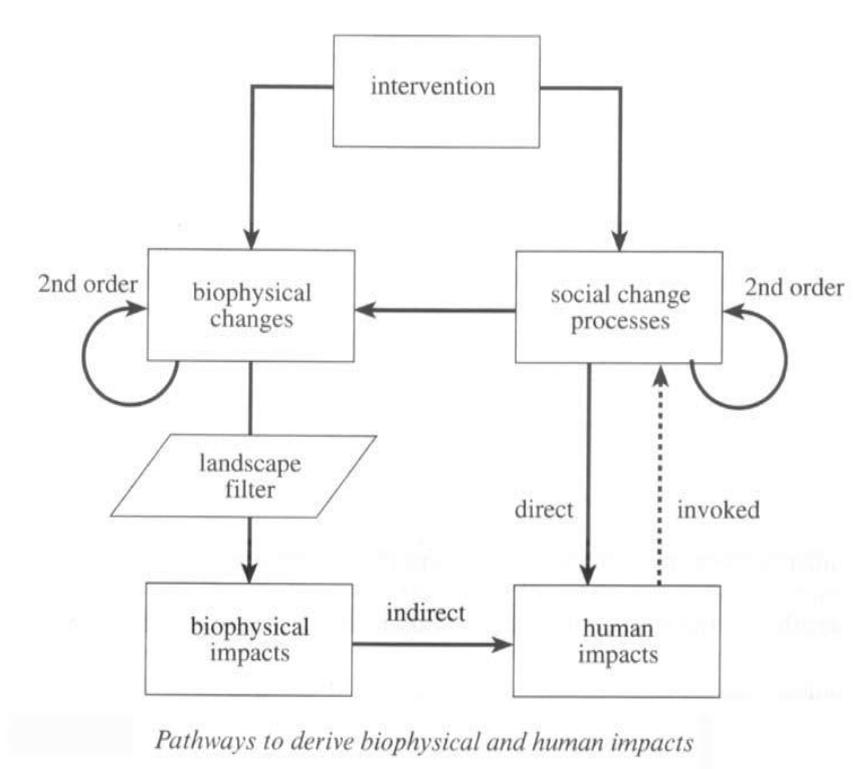


Figure 2.3 Environmental impacts connected with social(human) impacts. Adapted from Slootweg *et al.* (2003: 68).

2.2.2 Social change processes and social impacts

Social impacts are caused by social change processes, like economic growth or population change could cause a social impact. In addition, social impacts can affect individuals and groups which may turn out “beneficial to one group of stakeholders, but may be detrimental to other groups” (Esteves & Vanclay, 2009: 139; Esteves *et al.*, 2012).

There are several studies about social change processes and social impacts, but the most striking and summarising of them all is from Schooten *et al.* (2003). Social impacts varies in the

literature and there is a noticeable confusion between social change processes and social impacts. Social impacts are in that sense actually very social and plural indeed: most social impact specialist say: "it is impossible to detail all dimensions of social impact" (Schooten *et al.*, 2003: 74). Social impacts can be positive and negative where in most studies there is an emphasis on negative impacts and the positive impacts are not considered seriously. This is what the discourse implies about social impacts and social change processes, but what are social impacts then exactly? Is there something that can serve as a handle? Well Schooten *et al.* (2003: 77) said the following about this:

"Social change processes can be measured objectively, independent of the local context. If 'social impact' refers to the impacts actually experienced by humans in either corporeal (physical) or cognitive (perceptual) sense, then many impact variables commonly measured in SIA studies are not impacts, but social change processes that my lead to social impacts."

For example, the presence of more transport and population change are not impacts but social change processes. A social change process does not automatically have the result of a social impact. This depends on the resilience and adaptability of the effected group, sector or individual (Schooten *et al.* 2003). It is important to know that the ability to adapt is more an exception than a common event, especially for vulnerable groups. To conclude, social change processes are objective and measurable. Social impacts on the other hand are more context-dependent and subjective.

The theoretical concepts of social impacts and social change processes can also be used in a Dutch example. Based on Schooten's (2003) theory population decline in the north of the Netherlands are not impacts, but social change processes that could lead to social impacts. It depends how adaptable and resilient the community, individuals and groups are in this area. Here is a rough draft of how this could develop; for example facilities will close down because of the population decline. The social experience of change could be the decline of living standard, workload and property value. Adaptability and resilience could mitigate this impact by enhancing the cultural heritage and tourism in the area, for example.

Another example from the Netherlands is the 'Blauwe Stad' (Blue City) in the province of Groningen. It is a planned housing project which got to be surrounded by new made lakes. The planned lakes were accomplished by transforming farm land into water. The destruction of cultural and historical heritage and traditional farming are social impacts that could derive from such intervention. The social change process in this case is for example the conversion of land use.

To conclude, social impacts (1) "need to be experienced or felt", (2) are context-dependent and (3) subjective, which made them hard to measure and predict. Social impacts could derive from social change processes, which are objective, context-independent and measurable (Schooten *et al.*, 2003; Slootweg *et al.*, 2003). The next part outlines some social change processes concerning the RWE coal power plant.

2.2.3 People's experience: oppose and act

Social impact assessment considers social impacts which are caused by social change processes. One important question is, considering the reaction of people; to what extent are impacts popping out as a disadvantage for the intervention like RWE? This is a question which probably has been asked by many companies or organisations during the planning of an intervention. Let's start with a tree that is cut off without any clarification. This could already led to some unjust feelings or protests. 'A social impact need to be experience or felt' is one of the conditions from the previous part about the social impact. The experience is subjective and differs for every individual or group. However, the tree example in front of your house probably provoke for most of us the same reaction, experience and/or feeling. A lot of different interventions go hand in hand with resistance or protests. The next paragraphs tries to connect the theories about opposing and resistance with the RWE coal power plant in the Eemshaven.

2.2.3.1 Forms of resistance

For this master thesis the concept of action from people is very important to elucidate. The RWE case and several cases in the energy sector in the Netherlands are confronted with a lot of different parties that experienced protests and reactions from opponents. The main question is: what made them to do so? In detail it could depend on a lot of different factors. Especially the political features and motives are unpredictable. However, there are some similarities in every disputable intervention. Here are several kinds of resistance explained.

First, there is the social choice dilemma from Sager (2002). The social choice dilemma is an inevitable planning dilemma which is the discussion between the private interest and collective interest: "This contradiction between liberalism(private freedom) and respect for unanimity(collective freedom) is called the liberal paradox, and it shows that people may make individually rational decisions with consequences that they collectively regret" (Sager, 2002: 106). In this context a windmill is collectively positive; it provides clean electricity for everyone, however it is private negatively for the surrounding neighbours, considering noise and damaging the landscape view. This could enhance Not-In-My-Back-Yard (NIMBY) behaviour from people.

Second, the NIMBY effect. NIMBY is not common sense or a 'taken for granted' effect, "but it represent a social dilemma or game-situation" which underpins the liberal paradox (Wolsink, 2000:57). Individual thinking tries to pick the best option for the individual, which called free-rider behaviour. Although everyone would be better off when choosing the public good, like a windmill or widening a road. For instance, the NIMBY effect becomes clear when everyone prefers a new road, except when that road just got planned in front of your house.

Third, there is also the 'NIABY' which means: Not-In-Any-Back-Yard. "This kind of opposition is based on concerns about the general consequences [of the intervention] on the scenery" (Wolsink, 2000: 57).

2.2.3.2 Opposition and SIA

The previous part analysed and sort different kinds of opposition behaviour but the real meaning to behave that way is still not explained. The question why people do oppose differs. Just like social impacts are these experienced and felt differently by individuals and groups and so are places also perceived differently. There is a deeper cause that makes people oppose. The living proximity does not mean someone will oppose at any time. Devine-Wright (2011) conclude that there is no hard evidence that proximity is the main cause of resistance, but the extent of place attachment; this depends on how long someone lives at a place, what his or her experiences are, and this correlates with his or her civic activity. Cultural heritage and people's values like areas as the Wadden Sea and the scenery of north Groningen (picture 2.4) are places which are attached and become stronger when people live there for a long time. Even people who did not live at a certain places for a long time but only grew up there feel strong connections with a certain place. As Vanclay (2012: 149) described: "many individuals may develop strong custodianship or stewardship notions over them, albeit vicarious, and feel they are legitimate stakeholder in decision making about a specific location or landscape, even if they don't live there and sometimes even if they have never actually been there".



Picture 2.4 Countryside near Noordpolderzijl, Usquert: the dike adjoins the Wadden Sea, visible at the end, June 2013.

Place attachment seems indeed an important part when people want to be involved and it could made people react to certain interventions in their attached valued place. Highly socially valued places like nature area 'Wadden Sea' and landscapes show their strong social relationships to people when interventions are taking place like the RWE coal power plant. Kyle, Mowen & Tarrant (2004) argue that "it is the bonds that humans share with places and meanings they ascribe to these places that are the root of many of the issues confronting resource management (e.g. conflict between stakeholders over the appropriate use and management of settings)" (2004, p. 452). And Friedmann (1993) positions the difference of national and transnational space and the space of ordinary people where "this is not the space where ordinary people can exert much influence on events. But ordinary people do affect the

spaces where they earn their livelihoods and where their daily lives unfold. The quality of space is exceptionally important to them (Friedmann, 1993: 482-483). People who feel bonded or develop a strong 'custodianship' towards a place, living far or close, will expect to be involved in the decision making process.

Just like Friedmann (1993), Stolp *et al.* (2002) addressed also to the same difference of perceived space between the government and ordinary people: values and impacts from experts and practitioners "can be very different from the way citizens feel about the state of their living environment (where they live, work and play) and how intended activities may impact on the various attributes of that environment. Therefore it is necessary to investigate the way people judge their living environment, and how they think a plan may affect its qualities" (Stolp *et al.*, 2002: 11). Stolp *et al.* (2002) implemented Citizen Value Assessment (CVA) that can be situated in the first step of an SIA process which is the base data collection as situated in figure 2.2 from Esteves & Vanclay (2009). Citizens values, the attachment of place, perception and representation of place are indicators who will be affected by an intervention and even more important for social impact assessment.

These values and attachments to place differs and the perceived environment, space is complex and variable (Rapoport, 1970). Rapoport studied spatial quality which is the perception of 'good' space and 'bad' space and as we already guessed; the meaning of good space is various. One striking quote from Rapoport sets out the ongoing discussion and conflict about space: "The apparent lack of agreement among designers, the lack of acceptable standards, and the absence of any viable spatial theory all testify to the fact that this is a difficult, complex and variable subject. What all of this seems to imply is that spatial quality cannot be discussed without reference to the many social, cultural, and psychological factors involved in the man-environment interaction" (Rapoport, 1970: 89-90). As Esteves & Vanclay (2009: 140) and Vanclay (2003: 7), points out it is not only the word social: "SIA embodies the evaluation of all impacts on humans and on all ways in which people and communities interact with their socio-cultural, economic and biophysical surroundings." These sources describe that the assessment of the environment is a complex subject which interact with all dimensions within space that is social, economic, ecologic, cultural and psychological. Within here there is no such thing as 'good' space, although Rapoport (1970) believed that spatial quality could be defined and be institutionalised as a structure like Gidden's structure theory. Instead of finding the perfect defined design or structure in spatial quality, SIA approached the people to let them involve and participate them in an open and honest sphere based on various ethical principles. In short, the people are the representatives and the key of the spatial complexity and SIA tries to add the same people in the decision-making.

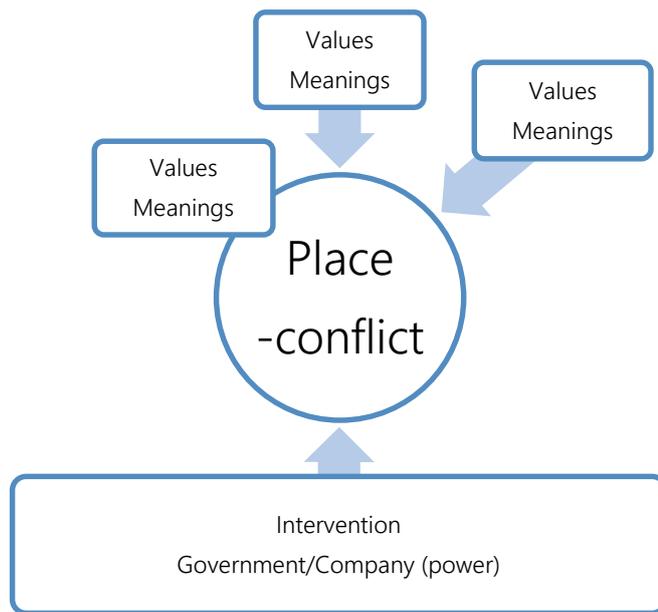


Figure 2.5 Place attachment and conflict potential.

Figure 2.5 gives an idea of the addressed theories discussed in previous parts (Devine-Wright, 2011; Holloway & Hubbard, 2001; Rapoport, 1970; Friedmann, 1993). People add value and meaning to different places which made some places more important than other places. The different boxes gives the idea of place attachment wherein some people live close or far from a certain place situated by different arrows. SIA is the impact assessment of social impacts caused by planned interventions. Interventions change place which are perceived and valued by different people; individuals or groups. An intervention like the RWE coal power plant or a wind farm in the Netherlands is mostly proposed and planned by the government under consultancy of different experts. As a result conflicts can emerge of these different perceptions in a place. To put it simple, the Eemshaven is perceived as an economic industry area, however other groups and individuals sees it as the coastline of the Wadden Sea which is a nature protection zone.

To put it in spatial quality definitions; the preserving of nature is a spatial quality according to environmental groups. On the other hand, the economic spatial quality is perceived as a qualitative feature and better than the previous setting (for example in land-use change). These conflicts are more or less predictable and as Social impact assessment elucidate; social impacts are various and so are the motives to oppose. For example, small social impacts which on itself would probably not provoke a reaction could still provoke reactions when social impacts cumulate after each other. Figure 2.5 conflates the theories from Stolp *et al.* (2002), Holloway & Hubbard (2001), Friedmann (1993) and Rapoport (1970). In short, it explains that the spatial perception between the people and the government or applied experts and government differs, and therefore could lead to a conflict between them.

2.2.4 Conflict risks

In this sense conflicts seem inevitable because people perceive their environment differently. Sairinen (2011) explains that conflicts do occur and is normal in an organisation in a constructive way. However, conflicts could turn out negatively when it causes considerable damage to one of the conflictive parties. Sairinen (2011) and Kapelus *et al.* (2011) use both different definitions of conflict. The most relevant definition is from Kapelus *et al.* (2011) who referred to Harvard Kennedy School (2008): “conflicts are both inevitable and avoidable, and considers a that a level of suspicion and questioning generally exists in a community about a company from the outset, which at the early stages of a project may be no more serious than a natural wariness of anything new, but which can quickly escalate into something more serious, something which can and should be avoided” (Kapelus *et al.*, 2011: 289).

The consequential risks of a conflict were considerably negative for the company RWE and for the involved authority, the province of Groningen, as well. Kapelus *et al.* (2011) explained some kind of causes of conflicts as well:

- “Structural/root causes: which is a deeper cause built into structures in the society, like lack of political participation or equal economic chances.
- Proximate causes: factors that are symptomatic of the root causes of conflicts or may lead to further escalation. For example human rights abuse, objectives of political actors.
- Triggers: which are single acts, events or the anticipation thereof that set off violent conflict or its escalation. For example elections, behaviour of political actors, sudden collapse of currency, increased food scarcity”.

By considering the RWE case, the main emphasis lays on the structural/root causes that led to this conflict. A conflict can happen by actions (in steps of active deeds) but also by passive behaviour. For example, a government implemented a policy (active) which ended up in a conflict, but a lack of policies and measures (passive) could also lead to certain conflicts, like the lack of participation measures.

However as Vanclay (2012) explained; a conflict is inevitable even in a participatory deliberative process conflicts can emerge because of the various opinions and views from different plural parties. So to think that a conflict is possible to prevent by good participation is probably fantasy. But it is possible to mitigate or prevent the conflict risks by another approach.

Structural/root causes could cause the problems that RWE faced. Kapelus *et al.* (2011) mentioned already some examples like the building of trust for preventing a conflict. Other examples to mitigate conflicts has been addressed by many different sources and discourses like the building of trust, honesty and a sincere approach towards stakeholders are one of them. However, one important argument is that conflicts are just inevitable and needs to managed properly to prevent major risks. Even in a participatory approach conflicts can emerge.

RWE followed the Dutch legal regulated process that is required for the permit process. Actually that is probably something any company would do in the Netherlands. In other words, the Dutch legal regulated process probably does not mitigate the conflict risks enough? The

companies approach or the government regulated process. Or is there a deeper structural cause as Kapelus *et al.* (2011) explains as a structural cause in society? It is more than valid to not only look at the company, who implemented the intervention, but also look at the Dutch regulated system of permits and interventions which is for many companies a guideline or a handle to operate. And as it seems, this Dutch regulated system has indeed some guidelines and structures which could be considered as unsocial or be right angles to Social impact assessment. Further on that in paragraph 3.2.1 and chapter 5.

2.3 Why is SIA important: SIA's relevance to RWE

This part explains SIA's relevance to the RWE coal power plant. The most relevant SIA concepts is mediation, public participation and negotiation in cases where a conflict emerged to mitigate the risks. During the interviews SIA got mostly interpreted as the assessment of social impacts, as explained in paragraph 2.1. However, as SIA literature explains; SIA is more than only the assessment of social impacts; it has experiences, thoughts and understandings about SIA practice to manage the social issues instead of only predicting them. SIA as a discipline is a philosophy about development including the development process like participation and the goals of development, for example the ending of segregation and poverty (Vanclay, 2003b). This part explains why SIA could not be left out in planned intervention and its importance. In addition to SIA are there more concepts which are explained in planning and in other social sciences. Questions like to what extent the public should be involved are asked in both disciplines and is still a point of discussion. This part explains it business argument, SIA's normativity and important SIA features like public participation in the Eemshaven.

2.3.1 SIA's importance

RWE faced several law suits and difficulties because of the conflict between RWE and several stakeholders. The business argument to prevent the conflict risks got explained by Esteves *et al.* (2012) which set a clear overview of the important arguments for businesses to involve and use SIA:

- "Greater certainty for project investments and increased chance of project success;
- Avoidance and reduction of social and environmental risks and conflicts faced by industry and communities;
- Improved ability to identify issues clearly on, and therefore to reduce costs and to incorporate unavoidable costs into feasibility assessments and project planning;
- Improved planning for social and physical infrastructure;
- A process to inform and involve internal and external stakeholders and to assist in building trust and mutually beneficial futures;
- Improved quality of life for employees and improved attraction and retention of skilled workers;
- A positive legacy beyond the life of the project;

- Increased competitive advantage through enhanced social performance and corporate reputation” (Adapted from Esteves *et al.*, 2012: 37).

The evidence seems very clear, however it is not self-evident to claim that SIA will prevent any conflict. In any project or intervention are there other possible triggers and root causes that can lead to a conflict. From biophysical, economic, social and political perspective are there a lot of unpredictable features which could be the root cause. Actually it is not the evidence that makes SIA important when looking to SIA only. It is a change of attitude in a changing world. Like communities, which have become more important in the participation process in Social impact assessment but also in planning (Evans, 2012). “Developers are now obliged to develop direct relationships with local communities and local government, and are increasingly pushed to do so by communities with access to the communication and transactional enablers that are driving globalization” (Harvey, 2011).

The ambition to add the people into the decision-making process is a normative rightful thing to do. The endeavour to manage the social issues and communities is a step in the right direction, but decisions involving multiple parties makes the process difficult to manage. Parties have different interests which makes a coalition difficult to achieve (Harvey, 2011). It involves politics, trade-offs which makes the outcome more unpredictable. One striking argument from Burdge & Vanclay (1995: 61) says that “it is particularly important that communities and governments insist on SIAs being undertaken because in the majority of cases, the costs of rectifying social and environmental impacts of development are borne by the public sector, not by the corporations that created them”.

The important argument to involve any stakeholder is to prevent tremendous conflicts which could have negative effect on the company in question. On first sight companies are cautious to involve people in advance, it asks transparency and trust in the involved parties. People develop a strong bond with the area like the socially valued Wadden Sea, therefore they feel themselves as legitimate stakeholders (Vanclay, 2012). People, groups, individuals, organisations, living far or nearby to the Wadden Sea area are potential stakeholders which could intervene in the project approval process. To prevent the additional risks and costs companies and the government should consider these stakeholders in their decision-making which requires a participative approach. Especially within regions and landscapes like the Wadden Sea, in which a lot of people have developed a strong relationship and commitment.

In other parts of the world companies, government and organisations are more convinced to use SIA that would prevent legal costs and a less chance of a conflict. In addition, this would provide a better company reputation and most importantly a stable sustained plan. These arguments, convincing or not, got more important than ever. Even RWE has initiated a research for more public participation operations in which here are some striking quotes adapted from RWE (2012: 15) about the ‘Power of Public Participation’:

“Acceptance means added value

For RWE – as for all companies in Germany – the subject of acceptance is of decisive importance. The future viability of our business also depends on it. Civic participation must be part of the planning for every project.

Legality should not be confused with legitimacy

The fact that a project has been given legal approval should in no way be taken to mean that it is also viewed as legitimate in the eyes of society. Nowadays, citizens are not content to be told that something is permissible according to such-and-such regulations. They demand substantive justifications and want to be personally convinced that projects are both necessary and beneficial to society at large”.

This report gives a promising better alternative to new to come operations from RWE. However the coal power plant in the Eemshaven is still in legal matters in which RWE is still following the chosen path of juridical confrontation and law suits. Nevertheless, SIA and its concepts about participation, social impacts, equality, sustainability and agreements seem more important than ever in the world. The United Nations and the Earth Charter of 2000 and the human rights expresses the same ideas. Lubbers *et al.* (2008) explains the new challenges that lies ahead of us as an important factor to obtain sustainability: “to realise sustainable economic development, including nature conservation and poverty eradication” (Lubbers *et al.*, 2008: 14). These world views serves as a base for SIA relevancy to enhance the importance of social impacts, sustainability and community involvedness. To explain SIA’s relevancy and importance to interventions are here some key SIA features highlighted:

- Social impacts matter. it is more just and rightful to enhance the effected the local communities. All over the world are there companies which implement plans. In these plans communities, most of them minorities, live close by and do have the simple right to stand up and to be involved? It is an ethical question to what extent citizens, communities need to be involved, but to prevent opposition and protest social impacts could not be underestimated. The rate of opposition and the clearance of social change processes and its social impacts explains that negative social impacts could turn very negatively for companies.
- Sustainable intervention. The company wants his permit, profit and image enhancement. The involved communities and movements would like to mitigate the harm, prevent the harm and most of all just want to be heard. Another approach by the company could lead to more willing communities to cooperate which could prevent costly law suits and juridical procedures. When a company also get his public approval (not the usual approval from the government), but the diverse publics, citizens and/or communities approval makes an intervention more sustainable and rightful. Especially when considering the SIA principles like the needs for all and precautionary approach where there a lack of full certainty should not be used as a reason for project implementation (Vanclay, 2003a).
- Social impact assessment. SIA provides the knowledge and method as a discipline how to cope with social impacts and to provide an alternative methodological approach to

involve communities and other stakeholders. Experiences from practice and new ideas in the discipline construct SIA as a discipline which develops continuously.

- Partnerships. SIA made clear that not only the social consequences of social change processes are important, but also the managing of these are important. To achieve a good managing process are stakeholders, communities, governments and companies obliged to build a partnership or coalition. An agreement about adjustments, mitigations and preventing impacts lead to a more sustainable intervention. Examples can be found in Affolderbach *et al.* (2012) about agreement building and in Sairinen (2011) about conflict and mediation.
- Stakeholders matter. One very important feature of SIA is the involvedness of any stakeholder who feel or is going to be affected by the intervention. Especially for the UNESCO Wadden Sea area which express major cultural heritage values. In that sense many people develop a strong connection or social relationship towards this area also mentioned as place attachment. This makes it more complicated to involve all of the stakeholders when decisions are being made (Vanclay, 2012).

2.3.2 SIA's normativity

SIA's is full of normative features when striving the fulfilment of the human rights and open decision-making. It means that in every circumstance the public and the involved communities are respected and involved in the planning process to observe the SIA values and principles. The definition of Social development from Esteves (2008) and its involvement in SIA (Esteves & Vanclay, 2009) is built on normative ideas and concepts.

However, meaning normative does not mean it is not true or not worth to strive for. One important substantiation is the agenda of the international community which strive for a better sustainable and equitable environmental and social environment. The United Nations Millennium Declaration (2000) and the Earth Charter (2000) underpins the same approach towards social development (Esteves & Vanclay, 2009; Lubbers, 2008). These shifts or changes in thoughts and emphasis made SIA probably more important than ever.

Flyvbjerg (2012), from planning theory, sees the normative and political arguments growing in the Habermasian communicative rationality "without the substantive understanding of real rationality that characterises studies of power" (Flyvbjerg, 2012: 293). The concept of power and politics as a forgotten gap is indeed recognisable in SIA and planning. Just like planning is SIA depending on its political context and principles as the human rights and the Millennium Goals are depending on willing politicians.

Considering the change which inclines to world governance, participation, community empowerment and social sustainability makes clear that SIA underpins these changes. However, what could be a critical review towards SIA? First of all SIA's theories and thoughts are too normative maybe almost utopian, which strive for something impractical. Different discourses about sustainability and sustainable development appear being normative which concern how to world ought to be. These principles of social responsibility, human rights or among others

the international principles of SIA, are examples of normative theoretical backgrounds. Its normative ambition is not realistic nor practicable could be opposing arguments towards SIA. However, these arguments are not enough to consider SIA as impractical. By comparing different cases from practice it could be noticeable what exactly the outcomes are from SIA. This could give an answer to the question if SIA only is a major effort in justice and just planning or does it provide more advantages in sustainability, economy and biophysical advantages.

SIA is ambitious about its definition and encompassing social analysis. However, in practice this research base is not always visible and is limited (Taylor *et al.*, 2003). Its normative ideas and theoretical perspectives from the academic world should guide and inform SIA, but how about practical examples? The main objection against SIA could be the lack of practical examples like cases wherein the theories of SIA had a positive outcome in assessing impacts and planning, but is this a valid argument? And indeed in many cases SIA did not worked out successfully. The literature in SIA confirms that as well. Like in Taylor *et al.* (2003) and Kemp (2011) about the organisational context and Esteves *et al.* (2012: 38): "social practitioners have insufficient influence in shaping project/development alternatives, and, despite the increase social roles within many organisations, the project managers who are responsible for commissioning and delivering impact assessments often have little social experience". For example SIAs often do not use public participation as a deliberative process while its use could be an great asset to the project like in the Eemshaven.

Another point of argument is the simple ethical question if it is important to consider the communities in advance for project approval. The answer is that SIA strives for a better equal, fair, informed prior consent towards interventions and this is indeed something to strive for. Improperly implementation does not mean that the SIA values, principles and guide lines are wrong formulated. There are methods to provide good practice but sometimes not carried out properly or context dependent: limited capacity of regulators, lack of methods, sources and assumptions (Esteves *et al.*, 2012). Traditional views of SIA are still flourishing and implementation with the best intentions could turn negatively, despite the effort (Aucamp *et al.*, 2011). In that sense it is for this study more important to look per case and its context. The case of RWE shows that in addition to RWE are there more cases which are operating in the Eemshaven port and it showed that intended approaches could indeed have intended positive outcomes.

Chapter 3: Planning theory

Social impact assessment is interlinked with several disciplines (Esteves *et al.*, 2012) and maybe finds the most similarities in the planning discipline. Organisations, structures and regulations are very important for development and so SIA. Kemp (2011) explains that planning as rationalist planning has a negative effect to prompt the consultancy and commissioning of an SIA. However, just like SIA has planning theory as a discipline new thoughts and ideas about involving the public and managing social issues for social development.

This chapter explains planning theory and its relevance. Above all, it seems very remarkable that SIA and planning can go hand by hand with each other without mentioning each other clearly. It is not easy to define planning as Fainstein & Campbell (2012) explains about planning theory: "many of the fundamental questions concerning planning belong to a much broader inquiry concerning the roles of the state, market, and civil society in social and spatial transformation." From a Dutch perspective planning is the scientific discipline which looks to solutions of spatial planning and theory. Spatial planning, which is very common in the Netherlands, "is the systematic way of preparing policies and planning implementations, which consciously intervene in the spatial sphere" (Voogd & Woltjer, 2009: 15). From SIA, Esteves *et al.* (2012) points out that SIA interfaces with a lot of disciplines within social sciences just as planning does (Fainstein & Campbell, 2012).

This chapter explains the main issues of planning theory that are connected with SIA and after all the RWE case in the Eemshaven. Planning and especially the planning process in the Netherlands has to deal with energy issues and so on the planning of wind farm locations and power plant locations. Cases like RWE and its opposing parties shows the relations between different actors of government, companies, NGO's and common people. This chapter shows as well that there are more useful rich ideas about mediation, coalition building and public participation which can supplement SIA.

3.1 Habermas

One important man who had a great influence on the communicative turn in planning and probably Social impact assessment is Jürgen Habermas. A German philosopher who had new ideas which changed social science and therefore SIA and planning theory. Both discourses and planning are influenced by Habermas and for that reason worth to mention. SIA discourse does not imply Habermas clearly enough, but considering SIA it shows some effects that probably got caused by Habermas.

Habermas' philosophy started with the inter-subjective communication which gives the 'objective truth' and reasoning instead of subject-object concept of reason. This implies the idea that the interrelation of different meanings, values and reasoning from different actors can lead, in a communicative way, to the shared 'truth'. By communicating and sharing your perception lead to a bounded constructed truth (De Roo & Voogd, 2007: 36) which is the base of

Habermasian theory and philosophy and has led to new ideas of planning of inter-subjective communication, especially looking to discussion, mediation and negotiation.

Planning could be seen as a way of forming a consensus, however De Roo & Voogd (2007: 110) considered that “in the current practice participants got often encountered as opponents including with the incomplete judgement of problems and with the limited insights of solutions”. Or to put it simply opponents or stakeholders are often seen as a delay or a problem in the planning process instead of an enrichment which is a very common problem in SIA practice as well.

Actors should, despite the differences, looking for an agreement, because different actors do share time and space and do experience them differently. SIA does have the endeavour to inter-subjective communication by considering all dimensions; economic, social and ecologic and goals like: all-gain situations; actors solving problems together; solutions that underpins different interests; the results must appear fair to the community (De Roo & Voogd, 2007; Sairinen, 2011; Vanclay, 2003a; Kapelus *et al.* 2011).

3.2 Contemporary planning theory

Planning has become complex in a sense that the world is hard to understand, monitored or estimated. Complex issues are difficult to handle just like SIA addressed to these complex project-based issues where conflicts can emerged and its following risks.

Planning as a discipline in social science is a convention that has been formed during time to give answer to complex issues and questions (De Roo, 2013; Allmendinger, 2009; Fainstain & Campbell, 2012). In planning theory and in social science it can be said that knowledge or theories are dependent in time and dependent of context. This goes back to the epistemological base of knowledge. However, it is not the case that knowledge is unreachable, but could be reached differently than in positivism modern science which means that any theory is a convention and concept from out a certain context (Allmendinger, 2009). The inter-subjective communication approach explains that complex issues could be dealt with conventions, dialogue and shared meaning which stimulates negotiation, mediation and partnerships. To conclude, what this all explains is the self-evident interconnection of planning theory and social impact assessment theory which addressed to the same complexity and conflicts that emerge in social issues intervening with politics and unforeseeable influences.

The ontological and epistemological question of knowledge in Planning and Social impact assessment address complexity and shows that both disciplines were influenced by the Interpretive and Communicative Turn in Planning theory. As Healey (2012: 230) explains, planning and public policy is about social processes “which ways of thinking, ways of valuing and ways of acting are actively constructed by participants”. The key emphases about communicative planning and decision-making from Healey (2012) shows many similarities with Social impact assessment which are represented as follows:

Communicative Planning Theory	Social Impact Assessment
<p>Knowledge. "A recognition that all forms of knowledge are socially constructed; and that the knowledge of science and techniques of experts are not as different from "practical reasoning" as the instrumental rationalist had claimed."</p>	<p>"Uncertainty Principle: It must be recognised that our knowledge of the social world and of social processes is incomplete (Vanclay, 2003b: 5). "Through experience, many practitioners have become convinced of the potential and real importance of using local knowledge to improve project or programme design" (Baines <i>et al.</i>, 2003: 28).</p> <p>"The opinions and view of experts should not be the sole consideration in decisions about planned interventions" (Vanclay, 2003b: 4).</p>
<p>Shared decision-making. "A realisation that public policies which are concerned with managing co-existence in shared spaces which seek to be efficient, effective and accountable to all those with a "stake" in a place need to draw upon, and spread ownership of, the above range of knowledge and reasoning".</p>	<p>"The Principle of Subsidiarity: decision making power should be decentralised, with accountable decisions being made as close to an individual citizen as possible. In the context of SIA, this means decisions about the approval of planned interventions [...] should be taken as close to the affected people as possible with local people having an input into the approval and management processes" (Vanclay, 2003b: 6).</p>
<p>Consensus-building. "A realisation that this leads away from competitive interest bargaining towards collaborative consensus-building and that, through such consensus-building practices, organising ideas can be developed and share which have the capacity to endure, to co-ordinate actions by different agents, and to transform ways of organising and ways of knowing in significant ways, in other words, to build cultures".</p>	<p>"Effective SIA requires the representative, inclusive participation of diverse groups working together in deliberative spaces to build trust and minimise fragmentation and self-interest" (Vanclay & Esteves, 2011: 14).</p> <p>"A system of engagement based on openness and accessibility should underpin all work" (Kapelus <i>et al.</i>, 2011).</p>

Table 3.1 Comparison of contemporary planning and Social impact assessment. Source: (on the left) adapted from Healey (2012: 230-231).

To conclude, contemporary SIA and contemporary Planning theory do show a lot of similarities and efforts to involve the people, use local knowledge, and to enhance consensus-building. And in ideas how decision-making and the use of experts in general should be situated. It is worth looking to the combination of planning and social impact assessment to provide a new way of

approach towards a Dutch context. This is actually the key feature of the main research question of this master thesis. As SIA implies it is dependent on the organisational context in which planning is an important part of it. In SIA there is a wider attention for participation processes in planning theory and practice. Several sources from Boonstra & Boelens (2011), Boelens (2010), Innes & Booher (2004) set the importance and reflection of used participation and better participation.

3.3 Delays and juridical costs in the Netherlands

Planning and above all Dutch planning is known, especially in the 50s, as a blue-print base to predict and to plan the environment. Contemporary Dutch planning has still many features from this technical rational planning. Boonstra & Boelens (2011) addresses to the Dutch planning compared to other countries and emphasise the technocratic and especially modern features of Dutch planning which is still present in today's planning in general. Boonstra & Boelens (2011) sees more advantages to deal with planning issues outside-inwards instead of inside-outwards. Inside-outwards implies the governmental-led Dutch approach by planners and experts which plan, predict and decide from inside and finally bring the plan forward (outwards). A main argument is that the world cannot be created from planners: "Planners should abandon that perspective and position themselves in the middle, as actors integrated in the self-organizing process itself" (Boonstra & Boelens, 2011: 117). Commission Elverding (2008) and Arts (2007) addressed also to the government-led planning process in infrastructure planning which knows many delays in the decision-making process in various causes. However, as SIA and literature implies, the main cause of delays are from the conflict that emerge (Kapelus *et al.*, 2011; Sairinen, 2011). The Commission Elverding (2008) was commissioned by the Dutch Ministry of Housing, Spatial Planning and the Environment to research a more efficient decision process on infrastructure projects. The commission conclude that the prevention of delays and conflict can be achieved through a better preparation and argument of the project in favour, better juridical expertise and a prior informed public consultation (Commission Elverding, 2008).

This is a promising argument, but the commission said the following about participation and joined/shared problem analysis: "The search towards solutions goes in steps, for looking to the best alternative, for example a planned road. This process of participation does not provide general consent, but do provide the political support which is a binding decision for all involved administrators" (Commission Elverding, 2008: 14). In other words, the commission supports an efficient, fast as possible process which get the political support to start the project. In theory, the political support from parliament or council is enough in the Dutch legislation to implement a certain project. But from an SIA perspective it does not provide the trust and understanding on communities (Kapelus *et al.*, 2011). In this sense there should be a wider change for preventing the delays and conflicts from a more normative perspective.

The literature review of Social impact assessment and the RWE case makes the aspect of environmental impact assessment (EIA) in the Netherlands the most relevant. For the final research question, if SIA could provide a better alternative to the used approach is it important to explain what the MER actually contains. The Environmental impact assessment (EIA) in the

Netherlands explains and researched all the environmental impacts of an intervention. From SIA perspective, it shows that environmental impact assessments are interconnected with social impacts and social change processes. The MER as an environmental impact assessment shows only one half of the story.

3.3.1 The Dutch MER process and report: a deeper cause?

As this part implies, there is probably a deeper root cause towards the general problem of delays and protest in energy project in the Netherlands. The main cause could be the government regulated process and its legislation. This theory is based on an interview and literature in which endorsements and opposites are discussed here as follows:

Dutch environment regulation and legislation is organised in the environment permit which is the composition of all environmental permits and regulation. The Environmental impact assessment or in Dutch *Milieueffectenrapportage (Mer)* is part of the MER procedure and is an important mandatory research for big projects like a coal power plant. The Dutch MER is the example of a regulated process confirmed by law in which measurable impacts like light effects, noise, traffic, nature impacts are considered and assessed. In addition does the MER look to other possible alternatives. One important difference to know is difference of the MER or m.e.r. procedure and the MER report. The mer procedure contains the formal procedure between the proponent, the authority and stakeholders. The MER report is the Environmental impact assessment which is the research report of the environmental impacts. About one quarter of the MER plans and projects is in the energy and industry sector. In addition to the RWE project are there more energy examples which shows the same procedures (paragraph 3.2.2). The MER is obligatory for big energy projects, and is also experienced as such. According to Runhaar *et al.* (2011) is the MER functioning and a valuable contribution towards the environmental awareness. In addition, Runhaar *et al.* (2011) explains that EIA practitioners sees the MER as preventive of delays instead of causing them.

The MER has changed by law since 2010 for further extensive obligation towards the public: "the public should have the opportunity to provide their views on a certain plan or project and mitigations or preventions should be described for negative environmental impacts" (Runhaar *et al.*, 2011: 33). This is a promising extension of the current MER process and indeed since 2010 are there now several cases in which views of involved stakeholders are involved in the MER process. This part of the MER is really important due to its SIA relevancy to involve the stakeholders which can show their displeasure, thoughts and feelings towards a certain project. Remember, social impacts are felt and experienced as a result of social change processes including the feelings in relation to the project (Schooten *et al.*, 2003). In that sense the obligation to involve the views of the public is an important feature in which SIA could join in. A professor of infrastructure (personal communication, 7 June 2013) explains that the legal MER procedure contains only the formal participation of submitting views and giving reactions from the appropriate government. This has happened during several energy projects which shows the unfortunate process of public view and ignorant responses. The MER process including the formal participation exists in the *simplified* procedure and *full* procedure of the MER. The

difference depends on the plan or project which means for energy projects producing more than 300 Megawatt comes under the full procedure. The table as follows shows both procedures of the MER in which the formal participation is marked in red.

Simplified procedure	Full procedure
EIA for permits (e.g. Environmental Act)	SEA (strategic environmental assessment) EIA for complex projects government is initiator of the project all projects which require an appropriate assessment on the basis of the Dutch Nature Conservation Act
Procedure step-by-step	Procedure step-by-step
Proponent notifies competent authorities	Proponent notifies competent authorities (EIA) Public announcement, start of procedure
<i>Optional: consultation designated authorities</i>	Consultation designated authorities public consultation
<i>Optional: scoping advice NCEA</i>	<i>Optional: scoping advice NCEA</i>
Write EIA report, including description of alternatives present report to competent authority	Write EIA report, including description of alternatives
Competent authority publishes EIA report and concept decision	Competent authority publishes SEA/EIA report and concept decision
Public consultation EIA report	Public consultation SEA/EIA report consultation EIA report designated authorities
<i>Optional: review advice NCEA</i>	Review advice NCEA mandatory
Competent authority publishes decision and justification	Competent authority publishes decision and justification
Evaluation	Evaluation

Table 3.2 The Dutch MER process. Source: Adapted from Netherlands Commission for environmental assessment (Commission MER, 2013).

When analysing the MER procedures, full and simplified, you can see the differences in public consultation and the mandatory review advice of the Netherlands Commission for environmental assessment (NCEA) in Dutch also Commission MER. From an SIA perspective participation is an important part of the SIA procedure in which communities are involved to make a project as beneficial as possible for everyone. The formal participation in this MER procedure do show some unfortunate correspondence between the authority and involved stakeholders who feel bonded to the project. Feelings like uncertainty, injustice among the interventions are expressed through these public consultations. Here are some examples of several public consultancies as regulated in the MER.

1. Nature compensation for the Eemshaven (2009): The authorities had to plan some nature compensation plans to get the approval of the Nature Protection permits for the new projects in the Eemshaven. Near the Eemshaven an area of 25 ha of farmland was bought up to change it into a nature area. The location adjoins the Wadden Sea which is protected by a dike. The intervention contains the physical transformation of farmland into wetlands for water birds. Involved stakeholders like farmers and other locals, who feel bonded to the area, can submit their views to the municipality on this project by email or letter, some of these are handwritten. Here is a part of a submitted letter to the municipality on reaction of the nature compensation:

"Hereby I would like to react on the plans of the nature compensation. I really regret that you ignored the following points: (1) considering the fresh water plan (the Wadden Sea contains salt water) you create a place of brackish water which could upset the fresh water plan. (2) From an economic aspect, these soils are very fertile to sustain the food supply. The soil is very suitable for potatoes production. (3) There is a fear to the additional damage that could develop like the emergence of undesired weeds and foraging birds. (4) Out of respect to our ancestors, who did a great effort to dike these lands"

The formal response from the municipality:

"Transforming agriculture parcels into nature is a fact. The agricultural value of these parcels is not in dispute. The fact that in early times land got reclaimed which now will get another purpose is due to the fact that times change. That is also a fact in which the municipality tries to anticipate on. The maintenance of the outer dike areas does not change the claim to change these parcels into nature" (Municipality Eemshaven, 2009).

The municipality answers in formal lines to sustain the legal process which is the assessment of the needed nature compensation for public interests. Another example, there is a variety of examples, is from the Deventer windmill plan near two small villages.

2. Windmill turbines 'Kloosterlanden' near Deventer (2013). 2 windmill turbines are planned near Deventer and 2 small villages. Part of the submission:

"The building of the wind turbines causes a major depreciation of the surrounding houses which is unacceptable."

Response from the municipality:

"It is right that the changing of zoning regulation for the planned wind turbines leads to a more planning negative situation. The municipality did a location research to find the best location for a minimum negative depreciation effect on houses. The so called planning damages is acceptable in the Netherlands when we strive for a minimum damage and when there is a sufficient compensation like the law provides. The municipality will provide this. The eventual compensation can only be determined by a specific oriented research which can be submitted to the municipality after the new zoning regulation is completed" (Municipality Deventer, 2013).

In here the municipality act within the law and do have to compensate. However, from paper it is not giving the satisfying answer to what extent and when the compensation would be. Sometimes a submission from a local expressed new ideas toward the planned intervention like in the case of the RWE coal power plant.

3. RWE coal power plant (2007). In the MER procedure for the RWE coal power plant are also some examples of formal participation. In addition to environmental organisations were some locals giving new suggestions about the RWE coal power plant expressed in their submitted letters to the province of Groningen:

"There are possibilities to use residual heat and CO2 emissions for algae cultivation and greenhouse farming"

Response from the province:

"We make a decision within the permit application of the proposed activities of RWE, in which this MER report got formulated. We cannot prescribe other alternative forms of energy production in this permit." (province of Groningen, 2007)

The province of Groningen is right that they only have to assess the applied activities from RWE. However, in 2007 the Commission MER did give the advice to research possibilities of using residual heat which is not mentioned here in the formal response (Commission MER, 2007).

3.3.2 Final words

This paragraph does not imply that the submissions and responses are right or wrong in their opinion and procedure. It only shows how the formal participation as regulation in the MER procedure works. To conclude, the formal participation shows a very technocratic juridical approach towards the arguments from worried and concerned people on certain proposed projects which could cause dissatisfied feelings and anger. In this approach there is little space for further changes and adjustments of the proposed project. In the RWE case, suggestions of changes and feelings towards the proposed plan are kept in ignorance. In general the responses is about technique information from researches and laws. Actually this is understandable because the legislation do not demand an informal participative approach like a prior consent process where different stakeholders could add their ideas to a plan.

Many arguments from the authority; municipality or province, confirmed their legal approach which is within the rule of law. Runhaar *et al.* (2011) explains that the mandatory feature of MER caused that there is no stimulus for extensive informal participation that goes beyond the legislative formal participation. Considering SIA theory, formal Dutch participation through correspondences is very dissatisfying for the involved stakeholders and do not provide the needed trust and consensus-building which underpins sustainable development. Bearing that in mind there is much to be said to strive for better and further participation which manage the social issues.

Besides the formal participation within the MER procedure are there extended informal attempts for further public involvement (personal communication, 7 June 2013). These previous expressed examples of Dutch MER legislation does not mean that all authorities in the Netherlands take the same technocratic, regulated approach. There are several cases in which more extended public participation in addition to the formal participation has reached a better effective outcome. One example is a water management project near the Dutch rivers named as 'Space to the River'. By creating more space for the river the chance of floods decreases. One important measure is to move the dikes more in land which means some families got to move out to another place. By a proper information distribution and involving the effected families they agreed to move out for the common good (personal communication, 7 June 2013; National Government, 2013).

To conclude, the formal required regulations through letter correspondence are limited considering its attempt to involve the public, to build trust among its involved stakeholders and to research social problems and issues, to use local knowledge instead of experts views and opinions. One important SIA value is to make the intervention beneficial for everyone involved. In that sense it not sustainable enough for an equitable biophysical and human environment. The RWE coal power plant process explains more about the MER and which impact, negative or positive could have on planned interventions. Chapter 4 gives a more detailed view of the RWE case and its approach. In chapter 5 is the used approach further discussed including the alternative approach of SIA.

Chapter 4. The coal power plant in the Eemshaven: the used approach

The following chapter explains the case in the Eemshaven more detailed. Most of the projects in the energy sector faces a MER process and an Environmental impact assessment report. The chapter addresses to the conflict that got emerge from this case and how this conflict caused more problems for the RWE company.

4.1 The start of the project

In the north of the Netherlands is since 1973 a harbour located called the Eemshaven (Eems harbour). The national government followed a Keynesian policy of economic stimulation. One of the aims was to distribute the wealth of the country to more peripheral regions like Groningen. A new harbour was planned at the Eems with a good connection to the Noordzee (North Sea; see Figure 5.1). The North Sea provide ship connections to other ports in Europe and contains global shipments lines to other parts of the world. In the first 20 years there were little activities in the harbour which confirms the idea that the region is economical weak and that any stimulation would be a disinvestment.



Figure 4.1 The Eemshaven in Europe (Openstreetmap.org)

However, in the last 10 years, with its turning point around 2002, there was a huge change which made the harbour attractive for energy producers, IT companies and transport companies. Different big energy companies like RWE, Nuon and Avanced Power planned a new power plant in the Eemshaven.(The gas power plant of Advanced Power got cancelled¹). Traffic

¹ Adanced Power cancelled the gas power plant because of the high gas prices which would make the power plant unprofitable.

and workers are going to and from the Eemshaven every day. At night, it is possible to see the lights of the Eemshaven from far away. Windmills arise from the ground and in 5 years the area completely change physically (Figure 2). The former port was known for its vacant lots where birds and water birds made good use of the empty port. The general opinion towards the Eemshaven was negative considering the economy. After the turning point around 2002, the attention from big energy companies was received with great optimism. However, the new plan for a coal power plant of the RWE company became controversial which created protests from environmental non-government agencies (ENGOS) like Greenpeace and diverse communities.



Figure 4.2 The Eemshaven from 2005 to 2012; the RWE power plant is located in the circle ((left) Google Earth, 2005; (right), Esri maps, 2012).

4.2 Background

The RWE case in the Eemshaven is a very complex situation which knows various opinions, parties, law suits and research documents. The build of the RWE coal power plant is almost completed and the last estimated completion is in 2014. The subject of RWE has been well discussed on television, newspapers and radio in the region and in the national news.

The RWE case is used in this thesis to show how Social impact assessment (SIA) could be involved. The director of Groningen seaports Eemshaven and Delfzijl already thought and explained that a participatory approach towards the main stakeholders could save some conflict risks like high additional costs and late adjustments. Harm Post, director of the Eemshaven Seaport, said: 'what is now happening with RWE could have been prevented. You need to involve the environmental organisations in advance and ask them: "How would you like it?" That would have saved a lot of money' (Dvhn, 2011). This statement of Harm Post is a simple but important one which stresses the point that a more extensive deliberative process has potential in the business sector just as the SIA literature underpins the same deliberative approach (Vanclay, 2012; Kapelus *et al.*, 2011; Hartz-Karp & Pope, 2011).

The Eemshaven is one of the biggest ports in the northern area of the Netherlands. It is located in the province of Groningen in the north-eastern part of the country (figure 4.1). This area is known for its flat countryside, dikes and man-made hills that are thousands of years old, built to protect the villages against the rising sea level since the last ice age. The Wadden Sea is one of the important nature protection areas which has a unique biodiversity and cultural importance

for many people living far and nearby. The Wadden Sea area stretched from the Netherlands till Denmark which contains islands and dry sand banks where seals and birds make use of. In 2009 the German Dutch Wadden Sea area has been placed on the UNESCO list of world heritage.

4.3 The RWE process

This part explains in short the RWE process and its implications. In the start of the project in 2005 the national government implies to have a more various energy production due to the gas oriented energy production in the Netherlands. In April 2006 it became clear that the RWE energy company was interested in an expanding plan for the Netherlands to build a power plant which should use coals and bio mass for its electrical production.

First, RWE was interested to build the coal power plant in the Eemshaven or in the Rotterdam port. Both places have access to the sea for coal ship transport which was an important criteria for the final decision. In May 2006 became clear that the RWE was interested in the Eemshaven due to its vacant lots which was needed for the planned coal power plant. The decision was put on the Eemshaven to have a coal powder fired plant producing 1600 megawatt (MW) divided over 2 compartments of 800 MW. The power plant will start with 100% coals and after several years biomass (e.g. wood, sugar cane and other bio wastes) will be used. The decision was made and from then RWE applied for the needed permits at the Dutch authorities in question. To get this approval the legal MER process (or Environmental impact assessment (EIA)) started to assess the environmental impacts.

The first step of the permit process was the concept document to initiate the environmental impact assessment; in Dutch *Milieueffectrapportage* (MER) (more explained in 3.2.1). This concept is not the final report but gives the possibility for comments and objections by the involved governments. On May 29, 2006 a meeting was organised as a public consultation for this concept document. The Dutch MER is an environmental impact assessment (EIA) report which gives an overview in advance of the environmental consequences as a result of the planned intervention and is regulated in the Dutch environment administration law or *Wet milieubeheer* (Wm) (Commissie voor de milieueffectrapportage, 2012).

The EIA report of December, 2006 has been drawn up under the responsibility of RWE and KEMA consultancy. KEMA is right now DNV Kema which is a company specialised in offering risk assessment and control researches. The Commission of MER and the province of Groningen were already able to give advice and guideline before the final report got published. The Commission of MER is the national advice agency to all EIA report in the Netherlands. The authority of the province of Groningen can make a decision about approval after the EIA report has been completed.

4.3.1 The considered impacts

The major environmental impacts that were considered in the MER were landscape, air quality, surface water, flora and fauna, noise, safety and health, logistics and transport. Overall, in The

Netherlands an environmental impact assessment (EIA) does not consider the social impacts, however as discussed in the literature an environmental impact could cause a social impact as well (van Schooten, *et al.*, 2003). The key points of the EIA report are here highlighted:

The first environmental impact is the air pollution and air quality. The effects of these emissions are assessed of year average depositions which contains the following elements; nitrogen, sulphur and other elements. The main conclusion was that all air pollution is within the legal limit. According to the EIA the effects in the neighbouring country Germany are very limited and negligible (KEMA, 2006, p. S 16). The ESPOO treaty from 1991 researches trans boundary impacts which was not relevant in this case. Maybe peculiar, but the ESPOO treaty only was in question when the RWE coal power plant had a significant effect over the German border which is not the case: "On the border is there a limited average increase of sulphur and nitrogen" (KEMA, 2006, p. S 17).

The discharge of cooling-water affects the plant and animal life in the nearby sea. There will be a maximum of 65 cubic metres per second discharge when the coal plant is running on full power. The discharge is legal and according to the Dutch cooling-water criteria and the discharge of chemicals are absolute minimal (KEMA, 2006, p. S 17). The Commission MER confirmed as well that the effects on water temperature are limited (Commission MER, 2007).

The protection of different species could be effected by levelling up the terrain. The new RWE power plant will have negative effects for some bird species. The nearby Wadden Sea area is the protection area zone for these birds. Besides, the MER conclude that other species like seals and several fish species, could be affected by the cumulative effects of the entire intervention at the Eemshaven.

4.3.2 The permits

The commission MER observed some essential shortcomings in the EIA of the coal power plant. These shortcomings contain a clear indication of noise effects on fish and on habitat type H1140 which are the clear standing areas from the water in the Wadden Sea and sand bars. The effect on fish by discharging and using of cooling water was also unclear (province of Groningen, 2007: 10; Commission MER, 2013b). In 2007 the final EIA got completed in which most of the environmental assessed impacts were sufficient described including its mitigation measures. The permit got approved by the province of Groningen on 11 December 2007 including the permit on water surface and hydrology.

The EIA was necessary to get an approval of the first three permits as showed in table 4.3 about the needed permits. The 'Nb' permit on the nature protection of flora and fauna is not assessed within the EIA but within a 'suitable judgment' (*Passende beoordeling*) which is regulated in the Nb permit of Nature protection that especially looks to the effects on the Nature2000 areas and flora and fauna (Commission MER, 2013c).

Permit	Law (Dutch)	Authority (Dutch)	Date
Wm (EIA)	Law environment administration (<i>Wet milieubeheer</i>)	province of Groningen (<i>Provincie Groningen</i>)	11 Dec 2007 30 Nov 2011: APPROVED
Wvo (EIA)	Law pollution surface water (<i>Wet verontreiniging oppervlakte water</i>)	National department waterways and public works (<i>Rijkswaterstaat</i>)	3 Dec 2007 28 April 2010: APPROVED
Wwh (EIA)	Law soil hydrology (<i>Wet op de waterhuishouding</i>)	National department waterways and public works (<i>Rijkswaterstaat</i>)	3 Dec 2007 28 April 2010: APPROVED
Construction permit (<i>bouwvergunning</i>)	Housing act (<i>Woningwet</i>)	Mayor and Aldermen municipal authority 'Eemsmond' (<i>B&W Gemeente Eemsmond</i>)	12 Aug 2008 3 Nov 2010: APPROVED
Nb	Law nature conservation (<i>Natuurbeschermingswet</i>)	Minister of economic affairs, agriculture and innovation (<i>Minister van EL&I</i>). Right now: the province of Groningen, Fryslân and Drenthe.	<ul style="list-style-type: none"> • 14 Aug 2008 approved (1) • 24 Aug 2011 reversed • 19 June 2012 approved (2) • Final judgment Nov 2013. IN DISPUTE

Table 4.3 The needed permits of the RWE coal power plant. Source: (KEMA, december 2006: 3.4; Provincie Groningen, 2007; Raad van State [Court of Appeal], 2011).

4.3 Law suits: juridical process of the RWE company

Environmental organisations among others Greenpeace and Natuur & Milieu [Nature & Environment] objected against the approved three permits in court and failed (table 4.3 Wm/Wvo/Wwh). According to them the province should have stated higher demands on the emission of nitrogen and sulphur. "They were afraid that these emissions would cross the maximum national emission. These maximums are established by the European Union (EU) to restrict the rate of air pollution" (province of Groningen, 2013). On 30 November 2011 the highest Court of Appeal (Raad van State) confirmed the approval of the environmental permit (Raad van State, 2011). According to the judge the province should not consider the national emission maximum, as claimed by the environmental organisations.

4.3.1 The Nature permit

Table 4.3 shows the needed permits in which all of them got approved by the authority in question. However, one of them got withdrawn by the highest court and caused immense

delays in the entire permit and building process. The permit in question was the Nature permit considering the effects on Natura2000 areas and the flora and fauna. The Natura2000 areas is an European nature network to sustain the ecological biodiversity.

RWE and Groningen Seaports, as the exploiting company of the port, both started to apply for the Nature Protection Permit (Natuurbeschermingswet) and both permits got reversed by the Court of Appeal. RWE applied for the coal power plant and Groningen Seaports applied for the dredging activities of the main ship course to the port. The main thought was that there would be a lesser chance of delays by splitting up these activities in the permit applications. If one of them got delayed the other activity could still be continued. However, the Court of Appeal assessed the separated application as legally incorrect. Both activities were too interconnected to assess them separately and this became the main reason to withdraw the permit (Raad van State, 2011; province of Groningen, 2011). In addition, there are more reasons which were also mentioned by the Court of Appeal (adapted from the province of Groningen, 2011):

1. Sea mammals like seals. The effects on these animals need to be investigated scientifically and monitored.
2. Nitrogen on the German islands. The research on the Natura2000 areas is clear, but the nitrogen deposition effects on the German islands is still unclear.
3. Cooling water. It is still unclear if the increase of cooling water temperature will stay within 2 degrees Celsius.
4. Light radiation. RWE is unclear about the light regulations in which RWE got to obtain.

After the withdrawal RWE stopped immediately some activities on the building site. The province of Groningen and Fryslân initiated a permit of tolerance which is only allowed when there is a believable chance of a future permit approval (province of Groningen, 2011a). This permit was accepted by the Court of Appeal and approved by the authority and made it possible for RWE to move on. From then on RWE and the northern provinces, Groningen, Drenthe and Fryslân started a new research on all these unclear issues and RWE applied in combination of the dredging activities a new permit of the Nature protection law on 23 March 2012 and approved by the authorities on 19 June 2012.

What followed was a new attempt from environmental organisations, German municipalities and communities to object this permit on legal terms in which the Court of Appeal is now considering its final judgements as expected in November 2013. The entire process of RWE which caused the delays and controversies is a bit difficult to understand, because of the juridical and technical regulations and actions. However, the following part describe short and briefly the main juridical issues.

To get approval for the Nature permit which RWE got from the authorities. It needs to be clear if the entire plan has no negative effect on the Natura2000 areas and the flora and fauna. The Natura2000 areas is the European nature network to sustain the ecological biodiversity. If there is a negative effect an ADC-test is obligatory according to the Dutch law. However, the authorities and the [suitable judgment] '*Passende beoordeling*' concluded there are enough compensation measures to contain the Natura2000 areas and the flora and fauna (province of

Groningen, 2012a). This is a very important juridical argument, because when there is still a significant effect on the Natura2000 areas and on animals and plants then an ADC test is required. An ADC-test contains the following questions (province of Groningen, 2012a):

A: Are there alternatives?

D: Are there compelling [Dwingende] reasons of public interest to complete this plan?

C: Are there compensation measures?

The ADC-test is not necessary according to the authorities because of the nature compensation measures which means there is no overall negative effect on the Natura2000 areas. Because there are going to be more nature areas funded by RWE and as a result there will be more nature areas after the RWE completion. But if the Court of Appeal decide it ADC-test is necessary, so there is a negative effect, it could be doubtful if the Court of Appeal would decide in favour of RWE. Because there are (A) alternatives to energy production and in the last news RWE concluded that there is an overproduction of electricity which means there is probably (D) no compelling reason to complete the coal power plant. The situation could be quite delicate whether the 2.9 billion euro's invested by now is lost money or not. The final judgment of the Court of Appeal is expected in November 2013.

4.4 Conclusion of the main process

In the used RWE process were the compulsory legal requirements the central point to be obtained. The EIA and the necessary permits including the legal requirements were the top priorities to make this plan done. However, as being RWE it is probable desired for the company to have a stable project and sustainable power plant for the long term where conflicts could be avoided. There were many stakeholders legitimate or not which felt bonded with this case and the Wadden Sea area. At first sight it seems that RWE got the legal approval of all the permits, but got delayed when one of them got reversed. In legal terms RWE should have prepared its researches to prevent a withdrawal by high court. But, even if RWE got all their needed permit there probably would still be major objections and law suits which costs after all money.

The key is that a technocratic regulated approach that only follows the environmental impacts and mitigations is not enough to prevent as much as possible social impacts. And most of these impacts contains fear and anxiety among the project. The used approach of RWE explains why a conflict can emerge and confirms indeed that most of the social impacts only contains fear and anxiety towards the planned intervention.

2 persons from Oudeschip were interviewed as well and experienced the consultation process as an announcement of the coming projects in which adjustments or suggestions were not possible. The Dutch legislative approach does not stimulate the contact with surrounding communities and involved organisations. As paragraph 3.2 explains the formal participation as regulated in the EIA process is through consultations and letter correspondence in which most of the plan is already be established. As Erik de Waal of the Nature & Environment foundation of Groningen confirms: "Our first contact with RWE was in court" (Erik de Waal, personal

communication, 22 May 2013). In that sense there is much to win to manage the social issues of a planned intervention like the RWE case to prevent major objections and strive for an interventions as beneficial as possible for the region (more on opposition in the RWE case is in paragraph 2.2.3.1). Figure 4.4 shows the main used approach which explains the most important stakeholders, opponents and proponents.

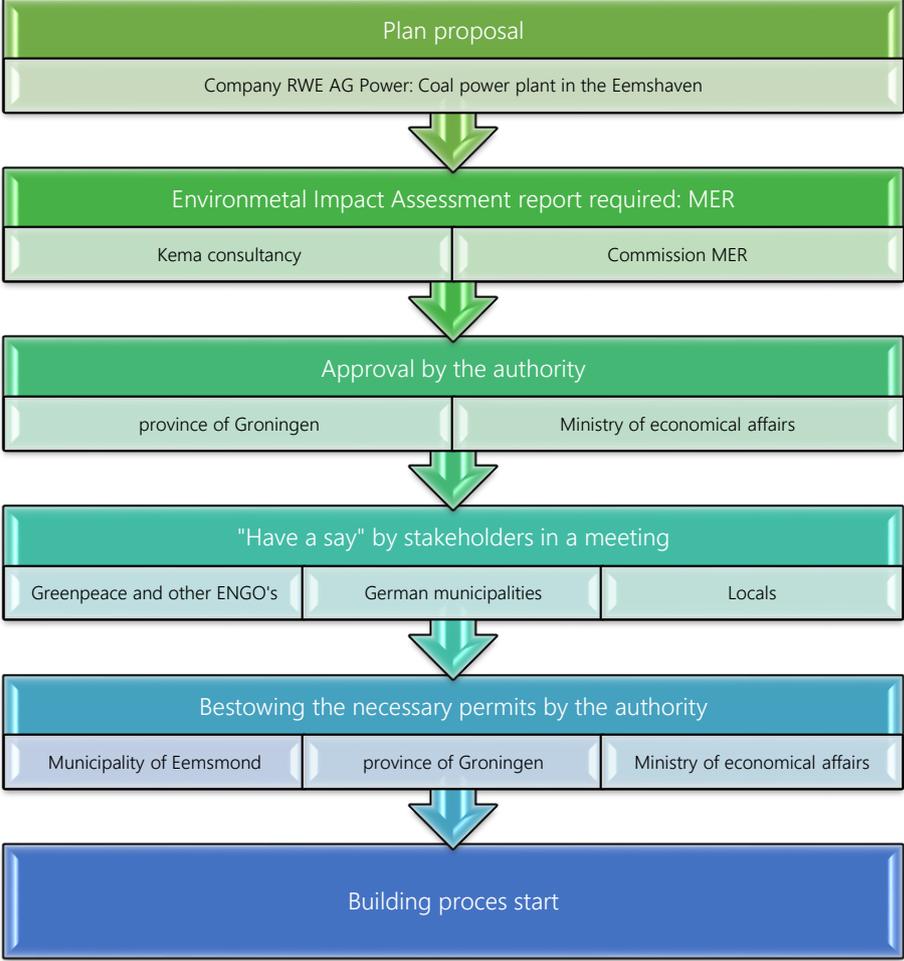


Figure 3.4 the regulatory process of the RWE coal power plant in the Eemshaven

In short, by comparing the used process to the other process it is probable that the alternative process based by SIA could avoid conflicts and have less legal costs. SIA as a discipline present an alternative model based on the SIA discourse and other literature to show probably a better option to take. However, it is true that this suggestion is easy to make and therefore some practical comparable examples of other planned intervention would be described as well.

The used process of RWE and all the technical and juridical details shows in general a juridical conflict at court between the proponents and opponents. All the details of the RWE case are actually not very important to describe. What is important for this thesis is the possibility of an alternative approach by RWE and the province of Groningen to consider an SIA perspective.

Chapter 5 discusses the results from the literature analysis and the interviews and tries to give an critical perspective on SIA and the RWE coal power plant. Chapter 6 elaborates on the conclusion of this thesis in which an alternative of an SIA perspective is described.

Chapter 5. Results and discussion

This chapter explains the results from the literature review and the interviews. From an SIA perspective does SIA explain how social change processes and social impacts work and why people will oppose. This research aims to review and analyse the legislative Dutch process used in conflict-sensitive cases and provides another approach to these cases from the Social impact assessment (SIA) discourse. The literature analysis and some depth-interviews shows how the key findings could be explained and interpreted. First, the social change processes of RWE are explained in paragraph 5.1. Second, its opposition and risks of the case are explained in paragraph 5.2. Paragraph 5.3 shows the conflict risks and the occurred problems in the RWE case. 5.4 explains the relevancy of the depth-interviews. 5.6 conclude an SIA perspective on the RWE case and how the theoretical background of Planning and SIA could form a theoretical model. Finally, implications from Dutch law, and reflections on SIA and the use of it build up to a conclusion.

5.1 Social change processes from the RWE coal power plant

Social change processes are changes caused by the intervention and could turn eventually to a social impact. The following social change processes changes can be distinguished from the RWE coal power plant. It has been tried to distinguish the changes from this intervention only. So other processes independent from the RWE intervention are not mentioned. The area already knows a population decline for example. It is possible that some social change processes are missing or left out. Just like Schooten *et al.* (2003) implies; social impacts and social change processes are variable and are there variable lists which makes it sometimes hard to list all current processes. The social change processes are based on the lists from Schooten *et al.* (2003: 80-84) and local newspapers which express major social changes. The RWE coal power has also several biophysical changes which are explained in chapter 4.

Social-change processes:

Demographic processes

- Presence of (temporary) construction workers. Many workers come from abroad like Polish mechanics and other nationalities which are present at the build of the RWE coal power plant. Every day there are 1200 workers on the building site which are from 15 different countries like Turkey, Slovenia, Poland, Belgium and others (Dvhn, 2011e). The local newspaper *Dagblad van het Noorden (Dvhn)* [Daily newspaper of the north] reported of a law suit between the local union and the Polish building contractor companies which deliver foreign workers. Polish workers got less paid than Dutch workers and as a result Dutch workers are less attractive to hire for the job. The unions speak of 'unfair competition'. This particular case is about 700 Polish workers working at the RWE building site (Dvhn, 2012a). Another situation considering the foreign workers are these several accidents. There has been 6 accidents on the building site since the start in which one Police worker died (Dvhn, 2011e).

- Presence of newcomers. The Eemshaven is located in the Eemsmond municipality which knows a little growth of foreign newcomers. However, Dutch migrants from other areas can also be considered as newcomers. In that case the total of Dutch migrants shows an out-migration; in the last years Eemsmond shows a steady population decline. Whether the intervention of RWE will stimulate the amount of permanent newcomers is not clear. The current figures from CBS (2013), *Statistics Netherlands*, shows a slide growth of non-Dutch newcomers. Especially the number of foreign EU citizens living in the Eemsmond municipality supports the growth (Figure 5.1). Several conditions could be the cause of this growth like the new memberships of East-European countries as Poland, Estonia and other new member countries in the last decennia. The presence of newcomers is difficult to derive only from the RWE intervention. The several upcoming economic activities in the Eemshaven makes a cumulative approach more appropriate to assess the demographic social change.

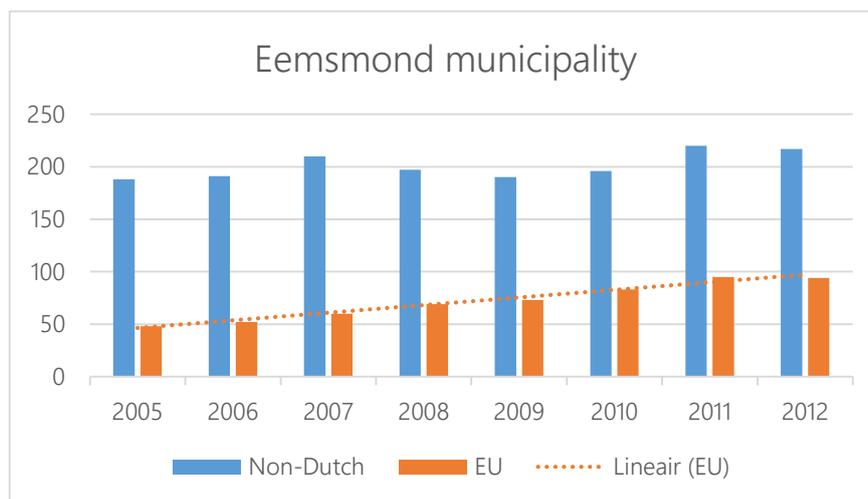


Figure 5.1 Number of foreigners in the Eemsmond municipality (CBS, 2013).

Economic processes

- Waged labour. The built of the RWE coal power plant provide a temporarily and permanent positive change to the amount of jobs. In April 2011 RWE agreed with local governments to hire more local workers from the region instead of abroad (Dvhn, 2011a). Every day 1200 people are working on the building site of RWE. One third of the workers at the RWE power plant are Dutch.

In addition, RWE offers permanent jobs that need specified and experienced workers which are in any case difficult to find in Europe, according to RWE (Dvhn, 2011a). RWE estimated that the coal power plant at full run would provide 150 permanent jobs and 350 indirectly (Rtvnoord, 2012), which will last for 30/40 years (Dvhn, 2012b). Most of these jobs got probably fulfilled by foreign workers or outside the region of Groningen. The director Harm Post of Groningen Seaports (personal communication, 1 May 2013) mentioned already the shortage of local technical workers encountered by RWE. As a

result the amount of Dutch workers had not made a significant growth and Greek, Spanish and Italian workers are already hired to fulfil the jobs in the Eemshaven (Rtvnoord, 2012).

Institutional and legal processes

- Privatisation. RWE took over the Dutch Essent in July 2009. Essent was already privatised but a lot of shares was in possession of several Dutch government administrates like municipalities and provinces. The national parliament was at first sight against a certain German take-over due to RWE's reputation as unclean energy producer (Dvhn, 2009). However, a lot of municipalities agreed to the sale of Essent while RWE offered a lot of money for Essent's shareholders. Since then Essent has become a subsidiary company under the name of RWE/Essent. The initial propose of the coal power plant in 2006 was already done by RWE AG Germany. In general, left parties were concerned about the privatisation (Dvhn, 2009) of the electricity sector which is considered as a collective common good for everyone. Their doubts were not undeserved while RWE/Essent got to cut in the personnel of the Dutch Essent subsidiary later on in 2013. One of the contended cause is the privatisation and sale of Essent to RWE which caused RWE to recover from the high takeover costs of Essent (Leeuwarder courant, 2013).
 - Another current privatisation has to deal with Groningen Seaports which was a government owned company to exploit the 2 ports of Eemshaven and Delfzijl. The province of Groningen and the municipality of Eemmond and Delfzijl were owners of Groningen Seaports till June 14, 2013 (Groningen Seaports, 2013). From that day Groningen Seaports became a real company labelled 'incorporated'. The interconnection between the private and public interests of the company got the attention from Greenpeace and other opponents during the several law suits. The province of Groningen, as public administrative, bestowed the permits of the RWE coal power plant. In that time the province was also owner of the private company Groningen Seaports who exploits these ports in question. In that case it was not clear on whose behalf the province of Groningen exactly was operating. This conflict of interests, whether public interest or private interest, makes the situation not easier.

What these social change processes explain is that there are enough implications for social impacts which could make people opposing or act against these changes.

5.2 Opposition and forms of resistance

Analysing the RWE coal power plant and its major environmental and social impacts implies the stronger NIABY role. At least, for the involved environmental organisations like Greenpeace and for example the Wadden Union (Waddenvereniging). The RWE coal power plant in the Eemshaven does provide a collective product which is cheap electricity from coal. However, the environmental negative factors are, among others, the CO₂ emissions, the nearby UNESCO

Wadden Sea, the emissions of toxics, like sulphur and nitrogen, the use of cooling water from the Wadden Sea, coal ship transport, effects on birds and animals and the probable health impact from these emissions. All of these environmental impacts provoke environmental organisations to express an N-in-any-BY behaviour. However, most of these impacts, especially the emissions are within the legal Dutch limits of air emission. A quote from one of these organisations makes their opinion clear about the RWE case and gives an idea where this kind of resistance stands:

"The RWE coal power plant is a private initiative. There are in the Netherlands and in the surrounding countries sufficient power plants to provide our electricity: the build of the coal power plant is not needed because of a great public or collective interest. (In the previous Nature Protection law permit was this argued, but because of the Court of Appeal's [Raad van State] judgement this argument could not persisted. Besides, there are sufficient alternatives like: build it somewhere else, not near the Wadden Sea, use wind and sun power, etc. So the permit should have been refused. Whether RWE was willing to compensate the damage (partly), makes it no difference"; From an environmental organisation, 2013.

This opinion express the doubtful thoughts about the necessity of the RWE coal power plant. It emphasises the alternatives and the change of technology and not, approximately, the proximity or location of the power plant. Only the proximity of the Wadden Sea as protected zone is disputable. By this information the NIABY factor seems to be stronger than the NIBMY factor. Besides, environmental organisations do emphasise in general a normative or idealistic agenda which could be considered as location independent.

Another example from the United States shows a case where the opposition changed from NIBMY to NIABY about liquefied natural gas terminals (Boudet, 2011). But this change was more a change of scale than a change of attitude or opinion towards the proposed intervention. Where in various organisations got joint together to prevent any build of that gas terminal in the area.

From the RWE case there are more different kind of opponents with different motives. Wolsink (2000: 57) sets four forms of resistance which 2 already got mentioned: (A) NIMBY; (B) NIABY and type (C); which is a positive attitude that switched negatively during the discussion surrounding the proposed construction; and type (D) which support the technology, but only under certain conditions, like the scenery and the possibility for another location.

All these kinds of resistance were present at the RWE case. But most of the resistance ended at type B which is the argument that not any place will be suitable for this power plant concerning its environmental impacts. Neighbours from Oudeschip and the German island Borkum, and others, surrounding the coal power plant, objected because most of the air emissions would effect this area which is an objective, measurable threat. For example, In the depth-interviews with 2 residents of Oudeschip became clear they did not like the proposed technology to use coal. The German isles and its mayors joint together and wrote a petition against the coal power plant for sustaining the clean air and climate protection. Here is a part of the resolution:

"The islands have the title of 'Kurorte' (health resort), therefore are there strict air quality demands to sustain the title of 'Kurorte'. The toxic emissions [do not know] any limits. The emission of nutrients cause a change to the nutrient barren islands and especially for the dunes where the toxic emissions, dioxin and

sulphur, could get through organisms which cannot break these down biologically. Therefore the East Frisian islands demand from the province of Groningen to disallow the coal power plant" (Die Ostfriesischen Inseln, 2012: 3).

However, there are more opponents across the Netherlands which oppose because of the proposed coal technology (NIABY). There are several organisations across the country who do not live near the coal power plant that did get involved in several formal gatherings (province of Groningen, 2007).

Type D is plausible for the RWE case; there were discussions going on to adjust the coal power plant combining with CO₂ storage and a greater share of biomass instead of coal, however these negotiations failed due to a lack of support. The other option for a different location was not possible for RWE, because of the pre-planned blueprint of the coal power plant. Type A; NIMBY could only be labelled when the certain party, individual or group prefers the technology but not nearby an attached place like someone's home or working place.

5.3 Conflict risks

The RWE coal power plant in the Eemshaven can also be considered as a conflict or disagreement which escalated indeed in something more serious. The lawsuits between the company and involved parties caused considerable damage for RWE. For example, the permit process was totally delayed which got challenged by Greenpeace and local people. Kapelus *et al.* (2011) mention some of the negative risks which also appeared during the planning and building process of the RWE coal power plant. Some of the appeared risks of the coal power plant are mentioned here and are partly based on Kapelus *et al.* (2011: 291):

Conflict risks that occurred in the RWE planning and building process:

- Delays to preparatory work, construction and operations. In 2006 the environmental impact assessment report indicated that the coal power plant would be operational in 2012 (KEMA & RWE, 2006). However, at the time of writing the most appropriate estimation would be 2014 (province of Groningen, 2012: 8; RWE, 2012). RWE followed the legal required process, but the environmental impact assessment forgot some major environmental issues which caused the reversal of one permit by the Court of Appeal (Raad van State). This permit got reassessed by the province and has been bestowed again after a more exclusive research. The same process started again: (1) province bestowed permit, (2) NGO's and others objected the permit (3) Court of Appeal does his final judgement which is now expected in the end of 2013.
- Withdrawal of license. One permit got withdrawn by the Court of Appeal in August 2011 by a successful court challenge from Greenpeace and other parties. The withdrawal of this permit delayed the entire juridical process and has been one of the key elements of delay for the RWE project. It caused delays in construction work (risk of delays) and raised the juridical and research costs (risk of additional costs).

- Reputational implications. The publicity along the 7 years about the protests and juridical procedures have had a negative effect on the company RWE. It is hard to measure the real negative effects on RWE's reputation, but without a doubt, a company's reputation is very sensitive and allergic for negative news.
- Additional cost. The precise amount of additional costs for RWE is unclear, but there is enough reason to assume that these costs are very high. The newspapers indicates that these costs were indeed higher than estimated but do not give the precise additional costs. Harm Post, the director of Groningen Seaports, mentioned that the delays costs a lot of money. Approximately one a half year of delay means there is a loss of 1,5 year turnover for the company (personal communication, 1 May 2013). The total amount of cost for the build of the coal power plant turned out also higher than estimated. In the beginning of the planning process the total investment was estimated on 2.2 billion Euro (Dvhn, 2011d; Dvhn, 2008). Now, according to the last reports 2.9 billion Euro has been invested for this project (RWE, 2012: 72). In that case the additional costs are approximately 700 million Euro higher than estimated. In addition, the juridical costs that were needed for the several law suits to challenge the approval of all the needed permits were without a doubt enormous (Dvhn, 2011b; Dvhn, 2011c). Most of them got approved at the end by the Court of Appeal, except for one permit. This withdrawal extended the costly juridical process with all the costs as well. The new permit required not only lawyers but also a new extended environmental impact research which required costly specialists.

5.4 Interview results

In addition to the literature review has some interviews been done with some key informants about the RWE case which could help to answer the research question and to analyse the RWE case better in its approach and Dutch legislation. In general, the interviews gave an horizontal view of various different issues like Dutch formal participation and about the RWE case that shows how Dutch legislation and regulation works in the Netherlands.

For a better understanding about SIA in the Dutch planning and the Dutch environmental impact assessment have some depth-interviews been done. Every interview took 1 hour at minimum. 5 interviews have been done in which all of them were asked about the RWE case and the Eemshaven. Only the interview with professor of infrastructure planning gave a more detailed explanation about the MER process in the Netherlands. At the end 2 inhabitants of the small village Oudeschip, just nearby the port, were interviewed and gave an important insight of the RWE case. During these interviews was also asked about their ideas of planning and public involvement and the concept of Social Impact Assessment. The theoretical subjects were adjust their expertise and experiences. The following individuals were interviewed:

- Mr. Harm Post, director of Groningen Seaports since 2001, responsible of the exploitation of the two ports Eemshaven and Delfzijl. He was involved with the proposed plans, among others of Vopak, Nuon and RWE. Groningen Seaports counseled these companies during their permit process.

- Mr. Erik de Waal, studied environmentalism or ecologies, works now at an environmental movement, 'Natuur & Milieu Federatie Groningen' [Nature & Environment Federation], and was involved in the negotiations with Vopak and RWE.
- Professor, specialised in environmental and infrastructure planning, Dutch 'm.e.r.' and/or environmental impact assessment.
- Mrs. Anonymous, she lives in Oudeschip and would like to stay nameless.
- Mr. Anonymous, he lives in Oudeschip as well and would like to stay nameless.

The depth-interviews were incorporated in the case study analysis in chapter 4 and in the literature review. The first depth-interview got arranged with the director Harm Post of Seaports Groningen which has the main task to exploit the two ports of Delfzijl and Eemshaven. He mentioned the hot summer in 2003 as an important factor to locate at sea to guarantee the water supply for coal power plants. Erik de Waal informed about the contacts between the 'Natuur & Milieu Federatie Groningen' [Nature & Environment Federation Groningen] and RWE, Vopak and Nuon. The professor of infrastructure planning explains some key issues involved in the MER procedure and how an SIA could be in a Dutch context.

The last 2 depth-interviews were used for the RWE case study in which the interviewees gave their views on the RWE coal power plant and the Eemshaven as a whole. They were involved in the used formal consultation process and faces the negative effects of the used juridical process. In this process were they involved next to other neighbours and inhabitants from Oudeschip in which they played an important leading role from the community.

To conclude, the depth-interviews gave an important insight of how the MER process and regulation works. All interviewees mentioned the regulated permit process in which this is an important part to assess planned interventions in the Netherlands. One issue which is important to mention is the discussion about who needs to get involved in the consultation process or further informal participation. The participation ladder of Arnstein (1969); do show the different approaches which can be hold from a government or company. In general, the RWE process could be located on the non-interactive side of the ladder which has only the purpose to inform in an authoritative style like the Dutch juridical MER process which is confirmed more or less by all interviewees. All of them mentioned as well the surplus value of a more participative approach in which stakeholders are involved prior to an planned intervention. However, the prof. of infrastructure concludes there is not always an agreement possible and even in a more participative approach conflicts could not completely be prevented. One important question that still arises from these interviews is who need to get involved? All legitimate stakeholders according to Dutch law? Or all diverse communities, people, groups, individuals, companies, organisation who feel they need to be involved? Well, the question could be answered from an SIA perspective. This thesis wants to look at SIA as a useful source of a more participative approach, therefore SIA's ideas and theories are important to consider.

As discussed more or less earlier in chapter 2 are social impacts felt and experienced by diverse groups, communities and diverse individuals. So these impacts could be felt and experienced very differently. The most appeared impact is the fear and anxiety towards a project. What SIA says is as following; people from all levels do look differently towards an intervention and so do

governments, companies and experts. It means that lots of people probably do have a different opinion about it and look differently towards major developments than governments do.

So ordinary people, which built up an important bond with an area like the Wadden Sea would be effected by changes and do want to be involved. In that sense a lot of stakeholders need to be involved in the decision-making process. In general, it means that a case like RWE is complex in the decision-making process in which there are a lot at stake. Especially when it represents an important cultural and nature heritage. However, the Dutch regulated MER process do decide who is a legitimate involved person and who not in which a lot of them will get a refusal answer when lodging an objection. The formal participation shows the limitations in which an SIA could be in practice. For an SIA in the Netherlands is there need of a more widened obligatory regulation in which it is mandatory to invest in the process. As a matter of fact the *Kenniscentrum InfoMil* [Knowledge centre Infomil] say the following:

"It is possible to start the project without any form of participation. However there are some cases, like a controversial project, in which it is sensible to deliberatively give anyone the chance to contribute in the process (Kenniscentrum InfoMil, 2013).

This organisation is an information platform about Dutch regulation and legislation towards the different governments and provide practical information and advice for policy issues. On the internet site do they support a more broader participation approach in controversial projects in which protests are likely to occur. However, it is still not obligatory to take such approach. The next paragraph gives an example of Dutch regulation which is not stimulating an SIA approach.

5.5 Different used approaches in the Eemshaven

In the last decade several companies were operating in addition to RWE and showed different outcomes in used approaches. It shows the idea that an approach of more SIA features actually really works in reducing delays and preventing damaging conflicts. The interviews that were done gave also more information from these different companies, because all these activities operated simultaneously. From the depth-interviews and several documents on these plans and newspapers it became clear that these 3 companies; Nuon, Vopak and RWE all had a different approach in their operation and MER process and all had different outcomes.

Vopak had the biggest resemblance with SIA and actually benefit from their more participative approach compared with Nuon and RWE. SIA relevance and the concept of participation became clear in the Eemshaven where big companies like Vopak, Nuon had big projects going in in the last decade: (1) Vopak; a company that build and manage storage spots for oil and natural gas, planned an oil terminal in the Eemshaven. In addition, Nuon planned a coal power plant in the Eemshaven but later on it changed to a gas power station because of the protests from environmental organisations. All projects had a different outcome because they all had a different approach in public participation towards the stakeholders. The interviews with some of the stakeholders in the Eemshaven confirmed the different approaches from Nuon and Vopak. In the interviews some got faced by the participation ladder and positioned the different

companies on the classic participation ladder of Arnstein (1969). Vopak and Nuon are examples which started the plan and operation after RWE and probably they learned from the syrupy RWE process to contact the stakeholders earlier in the planning process.

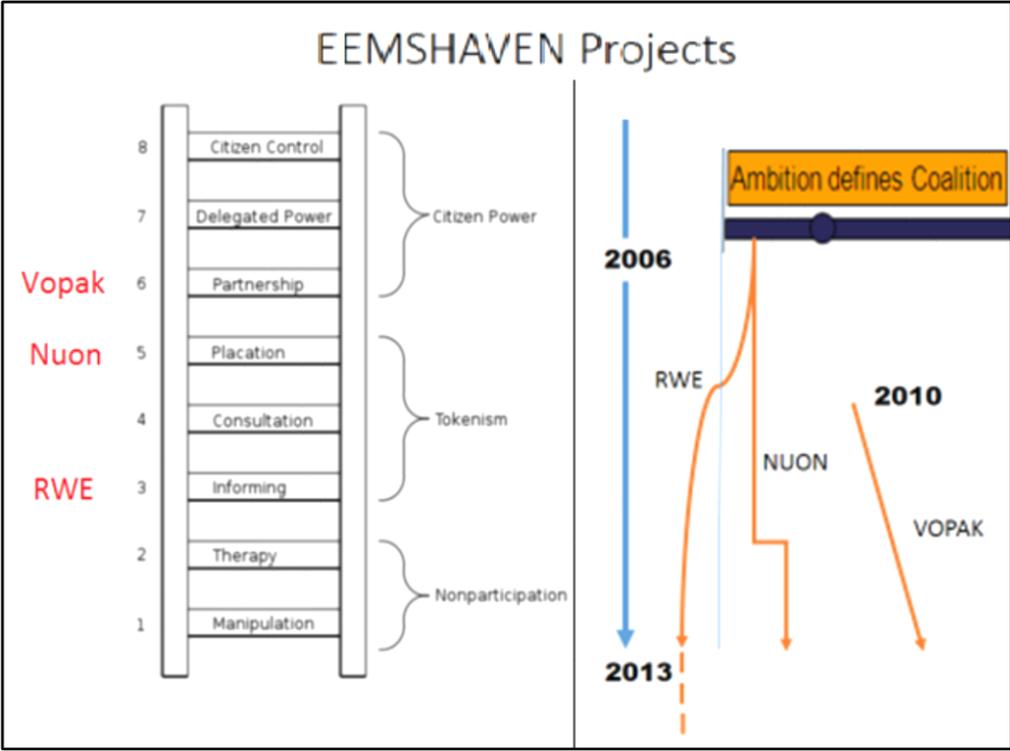


Figure 5.2 Vopak, RWE and Nuon in the 2 spectrums (personal communications, 2013). Used models: Participation Ladder on the left (adapted from Arnstein, 1969: 216). Coalition spectrum on the right (adapted from De Jong, 2013).

- Vopak. It seems that a more participative approach could indeed have a better outcome for companies to prevent delays, additional juridical costs and withdrawal of licenses. Vopak approached the environmental organisations to negotiate about the planned oil terminals in the Eemshaven and succeeded to build the oil terminal with some adjustments. Vopak is located under the label of Partnership (Figure 5.2), but it must be said that the environmental organisations were the only one involved at the negotiation table (personal communications, 2013). There was no involvement from people living nearby and of other stakeholders. The environmental organisations were very successful in delaying the RWE project and to prevent such delays Vopak contacted these organisation in advance. In the right side of figure 5.2 Vopak is placed in the coalition spectrum. All 3 companies are located in the 'Ambition defines Coalition' label which means that there is an ambition from the company or government to operate the project which looks for a coalition to approve its project. To conclude, the ambition to build an oil terminal or a coal power plant is not a shared ambition from companies, organisations and local communities, but the ambition from the companies or governments in question.
- Nuon. Nuon is an energy company comparable with RWE. During the same time Nuon planned a coal power plant as well and followed the regulated process of

permits. Because of major objections from the environmental organisations they agreed to transform the power plant into a gas power plant (personal communications, 2013). Nuon informed the involved organisation and changed later on their plans which have cost a lot to do. Nuon is located under 'placation' which underpins the consultation approach towards the stakeholders.

Figure 5.2 shows the 3 companies; on the left they are positioned on the participation ladder of Arnstein (1969). On the right they are situated in a timeline from 2006 till 2010 on the coalition spectrum. RWE is still in the building process and went of the coalition spectrum while a conflict emerge.

What these companies approaches show is that different approaches could indeed have different outcomes in the same context. RWE followed the regulated process which only informs the public and not involves the public. Additional costs were in that case inevitable to defend the approved permits. Nuon, because of the protests towards coal, changed the power plant to gas and had additional cost for changing the power station, but less juridical costs. And Vopak involved the environmental organisations in advance to agree about the oil terminal storage which paid off in a fast implementation and operation of the plan.

However, despite the fact that a more open approach in advance on project-level could work does it not fulfil all SIA principles about involving the multiple communities to get to a shared plan which is beneficial for the surroundings and the company. SIA is without a doubt relevant for a better effective planning approval and plan implementation to prevent the conflict and its risks.

In the Netherlands is planning and planning theory an important part of the environmental regulated system. It shows the Dutch situation of how SIA could work in that system. Public participation is not obliged for big projects like from RWE, Nuon or Vopak, however in planning theory it get more and more the attention to involve the public.

5.6 Conclusion of an SIA perspective on RWE

The relevant literature already showed some connections with the RWE case. Like social change processes from the RWE case which are already formulated. In general, chapter 2 and 3 describe the main ideas and relevancy of Social impact assessment and Planning theory. The following conclusions from the literature are important to reconsider.

First, Social impact assessment is indeed relevant for cases like the RWE coal power plant. Social impact assessment explains why social issues are important to consider in any case, especially conflict-sensitive interventions where an agreement is difficult to reach and that various stakeholders feel to be involved. It explains the link between environmental impacts and social impacts where both are important to assess for an equitable process. In short Social impact assessment is analysing and managing the social issues and social change processes which is an important tool for considering the multiple stakeholders and communities.

Second, social impacts are felt and experienced differently by any group or individual in which all of them are important to assess and to involve. The bond that people have with a certain place decide people if they are involved or not. From a cultural geography perspective is place attachment very important. The time how long someone live at a certain place make people feel more attached to that place. However place attachment and the perception of places are cognitive perceived differently among different people like experts, scientist, people living nearby, government and so on. People living far or nearby could develop a strong bond with a certain space or area full of cultural heritage or socially values like the Wadden Sea area. In that sense even illegitimate stakeholders by Dutch law do feel themselves as legitimate stakeholders which want to be involved in the decision making process.

Third, it means a conflict can emerge because of the conflicting perception of space between companies, government and multiple communities and individuals. From conflicts emerge additional risks which could turn very negatively for the company or government who intervenes and implement a new plan, project or policy. These additional risks asks for a more extensive approach to handle the social issues in conflict-sensitive situations.

Fourth, in the Dutch regulatory process of assessing environmental impacts is there an additional formal participation through letter correspondence and public consultation. In here the government or company prescribes the coming intervention to implement in a certain place and context. The company RWE prescribed the intervention and the government assess the planned intervention on legal terms. During the permit process the local people and other stakeholders could contribute on a plan in which major adjustments are not possible and could lead to dissatisfied feelings among the project. The MER process' purpose is to fulfil the legal requirements including formal participation and an EIA report and do not support extensive informal participation.

To conclude, social impacts are important for companies. The MER process is a technocratic process to fulfil the law requirements in which the government and the company prescribed their ambition. All of this explains the relevancy of Social impact assessment which provides maybe the better alternative for handling the social issues and involve the effected community, heritage and nature to provide a better equitable biophysical and human environment. All of these ideas as described before in the literature review on Planning and Social impact assessment could conflate which is expressed together in one figure (figure 5.3).

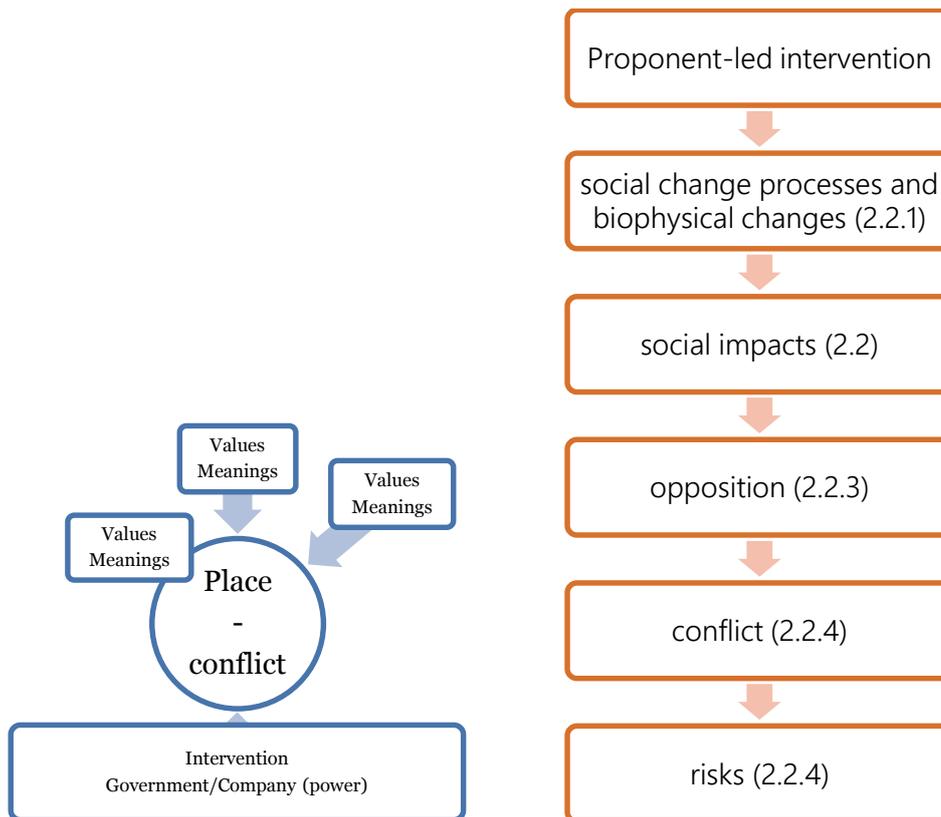


Figure 5.3 The theoretical process of the RWE case or other cases in the Netherlands. (referred to the relevant paragraphs)

In addition to table 3.1 (page 43) are there some extra points to consider. There are some other models which expressed the same ideas and backgrounds in Planning and Social impact assessment. Rapoport (1970) addressed to the complexity of social, cultural and political issues of social science which made outcomes undetermined. What this model shows is the immense context from the administrative, scale, policy trends and physical environment as the interplay between the planning object and its context (De Roo, 2003). The object becomes the subject surrounded by different contexts of the physical and social environment. To take that in mind for the RWE case, which is a planning object on itself, a new model can emerge which is a summary of the explained literature. In general it shows why Social impact assessment is important. Like Rapoport (1970) explained; a case study in a social perspective is very complex indeed and difficult to manage. For a convenient view a model is formed of all the aspects based on all previous discussed literature and thoughts.

In short, RWE and the national government had the ambition to implement a new electric source from coal power built in the Eemshaven. This implementation caused social change processes as described in paragraph 2.3.1 and in paragraph 5.1. These social change processes could cause social impacts for the surrounding communities and individuals. Place attachment towards the nature and cultural heritage and fear towards the coming activities like pollution are important factors why people object against such plan. As a result are there additional risks which cause negative attention and obstacles to implement the final plan.

Figure 5.3 set out the main process that occurred in the RWE case. During the literature review it got explained that people perceive places differently which explained a conflict potential because of these different views (figure 5.3; on the left). The Wadden Sea area is for many an important unique nature areas which is irreplaceable by new nature areas. In addition to the emerging conflict on places can the way of intervening also lead to a conflict, like the regulated technocratic MER process which could lead to dissatisfied feelings and opposition. Consultations for example happened after the plan almost completely got shaped which means there is little space for adjustments.

Let's begin at the start to get a clear view on the RWE case and figure 5.3 (right). First the RWE and the involved government implement and plan the coal power plant in the Eemshaven. As a result there are social change processes and biophysical changes which cause social impacts. Most of them is anxiety and fear caused by the project. Changes are like the emerging pollution, various animals in the Wadden Sea, but also the presence of newcomers and temporary construction workers, privatisations and change in waged labour. Social change processes and biophysical change processes both could lead to social impacts such as fear and negative feelings among the project that turns into a conflict (Slootweg *et al.*, 2003). Law suits and protests were at present during the RWE plan and permit process which causes a bigger risks potential. Conflict risks are permit withdrawals, legal costs in law suits for example which also appears in the RWE project.

This master thesis emphasised the use of SIA in the planning process of conflict-sensitive interventions. The next step is to explain the RWE case more detailed which got linked with the literature. From an SIA perspective figure 5.3 could be transformed to prevent of mitigate the conflicts and risks which is the result of the RWE case as figure 5.4 shows.

5.6.1 SIA literature and the RWE coal power plant

SIA could form a guideline of how SIA should work in a case like the RWE coal power plant and to transform the theoretical model as in figure 5.3. The following lines set the basis collection of what SIA is and does. Some of these guide lines of SIA practice are mentioned before, but in here are the most important ones mentioned. "The tasks of SIA essentially involve:

1. *Creating participatory processes and a deliberative space to facilitate community discussions about desired futures, the acceptability of likely impacts and proposed benefits, and community input to a negotiated agreement with a project developer on the basis of free, prior and informed consent;*
2. *Gaining a good understanding (i.e. profiling) of the communities likely to be affected by the policy, programme, plan or project including thorough stakeholder analysis to understand the differing needs and interests of the various sections of those communities;*
3. *Establishing the significance of the predicted changes, and determining how the various affected groups and communities will likely respond;*
4. *Facilitating an agreement-making process between the communities and the developer ensuring that principles of free, prior and informed consent (FPIC) are observed and that*

human rights are respected, leading to the drafting of an impact and benefit agreement (IBA)" (Adapted from Esteves et al., 2012: 36; Vanclay & Esteves, 2011).

Comparing these statements with the case of RWE in the Eemshaven it is at first site obvious that the used planning and decision-making was quite technocratic, mainly of the MER process through letter correspondence and the legal process of objections and law suits (Provincial Government of Groningen, 2007). The protest of Greenpeace and other German municipalities and the main big juridical costs made the new coal plant a fiasco. It seems that the contemporary SIA could give an alternative to this major plan in the Netherlands. In addition, this plan has been a lack on participatory and social level. In which there was no good understanding of the affected groups and communities and no free, prior, informed consent towards the communities and environmental organisations.

So if RWE got the chance to use an SIA approach how would it look like? SIA is in short: first, when an intervention got planned SIA research the current situation. Second, it tries to assess the social and environmental impacts. Third, it enhance partnerships and coalitions to mitigate and/or prevent the impacts. Fourth, it monitored the planned measures and planned further mitigation or prevention measures when needed. So how can this model conflate with planning theory and Dutch planning? The answer seems maybe difficult but is actually quite simple when all these discourses tried to walk the same path in the last decennia.

5.6.2 An SIA approach

The following SIA approach is a sketch of how an SIA process could look like. First, the used process was a proponent-led process which made it difficult for involved groups to adjust the proposed plan. Further the government, among others, the province of Groningen was following the legal Dutch regulated approach to bestow the needed permits (Rtvnoord, 2012). SIA enhance a community-led process or a shared-led process which implies a free, prior informed consent towards the communities and environmental organisations. Second, the intervention could be adjust or transformed in a new ambition from RWE and the surrounding area. Important features to consider is the main SIA practice from Esteves *et al.* (2012) and other literature as figure 5.3 shows.

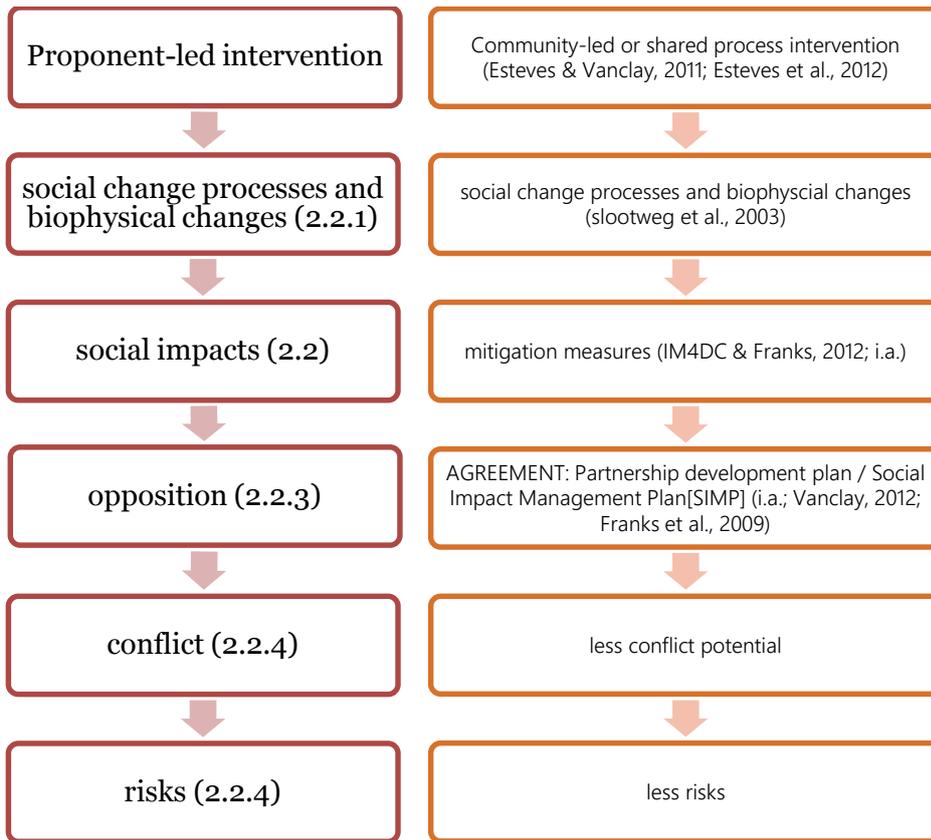


Figure 5.4 Transform the used RWE approach (left) into a new SIA approach (right).

Figure 5.4 shows the alternative route compare to the RWE path and its consequences. It is formulated it would emerge less risks but this is not 100 % sure. As Rapoport (1970) already shows there are other contexts in planning, physical and social environment and the political context are uncertain to determine the outcome of an SIA approach which should be taken in mind. Understanding the oppositions and their social impact from interventions explains that a participatory approach is more promising than a proponent-led approach which aims for a regulative solution like a MER process. Conflicts are inevitable, because of the diversity of stakeholders. (More on SIA's importance is in paragraph 2.3.1.)

What does the SIA approach on the right of figure 5.4 explain? First, It emphasise a community-led process which means that the community has the first chance to set their ambition together for energy production. A proponent-led process is possible within an SIA process but probably emphasise the company's will instead of the benefit for everyone. However, even in SIA is a proponent-led process more common (Hartz-Karp & Pope, 2011). Especially on the beginning on the process a corporation, community-led or proponent-led process, accept to have a significant outcome in the social environment (Esteves & Vanclay, 2009).

An intervention like a power plant gas/coal/biomass is still in dispute in such process. This could cause different social change processes and biophysical change processes. SIA practice enhances data base collection of the community to determine the predicted changes. Remember, biophysical changes could cause social impacts as well due to the interconnection between nature and the social. Sometimes referred as the social-nature nexus in the literature. Most importantly is the third and fourth step expressed in SIA practice from Franks (2012) and

Esteves & Vanclay (2009) which shows the framework of an SIA process as discussed in paragraph 2.1.3.

In practice an SIA approach could turn out differently however it is possible to form a paradigm where in an SIA approach in the Eemshaven could work. In the next chapter the RWE case is elucidated on their approach. In the final chapter 6 are there more detailed suggestions from SIA like figure 5.4 to improve the project process.

5.7 Dutch law: public involvedness

The Dutch law has some regulations which could be disputed from a Social Impact Assessment (SIA) perspective. However, the Dutch government does support a participative approach but does not enforce it. Information and ideas on new controversial plans are well described in *Kenniscentrum Infomil* of the Dutch Ministry of Infrastructure and Environment (Kenniscentrum Infomil, 2013). Still the following Dutch regulations are right angels with the Social Impact Assessment principles:

1. Matter of involvedness: when an individual or movement has the right to object a certain permit has been limited till some certain conditions. Individuals have to be objectively involved or harmed by an intervention.
But when has the interested party, an individual or union, the right to appeal?
The conditions are: (1) It has to be your own interest to appeal; (2) your interest should be objective, not emotional; (3) your interest for appeal concerns a current relevant case. So no future plans or developments give the reason to appeal. (4) It has to be a personal interest; the appeal should only concerns the interested party and no other random parties (Ballegooij *et al.*, 2008).

The right to appeal for an interested party can depend on its geographical distance between the living space of the interested party and the place of which the appeal is about (Ballegooij *et al.*, 2008). For the juridical process of RWE this has turned out that 18 objection got approved legally out of a total of 6000. The most important crucial condition was the limit of 2 km distance surrounding the coal power plant which made you a rightful appealer or not. Considering the literature about social impacts and how impacts do have harm, it tells us that social impacts do effect beyond 2 km's.

In addition, unions and movements that strive for a certain public interest can be approved as interested party (art 1:2 3rd section, Awb). Movements like Greenpeace, 'Natuur & Milieu Federatie' [Nature & Environment Federation] do have the right to appeal by having members and the main collective interest which are objectively concerned with the administrative decision. A geographical limit is for these appeals not relevant.

In this certain point it is strange in how far a certain party is involved or not. SIA explains that social impacts could be felt and experienced differently and even people living far, 5 km or 25,

could feel effected by planned intervention. This requires a professional approach in the participative process.

The main question that one should ask is if SIA is possible in the Eemshaven. Legally and practical. Now, by discussing all these information in one story some issues are still important to discuss about using SIA in a Dutch context like the RWE case, for instance its interpretation.

5.8 Discussion and interpretation

Now it has all been cleared about the SIA contemporary theories, Dutch planning and Planning theory and the Dutch case in the Eemshaven. The question is: "why SIA?" or maybe it is better to say "why not"? Let's address to some SIA key points explained by Vanclay & Esteves (2011: 13): "SIA should be more oriented towards how affected peoples can benefit from projects". This statement sets a new idea about planned interventions in any sector of plans and projects: resource, housing, forestry, mining or other industries. It underpins the idea that the people should also benefit and not only the banker, the CEO or other big companies. Maybe you can say that the company is there to serve the people and not to harm the people. This sounds idealistic, but SIA as a discipline is full of idealistic ideas, understandings and thoughts. SIA's normativity does not mean it is untrue or worthless. Actually it should not be forgotten that most of the plans and actions are full of opinions, feelings, relations and power. Rational thinking and understanding is maybe not that important at all. In such world, normative values are important to enhance and as a matter of fact the United Nations and any country does in its regulations and constitutions which set a base of morality and humanism. It could be said that SIA is a method, a tool and an understanding of how humanism should act in planned intervention and in practice. Wherein guidelines, values and standards are there to support these base values of justice and human rights and so does SIA.

The Dutch context of regulations and various examples in which people feel uninvolved in political decisions addresses to the base idea of what a democracy should be. Actually SIA goes far beyond planned intervention by enhancing deliberative democracy in any planned intervention. In that sense the political context which is full of relations, networks and opinions does not be underestimated. Proponents which propose several plans based on their views on data and information could be irrational for others. Decision-makers could be influenced by experiences, habits and intuition which represent another rationality (De Roo & Voogd, 2007). Take in mind that there are different rationalities and so there are different solutions. That is the main reason why there are guidelines, standards and human rights to enforce ourselves to be critical on our actions in a world in which we are mouldable. That is why it is important to have base rights and standards which we could follow and expresses base moralities and action in planned intervention. It is important to emphasise this, because it explains why the normativity of standards and guidelines are important for SIA practice. Besides, SIA shows its relevancy not only as a normative guideline but also as a tool for effective planned intervention. Uncertainty could be reduced by community involvement which could provide a clear view of the problem in the decision-making process. One important emerging new concept is the social license as a new permit in which proposals can be approved or not. The Social license to operate (SLO)

means that every intervention need a social license before being operational. So where is this social license for the RWE coal power plant and why was there not a social license? This study points to the Dutch structural system of permits, laws and guidelines which is the key answer for these questions. From different literature the thought has been growing that especially in the coming decennia the people will and want to be more and more involved for further development which is equal, interconnected and above all sustainable.

The situation in the Eemshaven showed what the advantage could be for the company and for the stakeholders. A more cooperative, facilitating style provide a better legitimacy and justice of a certain planned intervention. Considering the Eemshaven case as a whole and the used approaches of Vopak, Nuon and RWE. The Dutch permit and MER regulation process in policies and projects shows it deficiency. In which there is a structural lack of concerning the involved stakeholders and the awareness of the social impacts that effect the surroundings.

5.9 Summary: main omissions

When looking to the RWE case there is no doubt to consider the case as a conflict. The several law suits between the environmental organisations and the formal participation elicited many negative reactions from diverse individuals living in the area. By considering the literature from the SIA discipline it explains there are in addition to the structural legislation omissions from the company.

- (1) Government and proponent led. In the used process of RWE it explains it ambition towards the authorities in question in which has been tries to gain the juridical approval from the Dutch legislation. There was no deliberative space to facilitate community discussions and no free, prior, informed consent. From the interviews it became quite clear that there was no space for any suggestions and adjustments of the proposed interventions.
- (2) Formal participation. The formal participation as regulated in the Dutch MER legislation did had a negative effect on communities and participants. Suggestions, and doubts about the proposed intervention were put wrong or ignored. All content, suggestions, questions, doubts, that was put in by organisations, groups, individuals were tested on its juridical value. As a result most of this content got refuted. The research results on the pollution disposition areas were not clearly explained and "it was not clear if these data were reliable"(personal communication, residents Oudeschip).
- (3) Approach towards citizens. Social impacts are felt and experienced. One important social impact which was unnecessary is the negative fear and anxiety towards the RWE coal power plant. These impacts are real social impacts which could turn out tremendously negative for the proposed intervention. In general, RWE only considered the most important influential actors which are the several governments in question. These governments have the power to approve a coal power plant. Citizens simply got the message that they have got use to the new circumstances in which resiliency of these stakeholders got challenged.

By considering these omissions it is more than useful to look at other ways of planning an intervention in which these omissions and problems could be managed. However, it is plausible that any power plant would not be approved through an SIA process. The following chapter shows how an SIA process could be implemented in the RWE case in which there is still open space for adjustments and alternatives.

Chapter 6. Conclusion

6.1 Introduction

The RWE coal power plant and the structural Dutch regulation was a complex case to research because of the different dimensions, actors, causes and immediate causes. The coal power plant effects the biophysical environment, the human environment within a Dutch political context including its regularities. RWE's process and its upcoming difficulties shows how the relations between politics, people, organisations and companies are and shows that no partnership or agreement got established only a juridical fight to obtain or to challenge the environmental permits.

The thesis analysed different literature about social impacts and its assessment, the cause to oppose from an SIA perspective. In addition, it looked to the connection with Dutch impact assessment and Planning theory. In this final chapter the connection between the research findings from literature and the interviews will be connected to answer the main research question.

6.2 Research objective and questions

This conclusion attempts to answer the following main question:

- *Does the discourse of contemporary Social Impact Assessment provide a better alternative to the process that was used for the development of the RWE coal plant in the Eemshaven.*
- *And to what extent could contemporary SIA inform planning in the Netherlands in the energy sector(in theory, in implementation and law)?*

The sub questions were:

- *Why is SIA important?*
- *How could SIA handle the RWE conflict?*
- *How could SIA inform Dutch planning?*

The introduction explained that there are 'what' questions and 'how'/'why' questions. The what questions are answered during the literature review, case review and interview results. The 'what' sub questions are mainly answered in the previous chapters, therefore are the answers briefly explained. The 3 'how/why', here above, sub questions are going a step further which aims for a result and concluding answer and are parts of the main research question. These are answered here in the conclusion. Before, the answering start some reflections on the method and theories are made which are important to consider.

6.3 Reflections

6.3.1 Theoretical reflections

The main theoretical ideas, understandings, results and thoughts were from Social impact assessment (SIA). The main reason for this approach is that SIA as a discipline maybe could be very useful for implementing in a Dutch context. The thesis attempts to explain the main concepts of social and environmental impacts, opposition, conflict and conflict risks. This attempts was tried to take as neutral as possible, however it is possible that some arguments are biased from a more western perspective. It must also be said that prof. F. Vanclay had made a big contribution of the SIA discipline and as my supervisor did he support me in theoretical ideas and concepts which are supported by articles and research connected with other researchers. The research question already implies more or less the importance of SIA, however among others paragraph 2.3 explained why SIA could be important in general and here in the Netherlands. In addition, in this thesis SIA got reconstructed from its normative character inclusive its goals, purpose and aim for a more sustainable world biophysically and social. The main difficulties lays in the structure of this thesis in which it is still difficult what should be discussed or not. There are many similarities, connections which are plausible through various disciplines and which are also interesting to discuss and to research.

6.3.2 Methodological reflections

The main method for this thesis was the analysis of several literature disciplines. SIA, Planning and the Dutch legislation of the MER process were good accessible and researchable in its documents, journals and the internet. The main reasoning was deductive in which during the literature review some examples of the case were mentioned that caused a mixture of deductive and inductive reasoning. The interviews had an inductive character in which the RWE case stood as the central subject. The interviews were done with key-informants, proponents and opponents, which provided information from both sides of the RWE case. In addition are there many sources accessible from the authorities, organisations and newspapers which gave an overall detailed view of the case.

6.4 Conclusions

The final answers on the sub question and main research question can be explained from the discussed literature and interview results from the case study, including the theoretical and methodological reflections. The conclusion is discussed in the order of the sub research questions.

- Why is SIA important?

This is probably the first question that everyone should ask when confronting with SIA. It fits also more in an introduction of SIA instead of the conclusion. However, maybe it is relevant to

address to it again. Actually, this question implies that SIA is something, a thing or a concrete tool or method. SIA is actually a discipline and a discipline changed over time in its ideas, practice and method and evolves further. Therefore, is it hard to explain why a discipline actually is important, because research on itself is without a doubt an important value. However it is possible to answer this question. SIA contains a lot of concept and the most important ones are here mentioned:

Community engagement, participatory processes, assessment of social impacts, partnership building and agreement are showing the key emphasis of SIA. Let's take the main definition of SIA into account. "SIA is the process of managing the social issues associated with development" (Vanclay, 2012: 149). The argument of this answer on the sub question is that the management of the social issues would greatly improve the used RWE approach and all other Dutch regulated approach in general. And to put it simply, therefore important. SIA shows the importance of social impacts in planned intervention. Social impacts do matter for the person in question and for the involved proponent company of the intervention. SIA explains that investing in the process and involving the participants and effected communities in advance do pay out for the company in question.

The interviews and the RWE case documents explained that SIA and its concept was not at present in the RWE process. According to the interviews and the documents RWE took an authoritative style confirming the formal participation process within the MER. In this approach a conflict emerged which set the idea how to put it differently, from an SIA approach for instance.

- How could SIA handle the RWE conflict?

The RWE conflict or the RWE proposal and the aftermath of the juridical process shows many different dimensions which makes this case complex. However, by analysing this case it becomes clear that even in this case an SIA approach is possible. Further difficulties are explained afterwards. Some steps are especially counted in on this case of Dutch context and regulations in which the government still have an enormous influence and therefore impact on the outcome and process. This context is hard to change and therefore braided within the SIA process. For this figure and approach are the main best practice of SIA considered. This approach does not aim for a successful operational coal power plant, but shows the implementation of the base SIA principles and values. The process recommends not only to inform the effected communities, but also to engage and involve them at an early stage in the process. This is one of the main prerequisites to gain the Social license to operate (SLO). The presented SIA approach are separated in the following steps as explained here:

1. RWE. RWE presents its ambition to build a power plant in the Netherlands at the government in question. The EIA process in Dutch regulation requires an approach in which a proponent-led process is more plausible than a community-led process. When RWE submit the needed permits the government has the responsibility to bestow these. In this approach is there an extensive Social permit next to the Building permit, Nature Permit and Environmental permit (see paragraph 4.3.1). If practicable, it is important that the fuel use like coal/solar/gas and biomass is undetermined.

2. Independent party. When RWE made its ambition clear of the proposed activity a research bureau is needed to commence the EIA for the Dutch environmental permit and an SIA of the external Social license to operate (SLO). Instead of a research bureau hired by RWE itself as regulated in the Netherlands, it is sensible to hire an independent research bureau supported by different parties (Affolderbach, 2011; 2012). This prevents the appearance of conflict of interests and to support trust between the expected stakeholders. To get such supported research bureau different parties already need to be involved through prior, informed consent in which professional communities and organisation got prior informed about RWE's ambition and the needed research. The role of the government in here is crucial. In the Netherlands the government in question, mostly the province has the power to approve the permit. In this SIA perspective it is important that this power can be used to start a participation approach and to hire an independent research bureau.
3. Research starts. The independent research bureau commences the EIA process as usual to obtain RWE its Environmental permit and the SIA starts next to this research to obtain the Social permit. Important aspects of the SIA are the (1) data base collection about the current situation, (2) stakeholder analysis including community profiling, (3) stakeholder consultation to identify impacts, needs and opportunities. In general, it is important to get clear what the major concerns are in the given situation (Sairinen, 2011).
4. Negotiation and mediation. After the research it becomes probably clear that mainly environmental organisations and communities are worried about the proposed project of a coal power plant. (From the case it could be said that the Wadden Sea area and the human health impact of coal are concepts which use people as their main arguments against such proposal.) The first meeting should involve all possible stakeholders like organisations, communities, which asks a professional approach and management. As advised by *Kenniscentrum Infomil* from the Dutch Ministry of Infrastructure & Environment.

"it is sensible to find support of professional, communicative, participation advisor or process managers in controversial projects" (Kenniscentrum Infomil, 2013).

On first sight the provincial government in this case would take a leading role, as democratic representative. Besides, according to the Dutch public law are they authorised to approve the Environmental permit and therefore the extensive Social permit. It is then advisable that the Province in question hires a professional, communicative, participation advisor to lead the negotiations.

When the EIA and SIA prediction and researches have been summarised and presented meetings can start between the organisations, communities, company and government. Meanwhile the Dutch regulation could move on; the EIA and the needed Environment permit could be approved according to Dutch legislation. The 'Dutch judgement' refers to *Passende beoordeling* which assesses the Nature effects of the project. The point is that the final Social permit is crucial for further project approval and that further adjustments and extensions are maybe required for the Social permit approval. The main goal of

these negotiations and mediation meetings is to build up an open setting of building trust in which grievance mechanisms and community liaison teams are included, as Kapelus *et al.*, 2011 emphasises. It is also possible to combine the Environmental and Social permit in which all aspects are on the negotiation table and that these got approved simultaneously when an agreement is possible.

5. Management strategies. This is the final negotiation round in which the final goal is to achieve an agreement between the company and the involved stakeholders for further partnership in the future. These negotiations discuss the problems that came forward in the research results which now try to find approvable solutions for all the stakeholders. Interests and values are more important than opinions to achieve an agreement. Coalition planning and conflict mediation from De Jong (2013) and Sairinen (2011) are helpful to advance the negotiation process. In the Eemshaven region are already such partnerships visible. Very important promising features are from the declaration of intent, 31 October 2012, 'Economy & Ecology in Balance'. One important aspect contains the following: "Initially parties will go in dialogue before the permit submission and in other relevant development which could have an effect on the nature and living environment or further developments of companies"(Eemshaven, 2012: 3).

This declaration is especially important in which SIA could support the further process in the future. However, it is important that communities are involved as well in this declaration, while only companies and municipalities are represented.

6. Social and environmental permit approval. The environmental permit could already have been approved by the involved governments. However the Social license gives the last needed approval which need to be taken very serious for a successful negotiation based on equivalency. If the negotiations fail the juridical process of objections and law suits can start to challenge the approved environmental permits. In other words, the usual process will commence.
7. Monitoring and reporting. These steps are not quietly different in the implementation of SIA than in a Dutch context like the RWE case. "It contains collection, analysis and dissemination of information over time" (IM4DC, 2012: 7). It is crucial to have establish an agreement on the monitoring phase during the negotiations which track the progress of the management strategies to watch the planned mitigation and development measures.
8. Evaluation. Questions which are important for this stage: Is there a need of adjustment of actions? Did the planned mitigation measures provide the desired outcome? Further important points to consider: what were the actual benefits through the partnership? (More on evaluation in Esteves & Vanclay, 2009; IM4DC, 2012: Franks *et al.*, 2009) The partnerships that got established are very important to maintain the established agreements and to build on further for future coming interventions.

To conclude, the negotiation and mediation part is for this aspect the most crucial step to get a social license to operate. This process as described previous by this framework is not suggesting there is only one way of involving SIA in the RWE case, but the process as presented as such could change in time, scale and outcome. Suggestions as an independent party and the

time in which participation processes start could differ and the governmental role to provide the research and professional negotiations measures could differ as well.

However, the formulated process does have some critical points which also need to be vigilant in regard of the complexity. The presented SIA process considering the RWE case is combined with the Dutch MER juridical process. But this needs more clarification. The Dutch Environmental impact assessment as regulated in the MER could commence when the company in question submits the needed environmental permits. In that sense, it is crucial to obliged the social commitment to get the Social permit as the social license to operate (SLO). This means that an SIA research, negotiation and mediation process based on free, prior informed consent should be a consequence for the SLO approval. The seriousness of the SLO marked the entire process which decide if people and especially companies are willing to change in their attitude and approach.

- How could SIA inform Dutch planning?

Dutch planning is mainly characterised by its regulations within the permit process when looking to single planned intervention. SIA could provide vision and a normative baseline for operations. What does this actually mean? It means it underpins the new extensive informal participation beyond the Dutch legislation which build further on the conclusion of Commission Elverding (2008). Commission Elverding (2008) addressed also to similar measures to use early and extensive participation of involved groups, organisations and communities which applies for a joint contribution and shared learning to find the right solution.

In theory, the SIA discourse provide a rich of ideas, case studies and understanding of how to manage social issues in practical example. Besides, it gives vision and new ideas of how a sustainable world could be achieved and how the social is important in the planning process. Flyvbjerg (2012), from planning theory, sees the normative and political arguments growing in the Habermasian communicative rationality for example which becomes an important factor in planning theory. Both discourses could strengthen each other. In general it is "without the substantive understanding of real rationality that characterises studies of power" (Flyvbjerg, 2012: 293). SIA as a discipline is full of idealistic ideas, understandings and thoughts. SIA's normativity does not mean it is untrue or worthless. Actually it should not be forgotten that most of the plans and actions are full of opinions, feelings, relations and power. It explains Postmodern thinking and understanding which emphasises on the fragmentation, uncertainty in reality and thinking about what reality actually is (De Pater *et al.*, 2011). That is the main reason why there are laws, constitutions, guidelines, standards and human rights to enforce ourselves to be critical and judge on our actions. So if SIA got the opportunity to inform Dutch planning its main message which should be heard is that social issues do matter and that the people is never homogenous.

In practice, SIA could be very helpful to Dutch planning. First of all, SIA is more than only the assessment of social impacts; it has experiences, thoughts and understandings about SIA practice to manage the social issues instead of only predicting them. SIA explains why a free, prior, informed consent is important to establish in free sharing of resources and information, sufficient time and an adequate consideration of the issues. In projects approval, SIA could set

an alternative based on the benefits for all, company and community, but also in regional planning and policy are social issues very important to consider in which SIA could help to handle and manage these. In the Netherlands, Germany and Europe are there more and more professional organisation which are specialised in public participation, commitment and in managing negotiations and mediations which is an important source for future SIA in the Netherlands.

In law, are there some implications that are important in the Dutch regulated context. First, in this context which regulates the project approval, it is inevitable to add SIA within the regulation, if it is successful. Companies, municipalities do tend to follow only the legal requirements even if there are benefits to consider stakeholders through prior, informed consent. It shows why regulations are important and probably is the only way to enforce companies. Second, The Dutch law of public involvement is about the right of objection which cancelled most of the objections because there are living too far away of the coal power plant or windmill. People, who feel strong custodianship even living far away are feeling bonded and do tend to be involved in the project approval process. If SIA could not be regulated in law then in practice within a fair chance to proceed could convince more and more companies to manage the social issues. RWE already started a research on public participation which confirms major SIA principles, but real chances in the Netherlands are still not present.

To conclude, the final question is: does the discourse of contemporary Social Impact Assessment provide a better alternative to the process that was used for the development of the RWE coal plant in the Eemshaven? First, it is important how to define 'better' and when analysing SIA and planning it became clear that planned interventions like the RWE coal power plant interferes in the social sphere of communities, cultural heritage and areas which are highly socially valued. When considering the social issues it becomes clear that a better alternative is social sustainable. Thus, a better alternative is a social, biophysical, economic sustainable alternative which are expressed, among others, in the Human rights, the Earth Charter and other principles. Social sustainability is defined in different ways but commonly it contains the following; "understanding the connections and relations between economy, society and the environment and the equitable distribution of resources and opportunities" (Aucamp *et al.*, 2011: 40). These points are rather abstract concepts which are base definitions of world sustainability. However, for SIA this means SIA should consider the following for a social sustainable approval which is a better alternative.

- "The SIA practitioner should be involved in the concept phase of the project;
- Early integration of social concepts and understanding of the social environment could add tremendous value and result in cost and time saving in projects, but more importantly in minimising the social impact on civil society and enhancing positive impacts;
- Involve the SIA consultant in the design of a management and monitoring plan and in its implementation;
- Implement a citizen-based monitoring system that is linked to a process of social learning. The monitoring should focus on both the social fabric as well as the biophysical context" (Aucamp, 2011: 52).

Again, to conclude, the approach followed by RWE did not integrate the social concepts and did not involve the affected communities or environmental organisations early in the project cycle. The consultations were only of an informative character and were merely an announcement of the expected activities. The provincial government and the proponent were together negotiating about the permit which followed only the juridical mandatory process in which external participation was not needed. In retrospect, it turned out that participation was needed to gain the understanding of the social issues. Because of the protests and strong custodianship that was at present from environmental organisations and communities. Confronting the problems that were faced in the RWE project and in other projects in the Netherlands considering conflicts and law suits, it is evident that it is very sensible to understand the social issues. The prescribed approach reveals its limits in terms of the lack of social understanding and community commitment. Contemporary Social impact assessment clearly provides a better alternative in theory, law and practice and has the potential to enhance social, economic and biophysical sustainability.

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